strike; 6,300 miners who mine gold and silver and zinc and copper and molybdenum in that country. They're on strike but the Peru Labor Ministry has ordered them back to work or they will lose their jobs in 3 days. Isn't it time for us to hear the voices of the people of Peru as well as the voices of the people of our own country who have lost so many jobs due to these unfair trade agreements?

Peru doesn't intend to enforce international labor rights.

IMPEACH VICE PRESIDENT CHENEY

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

Mr. KUCINICH. Mr. Speaker, yesterday I brought articles of impeachment before this House. The articles have been referred to the Judiciary Committee, and the people of the United States now have a chance to become engaged in a broad discussion about the importance of this action.

People ask, why now? Well, recently, the administration asked for millions of dollars to be included in the defense budget to retrofit Stealth B–2 bombers with 30,000-pound bombs that can be used to bomb nuclear research labs in Iran at Natans and Bushir. Think of the humanitarian and ecological disaster that would come from that kind of a bombing.

This administration, which took license to go to war based on lies, must be held accountable. And the Vice President must be held accountable for his role in bringing about the war against Iraq and in trying to beat the drums for a war against Iran.

As has been pointed out here, we have so many needs here at home. We have people who are losing their homes, losing their pensions, losing their jobs, losing their health care, and we must bring discipline in this House to hold this administration accountable unto the law, so we can begin to focus on a domestic agenda and stop waging aggressive war.

Impeach the Vice President.

PRESIDENTIAL MEDAL OF FREEDOM RECIPIENTS

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

Mr. COHEN. Mr. Speaker, on Monday, the President issued eight Presidential Medals of Freedom to eight great Americans. It was a beautiful service, and the President did our country proud at that program.

One of the recipients was the Reverend Benjamin Hooks, who's a resident of Memphis, one of my constituents, a great man who rose from a segregated South to the heights of the Federal Communications Commission and the NAACP in this country.

Also honored were Harper Lee, the author of ''To Kill a Mockingbird,'' and Mr. Francis Collins, who did the Human Genome Project. You know, we're 99.9 percent the same, and that's what the Human Genome Project told us.

President Bush asked Rev. Hooks what can we do to move race relations forward. I'll tell President Bush some of the things we can do, Mr. Speaker. We can care about children and pass a children's health care program, many of those children being African Americans and minorities. And we can pass programs that allow for scholarships for young people at Historically Black Colleges and Universities.

There's much we can do, Mr. President. You did good on Monday. Let's keep doing good.

40TH ANNIVERSARY OF THE PUBLIC BROADCASTING ACT OF 1967

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

Mr. CARNAHAN. Mr. Speaker, I rise in recognition of the 40th anniversary of the Public Broadcasting Act of 1967. Congress passed the act to advance both communications technology and quality programming. It now invests in over 1,000 local radio and television stations, providing every American with access to commercial-free educational and thought-provoking programming.

For years, parents in my home of St. Louis, Missouri, have turned to KETC-TV as their children's developing minds are broadened by programs like ''Sesame Street.'' These same parents depend on KWMU for in-depth news coverage of local, national and global events.

With its mission to provide programs which inform, enlighten and enrich the public, the Corporation for Public Broadcasting has contributed to the development of our children, the public's interest, and the understanding of our world and the implementation of a new and better communications technology.

As the bill was signed into law on November 7, 1967, President Lyndon Johnson so eloquently stated, ''While we work every day to produce new goods and create new wealth, we want most of all to enrich man's spirit.'' Thank you to the Corporation for Public Broadcasting for doing just that.

40TH ANNIVERSARY OF THE PUBLIC BROADCASTING ACT OF 1967

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

Mr. BLUMENAUER. Mr. Speaker, I join my colleague from Missouri in saluting the 40th anniversary of Public Broadcasting.

On the floor of the House we're surrounded by controversy on so many issues, but the unique achievement that is our system of public broadcasting really does bring us together.

In those 40 years we've evolved a powerful system with NPR and PBS, through the hundreds of stations around the country, 100 million viewers of public television a week. Many cities around the country especially my own Hometown, Portland, the number one radio station is its public radio station.

We have evolved a national voice that deals with issues of education, of music and public affairs. We've been able to prove empirically that the people who get their news from NPR actually have an identifiable, measurable, more accurate view of what's happening in the world.

Since public broadcasting was established in 1967, the Federal Government has spent trillions of dollars, but there is no investment during those last 40 years that has paid greater dividends for the American people.

SCHIP NEGOTIATIONS

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, what we're hearing about the SCHIP negotiations sounds like this Congress is getting ready to literally throw the baby out with the bathwater.

We started with a less than perfect bill that would have covered close to 6 million children who are eligible. We're now heading to just above 3. And the proposed changes threaten to put up barriers that would even lower that number: removing outreach dollars will never get to the children we need to cover. Requiring proof of citizenship will scare naturalized citizens and the poor that we're trying to cover away.

Taking away authority of States to have income disregards will cause children now covered to lose it. Not covering parents will threaten the health of their children, if they're lucky enough to squeeze through the sieve that the House Republicans are trying to create.

Too little money to the States will keep them from even reaching their most modest goals, and trying so hard to get Republican votes may cause the measure to lose key ones from Democrats.

I'm beginning to think it would be better to just extend the current CHIP until we have more people here who are willing to do what is necessary to ensure that our children have access to good health and the better life that we owe them.

PROVIDING FOR CONSIDERATION OF H.R. 3685, EMPLOYMENT NONDISCRIMINATION ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 793 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 793

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. 3685) to prohibit employment discrimination on the basis of sexual orientation. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions of the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. Amendment number 3 in the report of the Committee on Rules may be withdrawn by its proponent before the question is put thereon. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3685 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from the Rules Committee, the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 793.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 793 provides for consideration of H.R. 3685, the Employment Non-Discrimination Act of 2007, under a structured rule.

The rule provides for 1 hour of general debate controlled by the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI.

The rule makes in order three amendments that are included in the Rules Committee report. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, I am proud to rise today in support of the Employment Non-Discrimination Act of 2007 and passage of this rule. By passing this bipartisan legislation today, the House of Representatives will take another step, important step, towards equality for all Americans.

During the 230-year-plus history of our great Nation, the march towards equality under the law for all of our citizens has sometimes been slow, but it has been steady. Over time, Congress has outlawed discrimination in the workplace, based upon a person's race, gender, age, national origin, religion and disability, because when it comes to employment and hiring and firing and compensation and promotion, these decisions are rightly based upon a person's qualifications and job performance.

□ 1300

Sometimes the fight for equality has been slow in coming indeed. This legislation that outlaws job discrimination based upon sexual orientation that the Congress will pass today was first introduced over 30 years ago.

It is long past time to ensure that no one in our country can be discriminated against and fired from their job based upon who they are, whether it is their race, their color, whether they are a man or a woman, or whether they are gay. Private companies across America know this and are way ahead of the politicians here in Washington.

Many of our neighbors back home would be shocked to learn that millions of Americans can be fired from their jobs or refused work or paid less and otherwise subjected to employment discrimination without regard for the quality of their work and without any recourse under Federal law. While many States, cities, and counties across the country have outlawed job discrimination on their own, many States and localities have not. I am proud that the cities of Tampa and St. Petersburg that I represent have outlawed job discrimination against gays and lesbians, but our counties have not, unfortunately.

The Employment Non-Discrimination Act protects all Americans, no matter where they live, by making it illegal to fire, refuse to hire, and refuse to promote employees based upon a person's sexual orientation. See, in America no person should have to worry about the security of their job because of their sexual orientation. Our country bases employment evaluation on hard work and on a job well done. Making employment decisions on anything else is unacceptable. In fact, 90 percent of Fortune 500 companies in the United States have adopted policies similar to the legislation that the Congress will pass today. And a broad coalition of businesses and community organizations strongly support this landmark civil rights legislation, including the Human Rights Campaign; the Anti-Defamation League; Central Conference of American Rabbis; the National Education Association; the Leadership Conference on Civil Rights; and, I am proud to say, the NAACP.

I am proud that this Congress will stand up for equality for all Americans and stand behind our values and understanding that we do not discriminate against our neighbors for any reason, and we should be able to live comfortably with the knowledge that our neighbors will not discriminate against us. The passage of this legislation will remove a legitimate fear that exists among us that we may lose our job and be unable to provide for our families when someone decides to exercise intolerance and prejudices against us and our neighbors in the workplace.

Thanks to extraordinary leaders in Congressman BARNEY FRANK, Congresswoman TAMMY BALDWIN, Chairman GEORGE MILLER, Congressman ROB ANDREWS, Congressman CHRIS SHAYS, Congresswoman DEBORAH PRYCE, and so many others that will stand up for Americans here in this body today and pass this law, I thank them for their leadership and their commitment to equality for all Americans. And I agree with them that passing this historic nondiscrimination act will bring our Nation closer to our goal and our promise of equality for all Americans.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from Florida (Ms. CASTOR) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, Federal law bans job discrimination based on race, color, national origin, or gender. In addition to Federal law, 11 States have passed laws prohibiting discrimination on the basis of sexual orientation and gender identity, while another eight States bar discrimination on the basis of sexual orientation.

The Employment Non-Discrimination Act would extend Federal employment discrimination protections to employees on the basis of their actual or perceived sexual orientation.

Mr. Speaker, I strongly oppose discrimination in the workplace, and I believe that skills and job performance are essential for determining whether employees are hired, promoted, or dismissed. However, I do not think it is the place of the Federal Government to legislate how each and every workplace operates. As a former small business owner, I know that what brings success

to one company does not necessarily bring success to another.

As I mentioned, a number of States have enacted State laws in this area. That is their right as States. Many small businesses and large corporations have chosen to adopt their own policies. That is appropriate as well, Mr. Speaker. This bill as written, though, raises a number of concerns, including that it would expand Federal law into a realm where perception, Mr. Speaker, would be a measure under discrimination law.

On Monday, my colleagues on the Rules Committee and Members testifying before the committee pointed out that debate on the bill, at least in committee, had been productive and a respectful one. Mr. Speaker, I am truly disappointed that moments later, the Democrat-controlled Rules Committee chose to report out a rule that denies the House and the American people the opportunity for a full and fair debate by prohibiting 99 percent of the Members of the U.S. House the opportunity to come to the floor and offer amendments.

For the last 2 weeks, Democrat leaders have had the opportunity to amend, alter, and change this bill. This editing and rewriting has been done behind closed doors and is contained within the Miller-Stupak amendment. Democrat leaders have acted to deny a public debate and to deny Republicans the opportunity to offer an amendment similar in scope to the Miller-Stupak amendment. This is not an open and honest way to run the House, and it is not what Democrat leaders promised the American people only a year ago.

This rule only makes three amendments in order, Mr. Speaker, but buried in this rule there is a special provision, a special provision, that allows amendment No. 3 in the report of the Committee on Rules to be withdrawn by its proponent before the question of adoption.

Mr. Speaker, what does this mean? It means that the Rules Committee decided to make three amendments in order but denies the House a vote on one of those amendments. I just have to wonder why the Democrat Rules Committee is denying a vote on this amendment. My friend from Florida was up there, and I would yield to the gentlewoman from Florida if she can tell me why this provision is in the bill to deny the House a vote on amendment No. 3.

I would yield to my friend if she would explain this for me.

Ms. CASTOR. Mr. Speaker, I am happy to answer.

I do wish Ms. BALDWIN would allow a vote on the amendment. I strongly support the amendment, as many of those in the Congress do. But this was her request, and this is the way the rule has been structured.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman for giving me that option. I can't remember how many times I have been in the Rules Committee talking about and asking Members who come forward with potential amendments what their choice would be, would they like to have an open rule or would they like to have a closed rule. And every time I hear, at least from the members of the Rules Committee, that the Rules Committee will decide.

Now, it sounds in this particular case that one Member decided that she didn't want a vote on it, so we deny everybody in the House an opportunity. The gentlewoman said that she would like to be able to vote on this. I will give her the opportunity to do so.

Mr. Speaker, I have to say I have served on this Rules Committee for a decade, and I cannot recall one instance when Republicans were in control that a rule allowed a Member to bypass House Rules and withdraw an amendment. I believe it is wrong for a substantive legislative issue to be raised on the floor only to deny Americans, through their representatives, a voice on that amendment.

Let's be clear about what is happening here. And that is that the rules of the House are being altered to block the House from voting on this amendment. It is clear and simple. We were elected to represent our constituents by casting a vote and votes, and today Democrat leaders are denying us a vote. I am extremely concerned with this unprecedented rule and I have an amendment, and I hope the gentlewoman will support me. My amendment would, in section 1 of the resolution, strike the sentence which begins, ''Amendment No. 3 in the report of the Committee on Rules.''

Mr. Speaker, I ask unanimous consent that the resolution be amended to reflect the change as offered in my amendment.

Ms. CASTOR. I object.

The SPEAKER pro tempore. Does the gentlewoman from Florida yield for that request?

Ms. CASTOR. No, I do not.

Mr. HASTINGS of Washington. Mr. Speaker, did I hear objection?

The SPEAKER pro tempore. The gentlewoman from Florida did not yield for that request.

Mr. HASTINGS of Washington. No, the question I have, I ask unanimous consent that the amendment be considered and adopted.

Ms. CASTOR. And I object.

The SPEAKER pro tempore. The gentlewoman from Florida must first have yielded for that request. She has yielded for debate only.

Ms. CASTOR. And I do not yield.

Mr. HASTINGS of Washington. Is my amendment now before the body?

The SPEAKER pro tempore. No. The gentlewoman from Florida yielded for debate only.

Mr. HASTINGS of Washington. Does the gentlewoman yield to me so that I can offer the amendment?

Ms. CASTOR. I do not yield.

The SPEAKER pro tempore. The gentlewoman from Florida does not yield for that purpose.

Mr. HASTINGS of Washington. I just want to make this clear, Mr. Speaker. I am asking unanimous consent to have the amendment that I described be considered. Now, if I have to engage the gentlewoman for that determination, I would be happy to do so, but I am asking unanimous consent that that be done. I am just asking for a ruling on this.

The SPEAKER pro tempore. The gentlewoman has yielded for the purpose of debate only. She did not yield for the purpose of propounding a unanimous consent request.

Mr. HASTINGS of Washington. So, Mr. Speaker, the way I understand your ruling, then, is that I hear no objection; so, therefore, my amendment should be made in order, and I would like to move the proper procedure as I don't hear any objection.

The SPEAKER pro tempore. The gentlewoman from Florida did not yield for the purpose of offering an amendment.

Mr. HASTINGS of Washington. So there has been an objection?

The SPEAKER pro tempore. No. The Chair cannot entertain the gentleman's request unless the manager of the resolution has yielded for that purpose.

Mr. HASTINGS of Washington. Will the gentlewoman yield? Did she reserve the right to object and would she yield at least to explain why she objected?

The SPEAKER pro tempore. All time was yielded for debate only. The gentleman is not entitled to propound that form of unanimous-consent request unless yielded to for that purpose.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Washington. Parliamentary inquiry, Mr. Speaker.

If I attempt to amend this, what procedure would I go through in order to try to amend this rule?

The SPEAKER pro tempore. If the previous question were defeated, an amendment could be offered.

Mr. HASTINGS of Washington. Further parliamentary inquiry. Then the only means I have is through the previous question and not to ask unanimous consent?

The SPEAKER pro tempore. Or if the gentlewoman yields for that purpose.

Mr. HASTINGS of Washington. Will the gentlewoman yield so I can ask unanimous consent to amend the rule?

Ms. CASTOR. I thank my colleague, but I will not yield at this time.

The SPEAKER pro tempore. The gentlewoman has not yielded.

Mr. HASTINGS of Washington. I understand.

Well, if that's the case, then, Mr. Speaker, I accept the ruling, and I wish I had a more full description of why there is a problem not at least allowing potentially a vote on amendment No. 3.

Mr. Speaker, I have no other choice but to ask my colleagues, then, later on today to defeat the previous question so that I can amend the rule by striking the language that I described that allows the proponent of amendment No. 3 to withdraw their amendment before a vote.

□ 1315

So, just let me be clear. When I offered this motion, by voting ''no'' on the previous question, Members will, therefore, be allowed to show their support or opposition on amendment No. 3, which would expand the bill's protections to persons discriminated against based on gender identity. This is defined in the amendment as ''gender-related identity, appearance, mannerisms or other characteristics of an individual, with or without regard to an individual's designated sex at birth.'' Now, Members who choose to say ''yes,'' then, on the previous question would, therefore, be showing their support for denying Members of this House an opportunity to vote on that issue.

So, Mr. Speaker, I would urge, and I will talk about this later, but I urge my colleagues to vote ''no'' when I offer that motion on the previous question.

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

Ms. CASTOR. Mr. Speaker, I am proud to yield 2½ minutes to a Member of Congress that continuously and forcefully speaks out for equality for all Americans, Congresswoman BARBARA LEE from California.

Ms. LEE. Let me thank the gentlelady for yielding, for her leadership, and for her fairness and her diligent work on the Rules Committee. Also, I want to thank Chairman BARNEY FRANK and Congresswoman TAMMY BALDWIN for their hard work in bringing this bill to the floor today.

First let me say that I was on the floor two nights ago, and Members of Congress so eloquently reminded us that this is National Bible Week. So as one who believes in the Scriptures, as a Christian, and as one who embraces what everything, Democrats and Republicans, were talking about the other night as it relates to love thy neighbor as thyself, we are responsible for the least of these. I know for a fact, like all of you know for a fact, that discrimination against anyone, and I mean anyone, is morally and ethically wrong, and it goes against the teachings of all of our great religions.

The Baldwin amendment, which recognizes that transgendered Americans should have all of the protections and the rights of any person in America, should be included in this bill. It should include the Baldwin amendment. Because if we believe in who we are as a country, and if we believe that discrimination is wrong against anyone, then how in the world can we leave out a significant number of Americans in this bill?

So, if it becomes law, transgendered Americans will still face discrimination in the workplace. And we must not let up until we ban discrimination against everyone.

I just want to say, in closing, that gender identity should not be allowed in terms of discrimination in terms of the laws that we pass. We should not allow discrimination against anyone based on gender identity, based on sexual orientation, based on race, religion, age.

This is America. This is America. And I think that the Baldwin amendment would take us one step closer to being the country and the America that we all believe in and that we all love.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1½ minutes.

You were speaking, if I heard you correctly, on the Baldwin amendment. Now, the way the rule is structured, there is potential for not a vote on that amendment. I'm going to offer a motion on the previous question to allow that to be voted. Now, if I understood what the gentlelady was saying in her remarks, she would like the opportunity to debate that and presumably vote on that. So I would hope that the gentlelady would join me in voting ''no'' on the previous question.

I yield to the gentlelady.

Ms. LEE. What I'm saying is I think that the Baldwin amendment should be part of the bill that we are debating today. I believe that discrimination against anyone in our country is wrong based on any——

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, I hope the gentlelady then will join with me in defeating the previous question so, in fact, we can have a vote on that amendment.

Ms. LEE. As I said earlier, I believe that discrimination against anyone is wrong in our country, and especially discrimination based on gender identity.

Ms. CASTOR. Mr. Speaker, I am pleased to yield 4 minutes to the chairman of the Financial Services Committee, a gentleman who has devoted a large part of his career to fighting discrimination and prejudice in the workplace, BARNEY FRANK from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am impressed by the sincerity of the gentleman from Washington's advocacy on people who are transgender, and I hope that as we contemplate this strategy today people will fully examine that.

I regret the fact that there do not appear to be the votes in this House to include people who are transgender. And I am struck by the eagerness, frankly, of some people to use that group as a weapon with which to defeat the whole bill because these are people who are opposed not only to the inclusion of people who are transgender, but who have historically been opposed to including any protection for people at all.

I will yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

If the gentleman was listening to my remarks, I know he came in, unfortunately, after I had started making my remarks, but my whole point was suggesting that we have a process here where we can dispose of the measure, either for or against. That's all I'm saying.

Mr. FRANK of Massachusetts. I take back my time. That's all the gentleman said, but the effect would be to try to undermine the bill. When people who are opposed to the basic bill and opposed to the amendment lament the chance not to vote on an amendment which would undermine the bill, people should understand where we are.

I filed the bill that included people who are transgender. And earlier this year, I was very proud when this House passed a hate crimes bill which explicitly included people who are transgender. My recollection is the gentleman from Washington voted against that.

We are in the following situation in this country: We have had prejudices of various sorts. Sadly, prejudice increases as difference increases. We have made progress in, I believe, disputing the prejudice against people, like myself, who are gay. We have not, lamentably, made as much progress in people who are transgender. I agree that the argument is there for including everyone. I agree that there was an argument for including legal immigrants in the SCHIP bill.

The question we have is this: If we do not have the votes to go forward with as much as we would like to do, do we then abandon any effort? And do we allow those who are opposed to any progress at all in the anti-discrimination fight in this area to use a particular group as a way to prevent progress?

Mr. Speaker, I've been voting on anti-discrimination measures for 35 years when I first joined the legislature, and I have voted repeatedly to extend the protection to groups of which I am not a member, based on ethnicity, based on race, based on disability, based on age. I am now a beneficiary of the age one, but I wasn't when I voted for it. And I wish we had the votes in this House to ban discrimination of all sorts. I also wish that I had as much energy today as I did when I voted to ban AIDS discrimination when it wasn't eligible. I wish I could eat more and not gain weight. I wish a lot of things. But I will not act on my wishes irresponsibly.

I hope we will go forward today and do as much as we can. I believe that if we are able to muster the votes to tell millions of Americans who are gay and lesbian that they are not bad people, that it is not legitimate to fire them simply because of who they are, the message we send to those people, the message we send to high school students who go to school each day fearing the kind of torment that they will confront, that that will be the most significant advance we have made in fighting prejudice since the Americans with Disabilities Act. I wish we could do more. And if we are able to do this, I will continue my efforts to do more.

I am glad to see more recruits now to the effort to protect people who are

transgender. I wish they were there when many of us were fighting many years ago.

I will make this prediction, that if we go forward today and adopt legislation that bans discrimination based on sexual orientation but does not ban discrimination based on gender identity, some of us will continue to fight to protect people based on gender identity, and many of those seeking to use that issue today will be our opponents as we go forward trying to do it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

I appreciate my friend from Massachusetts for yielding to me and at least airing in a brief exchange where I was trying to explain my position base was on the procedure and the rule. He took back his time. And while I think he may have conceded that that's what I was talking about, he said something to the effect of that's not what you meant. Now, I think he is expanding what my thought process is, but I do appreciate the gentleman for at least yielding to me.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. HASTINGS of Washington. I will yield to the gentleman.

Mr. FRANK of Massachusetts. I simply wanted to point out that this proposal that we be allowed to vote on this issue comes from people who are opposed to it in all regards and who understand that the effect of that procedure would be to undermine our ability to make any progress at all.

Mr. HASTINGS of Washington. Reclaiming my time, I have a great deal of respect for the gentleman from Massachusetts, and he is one chairman who regularly comes to the Rules Committee and wants to have a full and open debate.

I think that the gentleman would have to concede that this is a very unusual step where we are self-building into the rule an opportunity to deny a vote on an amendment that was made in order. That is contrary to what I've heard the gentleman say many times.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. HASTINGS of Washington. Sure, I would be happy to yield.

Mr. FRANK of Massachusetts. Yes. The rule gives the opportunity to the supporters of including transgender inclusion the right to make that decision, not its opponents.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 15 seconds.

This is a very, very unusual procedure. And the whole point of a body like the United States Congress is to debate and dispose of issues. We are being denied that under the rule.

I yield 2 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in opposition to H.R. 3685, the Employment Non-Discrimination Act, and the rule that we have before us today. Primarily, I'm opposed to the measure's unclear wording that could easily lead to wide-ranging and serious consequences.

This bill would prohibit discrimination, which is a good thing, on extremely hard-to-define measures such as an individual's perceived characteristics. I think it's the perception and the ''perceived'' language in here that is very troubling to me as a former small business owner with up to 15 employees. It would be impossible for employers to operate a business while having to worry about being accused of mistreating someone based on the employee's ''perceived characteristics.'' This ill-conceived, vague language is nothing more than a golden ticket for America's trial lawyers. This loose wording is also an invitation for accusations by disgruntled employees who want to take advantage of a poorly constructed law.

Like all of my colleagues, I believe congressional policies should strive to promote a tolerant society. I believe many Members, including myself, would vote for it without the ''perception'' language in it.

The gentleman from Massachusetts spoke before very eloquently, as he always does, and he said, our laws should not say that gay people are bad people. That's not what this bill says, nor has any bill that has come before us ever said that. When people that I come in contact with begin to disparage individuals who may be gay, I point out to them that, you know, you don't know whether your Aunt Jen, our son Bill, your grandson Paul or your granddaughter may be gay, so it's inappropriate.

You know, it's inappropriate to make disparaging comments about anyone who is gay because people really don't know the people around them, whether they are or whether they're not, and it's really none of their business.

□ 1330

However, when that quest for intolerance in this bill leads us to costly and irresponsible ends, I think we must rethink the legislation. At a time when America faces so many challenges, the last thing Congress needs to be doing is finding a way to hand trial lawyers an avalanche of litigation to cash in on. I urge my colleagues to oppose this poorly drafted legislation. Let's go back to the drafting board with this.

Ms. CASTOR. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentlewoman for yielding.

Mr. Speaker, I am committed to the passage of an ENDA that protects lesbian, gay, bisexual and transgender employees. I have been a lead sponsor for proposals like ENDA every year since I became a member of the New York State Assembly 30 years ago. I am a proud original cosponsor of the original ENDA bill that would protect the entire LGBT community.

I believe that civil rights are best advanced by bringing forward a bill that adequately protects all members of the LGBT community. While this may be risky, it is not reason to accept defeat before the fact and to leave behind members of the community who desperately need protection against employment discrimination.

As we have seen in many States, the failure to include transgender people in civil rights legislation from the beginning makes it more difficult to extend protections later. My own State of New York, which enacted employment protections for lesbians and gays, has yet to extend these protections to the transgender community.

The Senate has yet even to introduce its version of ENDA. Indeed, even if Congress were to adopt a noninclusive ENDA, the President has already pledged to veto this legislation. So it is not a question, as the gentleman from Massachusetts said, of now choosing to protect a great number of people and leaving behind a smaller number of people as the price of so doing because we cannot pass this legislation into law and protect anyone this year, unfortunately. We must look to the future when we have a President who will support equality. I believe it is important we take a principled stand now and speak with a strong and united voice for equal rights for all Americans, whether they are lesbian, gay, bisexual or transgender in order to maximize the chance that when we can enact an ENDA bill into law, it will be an inclusive bill that protects everyone's rights. And we must better educate lawmakers and the public about the issues of gender identity and expression.

While I may disagree with some of my colleagues on strategy, I assure you that we are united in support of the ultimate goal, protection from employment discrimination for the entire LGBT community. No one should underestimate the strength of that common commitment or our dedication to seeing it realized. Transgender Americans, because of a lack of familiarity and understanding, are more likely to face employment discrimination and, therefore, more in need of protection from irrational discrimination that an inclusive ENDA would afford.

And removing gender identity from ENDA may also leave lesbian and gay employees vulnerable to discrimination for failing to conform to gender stereotypes. In other words, some employers and courts may take an overly restrictive view that an exclusive ENDA fails to protect lesbians who appear ''too masculine'' or gay men who appear ''too effeminate.'' That is not our intent, nor do we believe it is an accurate reading of the bill, but congressional intent does not always carry the day. Splitting sexual orientation and gender identity disserves the entire LGBT community and invites the kind of legal mischief that has undermined other civil rights laws.

The fundamental issue is this: There are still too many places where it is entirely legal to discriminate against lesbian, gay, bisexual, or transgender employees. We must bring an end to this unfair, unacceptable and un-American situation.

When the House considers ENDA today, I will support the amendment introduced by Congresswoman BALDWIN to restore the protections from discrimination based on gender identity. Should that amendment fail, I will not be able to vote for the underlying bill because it fails to uphold adequately the American values of fairness, equality and inclusion, but I will continue to fight for a proper ENDA bill that includes all the people who need its help.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 7 minutes to a classmate of mine, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank my distinguished friend from Washington.

Rather than comment generally on the bill here, I am going to focus on the rule. I will talk later on the bill itself.

As a senior member of the Education Committee, we went through this debate in committee, and I find it reprehensible that the process we have been following increasingly in this House is to shut off debate, that ironically in a bill that is supposedly expanding rights, we have another narrowly drawn rule that deprived me of offering several amendments that I offered in committee, has a gerrymandered rule for another amendment that is unique in history, has several others put in in the Rules Committee that are very unclear.

Let me go through a number of these different amendments. I offered an amendment in committee that was unanimously opposed by the Democrats in committee to eliminate the word ''perceived.'' This is a legal nightmare. There is no other law. There is talk about how ADA has some things vaguely familiar. But it does not say ''perceived.'' How in the world are you going to define ''perceived''? As anybody who has any friends who have worked with and been acquainted with people who have a homosexual lifestyle, there are all types. This is open-ended. There is no list here of what is perceived to be homosexual. How is an employer supposed to figure out whether it is perceived? Does that mean if he is a Christian and has made statements, somebody can file a suit because they perceived they were discriminated, not based on any kind of actions that occurred but something that was perceived? This is a legal nightmare and a precedent that is absolutely terrible, and we can't even vote. We can't even have a vote to strike the word ''perceived'' and have a full debate on the word ''perceived.'' What kind of an open process is that in the House?

I also had an amendment that would have provided some protection for Christians who have strong views in the workplace and will insert into the RECORD at this point a number of cases. An AT&T employee was fired because he wouldn't sign a statement that contradicted his religious beliefs on accepting homosexual behavior. A man was fired at Red Cross for not participating in Gay and Lesbian Pride Month and forcing him to observe that. Others have been fired for other reasons.

The question is not whether you can harass somebody in the workplace. That is already illegal. If you mock somebody, that is already illegal. If you commit a hate crime, that is already illegal. The question is, can you as a Christian express your views and not be persecuted? That, yes, in a sense it is at least a plurality of Americans profess Christianity, a smaller percent conservative Christianity, but we are moving so far as to restrict the rights in the workplace of Christians' even ability to hold or say anything about their views. People can't even have Bible studies in some places it has been ruled because that would be offensive to homosexuals in the workplace based on this law in some cities and have been upheld in the court.

Now, moving past the two amendments that were unanimously defeated in committee and then we weren't allowed to debate as a whole House, we have an amendment that was added in response to another amendment from PETE HOEKSTRA in committee that would have exempted Christian colleges. It was unanimously defeated by the Democrats in committee. Then suddenly in the Rules Committee we have it added with a religious exemption. The problem with the religious exemption, and here I would like to put into the RECORD a number of cases that show the problem with this. Loyola University was deprived of a religious exemption because even though it was founded by Jesuits, its charter requires its president to be a Jesuit and more than one-third of their trustees, they were denied because they didn't meet one of those criteria. A Friends School, a Quaker school, was denied a religious exemption because it had to have multiple proof that everybody there was Quaker and was following every rule. A private religious school was denied for similar type things. A business that wanted to run as a religious world view was clearly denied the religious exemption. An orphanage by the United Methodist Church was denied the ability because it had gone secular. They wanted to come back and be a Methodist church again and they were denied, and these were all court decisions, because they were no longer purely Methodists and they didn't have a right to go back and be Methodist. This is in addition to the 2,500 Christian bookstores in America. Only 14 percent are run by a church. Eighty-six percent are either for-profit or not primarily religious organizations.

Under this bill, they will be forced to hire homosexuals regardless of the personal views of Christian bookstores. This is going to happen in various independent organizations that are quasi-part of the church. Sometimes the church will operate a for-profit entity, that runs as a for-profit entity, that would not be predominantly for a religious purpose, but the proceeds go to the church, therefore, they will implement their church beliefs in it, even though it is a for-profit entity. None of that is exempted under this. We didn't even get a chance to debate this amendment. It just came in in the rule.

Now, we move to another amendment that suddenly appeared, or I guess we will be debating here on marriage. Somehow in response to debate in committee, they are saying that this won't affect the Defense of Marriage Act. This is another lawsuit amendment because that is directly contrary to the fundamental part of the bill. My amendment tries to address part of this, but quite frankly, it is a legal quagmire.

Then we come to amendments that are allowed. We have had some debate on this gender equity for transgender and transvestite. Now, the challenge here is not whether you favor it or are against it. I heard my friend from New York say he was going to vote for it. He can't vote for it. We are not allowed to vote for it. We have been banned from having a debate. What happened to the day when we have a debate, you win or lose? To come in unprecedented, I have never heard, as a staffer or a Member, a rule coming in prohibiting in the rule a vote. This is an in-your-face tactic as part of this bill to not let us debate the religious underpinnings and the religious stuff, not debate ''perceived,'' not debate protections for people who are individuals, not have a vote on transgender, and it's 5 minutes on each side to even debate it.

This is an abominable rule. It is a precedent-setting, terrible, terrible rule. I urge people to support my colleague Mr. HASTINGS' motion on the previous question and to vote against that so we can have some amendments to this rule and then vote against this abominable rule because it sets precedents we will regret for a long, long time no matter which party is in the majority.

EXAMPLES OF DISCRIMINATION AGAINST RELIGIOUS EMPLOYEES

Christian employees who read Bibles during ''diversity training'' reprimanded and spend four years in lawsuits to obtain reversal. The ACLJ filed suit in April 1998 against the Minnesota Department of Corrections on behalf of Thomas Altman and Ken Yackly to force their employer to rescind the reprimands they received in 1997 after they silently read their Bibles at a state-mandated training session called ''Gays and Lesbians in the Workplace.'' The employees contended that the training session was little more than a state-sponsored indoctrination aimed at changing their religious beliefs about homosexuality. Four years later, and several appeals later, the employees were finally vindicated.

AT&T employee in Denver fired for refusing to sign company-required pledge to recognize, respect and value sexual orientation

differences within the company. In January 2001, an employee of AT&T was required to sign a new AT&T Broadband Employee Handbook with policies that conflicted with his religious beliefs by condoning the homosexual lifestyle. After notifying his supervisor that based on his religious belief he could not sign the certificate of understanding, he was fired.

Christian firefighter suspended for handing out tract entitled ''The truth about homosexuality.'' Madison, Wis., firefighter Ron Greer nearly lost his job for giving his colleagues a tract entitled, ''The truth about homosexuality.'' He was suspended and ordered to attend diversity training for violating the city's anti-discrimination code.

Hospice worker fired by gay supervisor for expressing Christian beliefs about homosexuality. Debra Kelly, a former hospice worker in Philadelphia, was fired for expressing her Christian beliefs about homosexuality. Her supervisor, a supporter of ACT–UP, a militant homosexual group, said Kelly was intolerant and unsuited for her position.

At Hewlett Packard's plant in Boise, Idaho, an employee with a 21-year record of meeting or exceeding expectations was fired for refusing to remove Bible verses about homosexuality from his cubicle. The employee allegedly posted the Bible verses in response to a poster near his cubicle that he perceived to be promoting GLBT relationships. HP openly admitted that its reasoning for firing the employee was ''his overt opposition to HP's Diversity Advertising Campaign.''

Man fired by American Red Cross for not celebrating homosexuality Michael Hartman was employed by the Red Cross in San Diego. The company sent a mass e-mail to all employees in 2005 promoting ''Gay and Lesbian Pride Month,'' urging them to ''observe'' the celebration. Hartman, a Christian, communicated his religious objections to his supervisors and was promptly called in and told his communication was ''inappropriate.'' Hartmann was fired.

Oakland city employees posting a flier on a company bulletin board forced to remove flier and threatened with discipline. Oakland, Calif., city employees Regina Rederlord and Robin Christy formed a group called the ''Good News Employee Association'' and posted a flier on a company bulletin board advertising a ''forum for people of faith to express their views on contemporary issues of the day, with respect for the natural family, marriage and family values.'' After a lesbian employee complained of being offended by the flier, the city removed the flier and threatened the two women with adverse employment action for placing the fliers ''in public view which contained statements of a homophobic nature and were determined to promote sexual orientation based harassment.'' A federal court upheld the city's action.

In Portland, Maine, city officials canceled a $60,000 grant for a Salvation Army meals-on-wheels program for senior citizens. Why? As a Christian denomination, the Salvation Army won't provide marital benefits to homosexual employees, thus running afoul of the city's ''sexual orientation'' law. When the Portland's ''sexual orientation'' ordinance was introduced, proponents argued, as they do often today, that it would merely ensure that ''people won't be fired for being ''gay.''

A District of Columbia human rights commission ordered Georgetown University, a Catholic college, to violate church doctrine and sponsor a pro-homosexual group on campus. A court agreed, saying the District's ''sexual orientation'' law overrode the school's religious freedom. It didn't matter that neither ''sexual orientation'' nor sodomy are protected in the Constitution or that religion is specifically protected. In the hands of the judges, ''sexual orientation'' takes on a life of its own.

In 2003 Atlanta Human Rights Commission ordered a local golf club to extend spousal rights to gay member partners, Thankfully officials intervened, and the Georgia legislature promptly passed a law exempting private clubs from local anti-discrimination obligations.

In June, 2001, The District of Columbia's Commission on Human Rights fined the Scouts $100,000 and ordered them to reinstate two openly homosexual leaders. That decision was overturned in court, but the Scouts paid heavy legal fees.

In Arlington, Virginia, a video duplicator had been ordered by the Arlington County Human Rights Commission to produce video material for a lesbian activist or pay for someone else to duplicate the videos. The videos Vincenz wanted duplicated were two documentaries entitled: ''Gay and Proud'' and ''Second Largest Minority''. Tim Bono, argued that he could not, in good conscience (him being a Christian), produce material that promoted homosexual activity.

In 2006 the 9th Circuit Court in California ruled last year (06) that members of a Christian employees group for the city of Oakland could not use words like ''marriage,'' ''natural family,'' or ''family values'' in email correspondence or on posters in city offices where a wide variety of groups are allowed to post. The 9th circuit panel decided that such words were akin to hate speech because they made homosexual city employees uncomfortable.

CASES WHERE COURTS WRONGLY DENIED RELIGIOUS EXEMPTION

Fike v. *United Methodist Children's Home of Virginia, Inc.*, 547 F. Supp. 286 (E.D. Va. 1982)—an orphanage founded by the Methodist Church, trustees required to be Methodists, sought to teach Christian doctrine and belief to the children. New President sought to take group in more secular direction and was fired, despite the entity's desire to recapture its original founding mission to be a thoroughly Christian (and Methodist) charity service. Court held it had become too secular in the interim, and denied religious exemption.

Pime v. *Loyola University*—Catholic University denied the general religious exemption under Title VII despite the fact that it was founded by Jesuits, its charter requires its President to be a Jesuit, and more than one third of its trustees are Jesuits.

Doe v. *Abington Friends School*, 480 F. 3d 252 (3d Cir. 2007)—religious school run and funded entirely by Quakers not entitled to early dismissal on religious exemption grounds in an Americans with Disabilities Act case, but was required to submit to extensive discovery demands of the plaintiff.

EEOC v. *Kamehameha School/Bishop Estate*, 990 F.2d 458 (9th Cir. 1993), *cert. denied*, 114 S. Ct. 439 (1993)—private Protestant religious school denied Title VII religious exemption even though it had numerous religious characteristics and activities.

EEOC v. *Townley Eng'g & Mfg. Co.*, 859 F. 2d 610 (9th Cir. 1988)—no exemption for manufacturing company whose owner had a clearly religious world view and wanted it to permeate the workplace.

Ms. CASTOR. Mr. Speaker, the Employment Non-Discrimination Act is sensitive to religious organizations and our fundamental religious beliefs and tenets, and it includes a very broad religious exemption. In fact, we are going to debate later on the Miller amendment that, if adopted, would make clear that ENDA exempts the same group of religious organizations that are currently exempt from prohibition on religious discrimination under title VII of the Civil Rights Act of 1964.

Now, we know not everyone, not every employer will agree that gay people should be protected from employment discrimination. But for the betterment and advancement of our society as a whole, ENDA would overrule that judgment so that Americans are treated fairly and equally. But nothing in ENDA or in any civil rights law that has come before us in the history of this country affects the ability, the God-given right of a person to hold contrary beliefs based on religion or otherwise.

At this time I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this is one of those moments where the House gets to demonstrate the degree to which we are truly committed to the unfolding of 14th amendment rights to due process and equal protection of the law. We get a chance to determine that today. I believe that people who happen to be gay, lesbian, bisexual or transgender are entitled to the full and equal protection of employment laws.

The principles behind the original draft of ENDA sought to embrace the fullness of a community which has experienced significant undermining of rights in the workplace. None of us can know, unless we have walked in somebody's shoes, but let's imagine for a moment that someone who presents himself or herself as being of another sex or gender, imagine what they must go through in their daily lives. And imagine we who take an oath to defend the Constitution would somehow separate the people from the claims of justice and from the claims of constitutional protection.

□ 1345

We all love this country. We all love being Americans. But to be an American means really standing for those constitutional principles and really understanding that life, liberty and pursuit of happiness are something that everyone should have access to and that everyone should have equal protection of the law and due process.

I am very concerned, as my Republican colleagues are, that the Baldwin amendment can be offered and pulled back without a vote, because if it was given a vote, I would vote for the Baldwin amendment.

Mr. HASTINGS of Washington. Mr. Speaker, I will yield the gentleman from Ohio 30 seconds, if the gentleman will yield.

Mr. KUCINICH. Mr. Speaker, I was saying that I share the concern that my Republican colleagues have that we won't have a chance to vote on a Baldwin amendment, because I believe that this is not a Republican or Democrat issue.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I gave the gentleman time to hopefully respond to what I am going to suggest,

and that is if he would vote ''no'' on the previous question, that would be to amend the rule to allow a vote under normal rules, normal order. So if you would join me in voting ''no'' on the previous question, you will have an opportunity to vote on that amendment.

Mr. Speaker, at this time I yield 2 minutes to the newest Member, the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today I rise to speak against H.R. 3685, the Employment Non-Discrimination Act, and the restrictive, undemocratic and authoritarian rule that the majority party has put before us today. Mr. Speaker, I realize that I am one of the newest Members of the House of Representatives, having been sworn in just 3 months ago, but I recognize a totalitarian regime when I see one.

In my short tenure here, the Democratic majority has made a mockery of the democratic process, and today's rule is a perfect example. For you good folks at home, this is what is happening in a nutshell. The Democrats sprung this bill on us that will grant special employment privileges and a protected minority status to anyone who defines themselves by their sexual orientation.

But that's not all. They gave us less than 24 hours, less than 24 hours' notice that this bill will be on the floor, because when the schedule for this week was sent last Friday, it made no mention of this discriminatory bill. And for good reason. They don't want the American people to realize they are undermining America's religious liberties in the House of Representatives.

But they didn't stop there. Then the Democratic majority decided to rig the process to block Republican amendments to even slightly improve this terrible and unfortunate bill. An authoritarian regime, right here in the House of Representatives, otherwise known as the Democratic majority.

I will vote against this rule, and I urge my colleagues to do so.

Ms. CASTOR. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), an outspoken advocate for equality for all Americans.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of the underlying bill and the Baldwin amendment. ENDA will offer real protections to tens of millions of Americans now. Right now, far too many workers go to work every day fearing that they could be fired on the spot, no questions asked, if their employer discovered their sexual orientation. This year, it is legal in 30 States to fire someone simply because he or she is gay, lesbian or bisexual.

Hardworking, tax-paying Americans shouldn't be forced into the shadows, and they should not have to live with the constant, legitimate fear that they could lose their jobs. That is why I strongly support providing protection from discrimination to transgender Americans, and I will not rest until their right to live their lives free of fear, discrimination, and intolerance is the law of this land.

Mr. Speaker, I know from my years on the city council where we worked to pass similar legislation and my years in the women's movement that we need to make history now and pass the underlying bill and protect people here in America now.

No one should be discriminated against because of his or her sexual orientation or perceived sexual orientation. And this bill will also lay the groundwork to provide sorely needed protections in the future to countless more Americans who need and deserve them.

This historic advance for civil rights has been more than three decades in the making—and it has not come easy.

When Bella Abzug first introduced a sexual orientation civil rights bill in 1974, she was able to enlist only one cosponsor, Ed Koch, my predecessor in the district that I represent. It stood absolutely no chance of passage.

We've come a long way since then, but our progress has been hard-fought and incremental.

Most of our greatest legislative victories have only been achieved step by step. The measure before us today is by no means complete or definitive.

The sad truth is that transgender Americans need and deserve protection from employment discrimination. All too often they bear the brunt of brutal bigotry, and are subject to unspeakable hatred and violence.

That is why I strongly support providing protection from discrimination to transgender Americans. And I will not rest until their right to live their lives free of fear, discrimination and intolerance is the law of the land.

In 1986, when I served on the New York City Council, we succeeded in passing legislation to bar discrimination on the basis of sexual orientation in employment and housing. That bill had come before the Council repeatedly since 1971. It took 15 years, but we finally managed to pass it. It was only later that the Council enacted specific protections for the transgender community.

Many said the 19th Amendment didn't go far enough when that passed. While it gave women the right to vote, it didn't address a host of social inequities between men and women, many of which persist today. Decades after that Amendment was ratified, we passed the Equal Pay Act and title VII. And, while we still haven't passed the Equal Rights Amendment, I remain optimistic that our day will soon come.

The New Direction Democratic Congress passed a hate crimes bill earlier this year that included important protections for lesbian, gay, bisexual, and transgender people. And we hope to have another important victory here today. I'm confident these incremental successes will lay the foundation for additional protections for the entire LGBT community in the future.

And so, while I deeply regret that transgender Americans are not protected by the legislation before us today, I nonetheless urge my distinguished colleagues to support it. I do so with the knowledge and the determination that we will be back to continue to press the fight for all Americans to live free from discrimination.

I urge my colleagues to help make history today by supporting this landmark legislation and taking this important step towards ensuring that discrimination based on sexual orientation will not be tolerated in the United States of America.

I would also like to thank Speaker PELOSI, Congressman FRANK, and Congresswoman BALDWIN for their leadership in this critical battle for civil rights.

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

Ms. CASTOR. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), another outspoken advocate of equality for all Americans.

Mr. HOLT. Mr. Speaker, as a strong supporter of inclusive ENDA that provides employment protections for sexual orientation as well as gender identity, I am an original cosponsor of the original ENDA that was introduced earlier this year, the legislation we should be taking up today.

In my home State of New Jersey, we are proud to have a fully inclusive employment nondiscrimination law. We are proud of the New Jersey-based businesses that have corporate policies against discrimination based on gender identity, in addition to sexual orientation. Companies such as Johnson & Johnson, Merck and Prudential Financial prohibit employment discrimination based on gender identity, not only because they believe it's the right thing to do morally and ethically, but also they know it's a matter of corporate competitiveness and good for their companies.

Mr. Speaker, our distinguished colleague JOHN LEWIS often reminds us of the words of Dr. King, ''The time is always right to do the right thing.'' Dr. King warned us against the tranquilizing drug of gradualism. I am concerned that when we break apart legislation, some pieces fall on the floor to get swept into the dustbin of history or to be considered only years later. We should not do this to members of our society who need and deserve the same protections as all other Americans.

I want to thank the members of Garden State Equality, New Jersey Stonewall Democrats, the New Jersey Lesbian and Gay Coalition for their hard work and tireless efforts for inclusive protections. I ask to include in the RECORD a letter from Johnson & Johnson Company supporting an inclusive ENDA bill and a copy of the statement of dissent by Representatives CLARKE, KUCINICH, SANCHEZ and me in the committee markup of this legislation.

JOHNSON & JOHNSON
SERVICES, INC.,
Washington, DC, October 19, 2007.

Hon. RUSH HOLT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HOLT: I would like to express Johnson & Johnson's support for H.R. 2015, the Employment Non-Discrimination Act (ENDA). This legislation is essential in providing federal protections to prevent workplace discrimination based on sexual orientation or gender identity.

At Johnson & Johnson, we recognize employees as the cornerstone of our success. For this reason, the company adheres to a vigorous Equal Employment Opportunity Policy that provides a working environment free of discrimination and harassment based on sexual orientation. This policy is consistent with our commitment to ensuring the respect of our employees and guaranteeing each individual a sense of security.

We believe that H.R. 2015 is a very important step towards addressing employment discrimination and fostering true equality. In addition to establishing federal protections, ENDA legislation also creates an enforcement mechanism through the Equal Opportunity Employment Commission (EEOC). This enforcement power has led to the monumental successes of the Civil Rights Act of 1964 and the Government Employee Rights Act of 1991. I look forward to working with you in the future to achieve our mutual goal of eradicating workplace discrimination. Please do not hesitate to contact me if I may provide further assistance.

Best regards,

SHANNON SALMON,
VP, President Affairs.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 22, 2007.

We dissent from H.R. 3685, a narrow version of the Employment Non-Discrimination Act (ENDA) that excludes protections based on gender identity. We are co-sponsors of H.R. 2015, the original version of ENDA introduced earlier this year, that would prohibit workplace discrimination based on sexual orientation and gender identity. While we agree with H.R. 3685's objective of prohibiting workplace discrimination on the basis of sexual orientation, we do not support the decision to remove gender identity from the bill because it leaves this legislation woefully incomplete. H.R. 3685 fails to expressly protect transgender people, who are among the most at risk for discrimination. The decision to strip gender identity from the bill was not based on substantive concerns about the bill's language, but rather on a perception that protecting this vulnerable group might jeopardize the bill's chances for clean passage on the House floor. We cannot support this rationale, which reinforces the very bias and discrimination that ENDA seeks to prohibit.

Transgender individuals and their families aspire to the same basic rights as other Americans, including equal access to gainful employment and fair housing in safe communities. Yet across this country, transgender people face extremely high rates of unemployment, poverty, and homelessness. Studies across the country reveal that transgender people suffer a 35% unemployment rate, with 60% earning less than $15,300 a year. As a result of this disparity in income and employment levels, a disproportionate number of transgender people cannot support themselves or their families, and many are literally forced onto the streets. Every American has the right to be free from discrimination in employment and to be judged solely on one's performance in the workplace—not on irrelevant characteristics such as sexual orientation and gender identity. We are eager to support legislation that addresses such discrimination, and we wish that we would have had an opportunity to do so in Committee.

We believe that Congress should pursue the path that state legislatures have uniformly followed for the past several years, which is to pass measures that include both sexual orientation and gender identity. Such inclusive laws have passed on the local and state level in jurisdictions in every region of the country. Nationally, 37% of the U.S. population lives in jurisdictions that prohibit gender identity discrimination. Currently, there are inclusive laws in twelve states and over 90 local jurisdictions, including Iowa, New Jersey, Colorado, and Oregon, which passed inclusive laws just this year. Congress should be reinforcing these efforts instead of undermining advancement on the state and local level.

We have heard overwhelmingly from constituents and civil rights organizations that passage of this non-inclusive bill will undermine the ultimate attainment of full employment protections for all LGBT individuals. We are not aware of a single gay or LGBT organization that has endorsed this bill. In contrast, over 300 organizations have formally opposed H.R. 3685 because it omits gender identity protections. These include national groups such as the National Gay and Lesbian Task Force, National Center for Lesbian Rights, Equality Federation, National Black Justice Coalition, National Association of LGBT Community Centers, Pride At Work (AFL–CIO), PFLAG (Parents, Families and Friends of Lesbians and Gays), and the National Center for Transgender Equality. Also in opposition is nearly every single statewide organization that represents the LGBT community in their state, including Equality Alabama, Equality California, Equality Illinois, Equality Maryland, Equality Advocates Pennsylvania, Garden State Equality, Empire State Pride Agenda, Equality Florida, Equality Maine, Equality Ohio, Equal Rights Washington, and Equality Texas.

For the reasons set forth herein, we respectfully dissent from H.R. 3685.

RUSH HOLT,
Member of Congress.
YVETTE CLARK,
Member of Congress.
LINDA T. SÁNCHEZ,
Member of Congress.
DENNIS J. KUCINICH,
Member of Congress.

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

Ms. CASTOR. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentlewoman.

Mr. Speaker, I am waiting for some conservatives to come to the floor, I am waiting for some true intellectually consistent conservative Members of the other party who understand that in their mantra of government staying out of people's private lives, in their mantra of allowing the marketplace to work, allowing people to be judged by their hard work, by their tenacity, by their skill, I am waiting for those people to come to the floor and say that we believe in ENDA. We believe in the idea of not government selecting who's going to win but letting the marketplace do it.

We believe in our friends in the private sector, 350 or so Fortune 500 companies that already practice ENDA that we are going to be voting on today. Where are they? Where are those Members of my colleague's party that are shamed by their record on civil rights throughout the years and want to make it right now? Where are the Members of that party who are going to come forward and say, I don't want to explain to my grandkids why I was on the wrong side of another civil rights movement? Where are those Members of that party who claim to be conservative? Speak up now. This is your moment.

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

Ms. CASTOR. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. ANDREWS), our distinguished chairman of the Education and Labor Subcommittee on Health, Employment, Labor and Pensions, a Member who has been outspoken in his fight against discrimination for all Americans.

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

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding, and I rise in support of the rule.

Mr. Speaker, I want to emphasize a point of agreement and a point of disagreement: There is a broad and growing agreement that members of the transgendered community should receive the full protection of the Federal law, and many of us are committed to work to achieve that day as soon as we possibly can. But there is a strong point of disagreement that I have heard from the minority side about the procedure on which we are taking up this bill.

We had a vigorous debate in the full committee about this bill and three concerns were raised. One was the issue of the transgendered community, and Ms. BALDWIN has in order an amendment, which she will decide the disposition of, so that issue can be raised. The second is the scope of the religious exemption, which my friends vigorously debated, and Mr. MILLER and Mr. STUPAK's manager's amendment raises that very same issue, and there will be a debate and there will be a disposition. Finally, there was some discussion as to the impact of this bill on the question of the definition of marriage, and the amendment of Mr. MILLER and Mr. STUPAK will make in order a debate and a disposition of that issue as well.

The purpose of the House, with all due respect to my friends on the other side, the purpose of the House is not to debate every issue for as long as it takes until everyone is done talking. The purpose of the House is to have a fair and reasonable proceeding and to decide, and that is what we are going to do here.

I would just say one final thing to my friend, and I know he is going to ask me to yield, and I will do so if he agrees to yield to me when my time has expired. But my friend speaks with great enthusiasm to bringing to a vote on the floor the question of transgendered people.

I would ask my friend why, for the previous 12 years that his group has had the majority here, they never brought the issue to the floor during

those 12 years if they have such intense feelings in favor.

I would be happy to yield to my friend.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding, and I would probably respond to your direct question that for the same reason for the 20 years prior to that your party didn't bring it up either.

But what I want to say, and I thank the gentleman for yielding, the gentleman said that the purpose of the House is not to debate every issue. I would tend to agree with that. But I think that the gentleman would have to agree with me that when there are propositions that are made in order, whether it is a bill or whether it is an amendment, that they ought to be debated and disposed of by the House and not be covered up, if you will.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 30 seconds.

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

Mr. HASTINGS of Washington. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, the majority will have a chance to work its will, the House will have a chance to work its will on his proposition, and we will make a majority decision and he will either win or lose, which I think is fair and within the rules.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I am glad the gentleman would do that. I hope he would join me. I am just worried that this is so unprecedented for this to happen. That is the point I made from the outset, and that is the point I make right now.

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

Ms. CASTOR. Mr. Speaker, I am the last speaker for my side, so I will reserve my time until it is time to close.

MOTION TO ADJOURN

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS).

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

Mr. HASTINGS of Washington. 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 164, nays 254, not voting 14, as follows:

[Roll No. 1051]

YEAS—164

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Upton
Walberg
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—254

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—14

Bean
Buyer
Carson
Chandler
Cubin
Hastert
Jefferson
Jindal
LaHood
Markey
Oberstar
Paul
Stark
Westmoreland

□ 1421

Messrs. ELLISON, MCNERNEY, BERMAN and RANGEL changed their vote from ''yea'' to ''nay.''

Messrs. GORDON of Tennessee, MORAN of Kansas, BROUN of Georgia and HOBSON changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3685, EMPLOYMENT NONDISCRIMINATION ACT OF 2007

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I would inquire of my friend from Florida if she has any more speakers on her side.

Ms. CASTOR. Mr. Speaker, I'm the last Member to speak on my side. So I will reserve the balance of my time until my colleague from Washington has made his closing remarks.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I find that we are debating a rule that is rather ironic because the underlying bill that this rule would make in order is a bill about discrimination and ending discrimination, and yet the very rule, the very rule that we are debating, which makes three