

of his 6-year Presidency, and we will have the opportunity to override this veto and reaffirm the House of Representatives' support for lifesaving medical research.

I take this moment to remind my colleagues of what H.R. 810 and stem cell research can do. Embryonic stem cells have the unique ability to become any other kind of bodily cell. These cells have the potential to help researchers find cures, that is right, cures, for diabetes, Alzheimer's, ALS, cancer, heart disease, Parkinson's, the list goes on.

Under H.R. 810 these cells would be extracted from embryos that are already created for in vitro fertilization and are no longer needed. Use of these surplus embryos would only be done with the consent of the donor.

I urge my colleagues to vote in favor of the override and put us on the path to saving lives.

#### IT IS TIME TO RAISE THE MINIMUM WAGE

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

Mr. AL GREEN of Texas. Madam Speaker, it is past time to raise the minimum wage. It was last raised in 1997. Currently, a person working full time at \$5.15 an hour will make \$10,712 per year. The poverty line is \$13,461 for a family of two.

We must raise the minimum wage. No one should work full time and stand in a welfare line. No one should work full time and live below the poverty line. People do not want welfare. People want self-care.

It is time to raise the minimum wage.

#### IN HONOR OF SETON HALL UNIVERSITY'S 150TH ANNIVERSARY

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

Mr. ROTHMAN. Madam Speaker, I rise today to congratulate Seton Hall University on its 150th anniversary and recognize the extraordinary contributions the university has made to my home State of New Jersey.

As Seton Hall marks a century and a half of achievements, I join my fellow New Jerseyans in commending this esteemed university and its faculty, led by Monsignor Robert Sheeran.

Seton Hall, located in South Orange, is New Jersey's largest Catholic university, and it was founded in 1856. Today, after 150 years, Seton Hall has become both a pillar of academic life in New Jersey and an invaluable member of the South Orange community.

I proudly join the residents of the Ninth District of New Jersey in congratulating the students, faculty, and administration of Seton Hall University and wishing them a happy 150th anniversary.

#### PHARMACEUTICAL COMPANIES BRINGING IN RECORD PROFITS FROM MEDICARE PART D PLAN

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

Mr. PALLONE. Madam Speaker, the American taxpayer is being ripped off by the Republican prescription drug law. Any Republican who wants to dispute this fact should take a look at yesterday's New York Times. Under the headline "A Windfall from Shifts to Medicare," we have yet another example of how the pharmaceutical companies are reaping record profits while the American taxpayer is left holding the bill.

Before the Republican law went into effect this year, more than 6.5 million low-income Americans received help with their prescription drug bills through Medicaid. Under the Medicaid system, States could purchase the drugs at the lowest available prices. While this was good news for the taxpayer, it certainly cut into the profits of the pharmaceutical companies.

So now those 6.5 million Americans have been moved into the Republican plan, and they are no longer receiving the lowest prices. And the higher costs, adding up to as much as \$2 billion this year alone, will be passed on to the American taxpayer.

And House Republicans still claim to be fiscal conservatives? House Republicans sold out to the pharmaceutical companies, and now the American taxpayers are paying the price.

#### PROVIDING FOR CONSIDERATION OF H.R. 2389, PLEDGE PROTECTION ACT OF 2005

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 920 and ask for its immediate consideration.

The Clerk read the resolution, as follows

#### H. RES. 920

*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. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and Minority Leader or their designees. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. 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. 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.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 920 is a structured rule, and it provides 1 hour of general debate that is equally divided and controlled by the majority leader and minority leader or their designees. This resolution waives all points of order against consideration of the bill, and it makes in order only those amendments that are printed in the Rules Committee report accompanying the resolution. It provides that the amendments printed in the report may be 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. Further, it waives all points of order against the amendments printed in the report, and it provides one motion to recommit with or without instructions.

Madam Speaker, I rise today in support of House Resolution 920 and, of course, the underlying bill, H.R. 2389, the Pledge Protection Act of 2005.

□ 1045

Madam Speaker, I would first like to take this opportunity to thank my friend and colleague from Missouri, Representative TODD AKIN, the author and lead sponsor of the underlying bill. As an original cosponsor of H.R. 2389, I am glad to see that we will have the opportunity to set the record straight and defend our traditions against a few activist judges who would supplant the will of the people with their own personal agenda.

Yesterday, this House had the opportunity to debate and vote on an amendment to the Constitution defining marriage as the union between one man and one woman. Unfortunately, the necessary two-thirds vote in support of the amendment simply was not there. While some may characterize yesterday's debate as an act of futility, I

wholeheartedly disagree. Yesterday's vote put each and every Member of this House on record with their constituents and with the American people as to where they stand on defending our culture, on defending our values, against a few activist judges seeking to turn our society upside down.

I make mention of this because I anticipate that the opponents of this underlying bill will attempt to make the same arguments against this bill as they did yesterday against the Marriage Protection Act. And, Madam Speaker, they were wrong yesterday, and they continue to be wrong today.

The Pledge Protection Act, as well as the Marriage Protection Act, represents more than just the underlying issues of our Pledge of Allegiance or the traditional definition of marriage. These bills affirm that it is the American people, not a few activist judges, that have the right to create laws and establish the policies that will shape their lives.

Now, I know that the opponents of this bill will also try to confuse and confound this debate by arguing that there are other more pressing things to consider and that this Congress has passed nothing of importance to the American people. Well, Madam Speaker, I have to ask myself, where were they? Where were these individuals when we passed H.R. 4297, that cut taxes and prevented tax increases for millions of Americans? Where were they when we passed lobbying reform out of this House with bipartisan support? Where were they when we passed out of this House comprehensive border security legislation? Where were they when we passed 10 of 11 appropriations bills that fund the operations of this government? Where were they when we passed legislation to increase oil production through domestic production and refinery capacity to bring down the price of gasoline?

Madam Speaker, I could go on and on, but I believe I have made my point that this House has a proven track record of passing legislation important to the American people and their families, and the Pledge Protection Act simply builds upon that track record.

H.R. 2389 will affirm the ability of Americans across this country to recite the Pledge of Allegiance anytime, anywhere, with or without the phrase "one Nation under God." The point is, the individual will get to choose.

Since the days of colonial America and the founding of this great Nation, the vast majority of our citizenry has celebrated and honored the role of Almighty God in shaping the history of this great land and defending her through many trials and tribulations and in lifting her up as a shining city on a hill.

As our founders set forth in the Declaration of Independence, "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these

are Life, Liberty, and the Pursuit of Happiness."

Madam Speaker, the recognition of a higher authority above human law and above temporal law is fundamental to the establishment and preservation of our fundamental rights and liberties. Those who would divorce the recognition of a higher authority from the rights he secures are guilty of throwing the baby out with the bath water.

If our fundamental rights come from human beings, then human beings can take them away. But because our rights are endowed to us by our creator, no man, no woman, no government can take them away. Therefore, we in this Congress have an obligation to uphold the ability of citizens across this great land to recite and pledge their allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Madam Speaker, I reserve the balance of my time

Mr. HASTINGS of Florida. Madam Speaker, I thank Dr. GINGREY for the time, and I yield myself such time as I may consume.

Madam Speaker, I listened to Dr. GINGREY, and I have the misfortune of reading the paper every now and again. Dr. GINGREY, you are quoted as saying yesterday in the discussion with reference to banning gay marriage, the quote says, "This is probably the best message we can give to the Middle East in regards to the trouble we are having over there right now."

I say to you, sir, that I find that very confusing in the sense that I don't understand how, with all of the things going on in this country and around the world, that gay marriage, yesterday, was the most important thing that we could contribute to the horror of what is going on in the Middle East.

But I don't intend to use much of my time this morning, frankly. I really am embarrassed for the House of Representatives today. Why? Let's be clear about what the priorities are for the majority and what they are for the rest of the world.

Today, the Federal minimum wage purchases less than it has at any point in the last 50 years. Let me repeat: The Federal minimum wage purchases less than it has at any point in the last 50 years. It hasn't been raised in 9 years, and today the House is going to spend its time protecting something that all of us say every morning in the House of Representatives, the Pledge of Allegiance.

In the last year, 23 percent of all Americans say they or someone in their family have had to stop medical treatment because of the cost, and today the House will spend its time attempting to turn the independent judiciary into an echo chamber of the right wing of this particular majority.

If today is anything like the typical day of the past 3 years, three American soldiers will die in Iraq or Afghanistan,

the Taliban will get a little stronger in Afghanistan and the civil war will continue to be enhanced in Iraq. And the American people will watch their Congress do nothing, but listen to a bunch of demagogues who claim a crisis in the United States courts.

The Middle East is literally going up in flames, as is California, and Katrina's problems haven't been solved, and Congress' response is to criticize Federal judges.

Today in America, 110 people will be treated in an emergency room for their wounds from a handgun and there is an epidemic of violence with reference to handguns, particularly by our youth in this country. 1,500 people will die of cancer today in America, and 1,900 people will die of heart disease. And the United States House of Representatives will speechify about patriotism.

Let me tell you something, Madam Speaker: Patriots try to solve real problems and not seek out remedies to perceived problems. Yesterday in this country we had people die of hunger and malnutrition. In some parts of this country, the infant mortality rate rivals that of sub-Saharan Africa. We have a public education system that ranks below that of almost any other Western nation. We have a looming Social Security crisis, and health care costs are spiraling out of control. And what do we do? Speechify about patriotism.

These are some of the problems, just some of the problems, confronting the American people today. And what is the majority's response to this? Today we will make sure that the Pledge of Allegiance is safe from so-called activist judges.

I could go on and on, but I have already taken more time than this deserves. Court-stripping bills such as this are, according to the Chief Justice of the United States of America, John Roberts, and let me quote the Chief Justice of America, they are bad policy.

I hope the American people are paying attention to their priorities, the priorities of the Republican majority.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, I yield myself 20 seconds.

I just wanted to respond to my friend from Florida. I didn't see that quote. I need to grab that newspaper that he was referring to. It sounds like I was either misquoted or my words were taken out of context.

Yesterday I spoke several times, and I mainly was speaking about our value system as a great Nation. We were talking about values yesterday from my perspective and the image that we present to the rest of the world, and particularly at this time to the countries in the troubled Middle East. So I don't know what the exact quote was, but I just want to try to clarify that

Madam Speaker, I am proud to yield 2 minutes to my colleague on the Committee on Rules, the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Speaker, I would like to thank the gentleman from Georgia for yielding me time, and I rise in support of the rule and the underlying bill.

I am a proud cosponsor of the Pledge Protection Act, and, like many of my West Virginia constituents, I am disappointed that this legislation is necessary.

I was disappointed 4 years ago when two judges of the Ninth U.S. Circuit Court of Appeals ruled that our Pledge, our statement of shared national values, was somehow unconstitutional.

I do not take legislation that removes an issue from the jurisdiction of this court system lightly. This legislation is appropriate, however, because of the egregious conduct of the courts in dealing with the Pledge of Allegiance. By striking "under God" from the Pledge, the Ninth Circuit has shown contempt for the Congress which approved the language, and, more importantly, shows a complete disregard for the millions of Americans who proudly recite the Pledge as a statement of our shared national values and aspirations.

One of the many great things about living in a Nation under God, indivisible, with liberty and justice for all, is that no one is required to recite the Pledge if they disagree with its message.

We are a Nation that respects minority opinions. Those who disagree with the Pledge have every right to attempt to convince others of their point of view and convince Congress to change it. That is how our system works. Instead, the Ninth Circuit would allow the opinion of one person who disagrees with the Pledge to override the opinions of tens of millions of Americans who want to express their belief that America is in fact one Nation under God.

I am proud to stand with the vast majority of Americans and certainly the vast majority of West Virginians who support our Pledge of Allegiance the way that it is. We do not need Federal judges to dictate what our Pledge says. I hope my colleagues will join me and support the Pledge Protection Act.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 6 minutes to my good friend, the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking member of the Appropriations Committee.

Mr. OBEY. Madam Speaker, I thank the gentleman for the time.

Madam Speaker, for 9 years there has been no increase in the minimum wage. Meanwhile, CEOs of the largest corporations in this country have seen their pay rise to record heights, almost 200 times the size of the paycheck for an average worker in this country.

For the last month, we on this side of the aisle have been trying to get the majority party to allow for a simple, straight up or down vote on increasing the minimum wage. We tried over a month ago to attach it to the appropriations bill for the Department of

Labor, and we succeeded. When we did, the majority party decided they would not allow that bill to come forward because they didn't like the results.

We are now told, if you read Congress Daily put out by the National Journal, we are now told that the Speaker of the House, Mr. HASTERT, is against the minimum wage increase; we are told that the Majority Leader of the House, Mr. BOEHNER, is against the minimum wage increase. But they don't want to evidently face this issue up or down.

□ 1100

So the article in CQ this morning says, "It is unlikely that GOP leaders would allow an up-or-down vote on a wage increase. Rather GOP aides say that if they craft a bill, it would likely include so-called sweeteners."

Madam Speaker, I am proud of the fact that on this side of the aisle, our Members do not have to be maneuvered and cajoled and enticed into voting for a minimum wage increase. I am pleased by the fact that on this side of the aisle, Members do not need sweeteners in order to do what is right on this issue.

So we are trying today to attach the minimum wage increase to this bill. There are those on the other side of the aisle who will say that is inappropriate. Well, the previous speaker just recited part of the Pledge of Allegiance. When we stand on this House floor every day and take that pledge, we pledge to provide liberty and justice for all; not for most, not just for CEOs, not just to the wealthiest 1 percent of people in this country, but for all.

This Congress has provided \$50 billion in tax cuts this year for people who make \$1 million or more a year, and yet it is steadfastly refusing, on the direction of the top Republican leadership of this House, it is steadfastly refusing to do anything at all on the wage front for people who live life on the underside.

I think it is disgraceful for a Member of Congress, or for this Congress, to allow a pay raise for Members of Congress to go through at the same time that they are trying to block an increase in the minimum wage for the poorest people among us.

We have 15 weeks between now and the election. Do you realize, Madam Speaker, that we are going to spend 4 of those weeks in town here, and 11 weeks we are going to be spending back home campaigning for reelection? Meanwhile we will have taken no action to provide a Manhattan-like project on the energy front so that we are not stuck with \$3 and \$4 gasoline prices.

This Congress will have taken no action to provide health care for every child in this country. It will have taken no action to guarantee that we provide as much protection for the average worker in a company as we do for the board of directors and the CEO if that company goes bankrupt. We are taking no action to make college more

affordable for every family in this country. We are not doing any of that.

Cannot we at least provide a minimal increase in the minimum wage for people who are living on life's edge? That is what we are asking you to do. I am amazed that we are told that we cannot do it.

Oh, you have time to strip a court from jurisdiction, just like you had time to call the Congress back to stick your nose in the family affairs of the Terry Schiavo family, but you do not have time and you do not have the will to provide some decent economic help to people who need it more than virtually anybody else in this society.

Shame on every one of you who will not move on this issue.

Mr. GINGREY. Madam Speaker, I yield myself 1 minute just in response to the gentleman from Wisconsin.

Madam Speaker, a couple of weeks ago on another rule that I was managing, this same issue was brought up, had really nothing do with the subject at hand, but was in regard to the minimum wage. I pointed out in a little colloquy with the gentleman from Wisconsin that I did not vote for that congressional pay raise, and he said that he did not either.

I just want to point out, this gentleman from Georgia, to the gentleman from Wisconsin that this just once again proves that cheese and crackers occasionally go good together. So I do not disagree with the gentleman on that particular point.

Madam Speaker, at this time, I yield 4 minutes to the author, the distinguished author, of this bill, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Speaker, I came here to discuss, I thought there would not be much discussion on the rule, because that is what we are supposed to be debating and discussing right now, the rule on the Pledge Protection Act.

Instead, most of the discussion that seems to come from the other side is complaining about priorities. I did not know that this is where we were going to complain about priorities. I suppose there are some connections.

It seems that judging by the comments in the Rules Committee yesterday, that the Democrats have a very hard time understanding the importance of the Pledge or the words "under God" or even the first amendment, which is about free speech. They seem to consider that to be a rather minor thing, and that perhaps may fit in with their view of government.

But I would recall that if you were to summarize what America stands for, we have always stood for the idea, the simple principle, that there is a God, even though we disagree as to who He might be, who gives basic inalienable rights to all people, and that it is the job of government to protect those rights.

That is, in a sense, a formula that Americans have gone to war about through the ages. That is why we went to war with King George, that is why

we fought the War of Independence, because we believed in that basic formula.

The Democrats are saying now that formula is not very important, we should not give it time to discuss it or think about it. But if they spent a little more time thinking about it, they would realize that is why we are in the war against these radical Islamists, why we fight the war of terror, why our sons and daughters are overseas.

The reason we fight is because these terrorists take away people's innocent lives and blow them up for political statements. We fight because these terrorists want to terrorize, to take away people's freedom. And the other side, the Democrats, want to cut and run from that fight. They would not want to cut and run if they understood the importance of those basic principles and that inalienable rights are impossible without a recognition of God, and that is why the Pledge bill is important and not irrelevant or trivial.

And so while we hear all of these discussions about, oh, you are not doing this, you are not doing that, you are not doing the other thing, fortunately government can do more than one thing at a time. There are many people at work in government.

The energy bill was brought up. I am surprised that the Democrats would mention the energy bill. It would be an embarrassment to me if I were a Democrat, and the Republicans had brought an energy bill on this floor in 2001, and it was killed by Democrats in the Senate. 2002, we brought an energy bill. That was killed by Democrats in the Senate. 2003, we brought an energy bill. It was killed by the Democrats in the Senate. And 2004, the Democrats killed it again. Finally in 2005, we get an energy bill.

If I were a Democrat, I would not be talking about energy prices after basically filibustering an energy bill for 5 years.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume before yielding to the distinguished minority whip from Maryland, my very good friend, a Member of this body who works tirelessly, tirelessly to alleviate the squeeze on America's middle class.

Madam Speaker, I would like to respond to my friend from Georgia who was responding to my friend from Wisconsin Mr. OBEY when he says cheese and crackers go together. And the context, as I understand it, was that you did not vote for the pay raise.

The question is, do you favor and can you push for the minimum wage? Cheese and crackers may very well go together, but they need to be washed down with milk or Coca-Cola. And the fact of the matter is people living on the minimum wage cannot buy cheese, crackers, Coca-Cola or milk, and so somewhere along the line that needs to be understood.

Madam Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER), my good friend.

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

The gentleman who just spoke previously on the other side of the aisle was wrong, and he misstates the position of the Democrat Party. Indeed, he misstates the need for this bill. There is no court case that is pending that has shunted this aside, of articulation of "under God." In fact, the Supreme Court said the litigant did not have standing.

Madam Speaker, I believe that our Pledge of Allegiance with its use of the phrase "one Nation under God" is entirely consistent with our Nation's cultural and historic traditions.

I also believe that the United States District Court in Sacramento, in September of 2005, holding that use of this phrase is unconstitutional is wrong. I want the gentleman to hear me. I believe the decision was wrong.

As a matter of fact, as the gentleman knows, 383 people on the floor of this House, overwhelming numbers of Democrats and Republicans, said it was wrong. The gentleman may recall that resolution.

But this court-stripping bill is not necessary. In fact, the Department of Justice is seeking to overturn the district court's decision. For political reasons, the other side of the aisle does not want to allow the judicial procedure to continue as our Founding Fathers perceived it to be in the best interests of our Nation, a Nation of laws.

Yet today with this radical court-stripping bill, our Republican friends completely overreact to this lone district court decision, which I believe is clearly likely to be overturned.

This legislation would bar a Federal court, including the Supreme Court, from reviewing any claim that challenges the recitation of the Pledge on first amendment grounds. If we are a Nation of laws, we must be committed to allowing courts to decide what the law is.

Let us be clear. This bill is unnecessary and, I believe, probably unconstitutional. It would contradict the principle of *Marbury v. Madison*, intrude on the principles of separation of powers, degrade our independent Federal judiciary, which, by the way, is a pattern of the majority party that is constantly wanting to undermine the judiciary. It is an end run.

Furthermore, Madam Speaker, the House should not be spending its time today addressing a single Federal court decision that should be overturned on appeal. My goodness, how many bills we would have to have to disagree with every court opinion that comes down.

What we should be doing, Madam Speaker, is taking up legislation providing a long overdue increase in the Federal minimum wage, which has stood at \$5.15 per hour since 1997, the longest period of time that we have not raised the minimum wage since Ronald Reagan and George Bush were President of the United States, in which case it was a longer period of time.

An estimated 6.6 million, indeed some estimate as many as 18 million people, are impacted by the minimum wage. Yes, we are raising this issue now because it is the right thing to do whenever you do it, in whatever forum you do it, at whatever time you do it. It is time that we take people working in America every day, playing by the rules, take them out of poverty. Let's do it now. Give us this opportunity. Give them a chance.

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

We have heard on both sides reference, of course, to our Founding Fathers in this debate. Madam Speaker, deep concern that Federal judges might abuse their power has long been noted by America's most gifted observers, including Thomas Jefferson and Abraham Lincoln.

Thomas Jefferson lamented that, this is the quote, "the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary; . . . working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped . . ."

In Jefferson's view, leaving the protection of individuals' rights to Federal judges employed for life was a serious error.

Listen to what Abraham Lincoln said, Madam Speaker, in his first inaugural address in 1861. "The candid citizen must confess that if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers, having to that extent practical resigned their Government into the hands of eminent tribunal."

That is the concern that we express today in this debate, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

□ 1115

Mr. HASTINGS of Florida. Madam Speaker, I look forward to the day that somebody offers a bill to eliminate the Court. I mean, you talk about Jefferson and Madison. I don't know how many of you have read the *Federalist Papers* and clearly understand the dynamics of establishing the Federal judiciary and the importance of the separation of powers.

That is what they went to war about or with King George, it was to make sure that we had a separation of powers. I travel in countries all over this world where the leaders of the country dictate to the courts, if they have any.

I don't want to see America in that position, and I believe my good friend from California feels likewise.

Madam Speaker, I yield 3½ minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, we are here today because the Republican leadership has

made a stunning decision that it thwart the will, a bipartisan will of the House of Representatives, a bipartisan majority will of the House of Representatives to increase the minimum wage. They have decided that they are not going to follow the rules of democracy. They are not going to let this body reflect over 80 percent of the American people that believe that the minimum wage that is stuck at 1997 levels should be brought up to date for those workers who work hard every day.

In fact, when the Appropriations Committee spoke on a bipartisan majority, they refused to bring the bill to the floor, because it had an increase in the minimum wage that was put there by Mr. OBEY and Mr. HOYER. We just see last week, 26 Members of the Republican Party of this House wrote the majority leader demanding action before we leave in August.

Two Members of the Republicans voted for our motion on the previous question and we will offer it again today. So what we now understand is there is a majority. If we want to strip somebody of authority, maybe we ought to strip the Republican majority in this House of its authority to block the democratic will of both Members of this House who are duly elected under the Constitution and reflecting the will of the American people to increase the minimum wage. Forget stripping the Court of its authority. Let us strip the Republican leadership.

Just last week the Republican leader, Mr. BOEHNER, completely misrepresented the record on the minimum wage when he suggested that he had never heard from the Democrats about the minimum wage in an odd-numbered year.

Now, maybe Mr. BOEHNER doesn't know odd from even. But the fact of the matter is we introduced a minimum wage bill in 1997. I believe that is an odd-numbered year. We introduced a bill in 1999, another odd year; 2001, another odd year; 2005 an odd year.

We wrote to Mr. BOEHNER, as the chairman of that committee, time and again in 1991, asking for hearings and a markup. We asked again in October of 1999. In March of 2001 we sent Mr. BOEHNER letters from the members of the committee again asking for actions; in March of 2001 and in July of 2001. There have been numerous events calling upon the majority leader and the Speaker of this House to provide for an increase in the minimum wage.

It goes on and on and on. I have 30 here that I would like to enter into the RECORD. I suspect there are hundreds where the Democrats have asked time and time again this leadership to provide us an up-or-down vote on the minimum wage. Why do we do that? Because, as Mr. OBEY and Mr. HOYER pointed out, 6 million workers in this country are stuck in a wage that this Congress set in 1997.

No other workers in this country are stuck at that wage except these indi-

viduals. These are people who get up every day and go to work at very difficult jobs at the lowest wage you can pay in this country legally, and they go every day and every week and every month. At the end of the year, at the end of the year, they end up poor.

By official action of this Congress, they end up poor. The gas that they buy to go to work is not at 1997 prices. The bread and the milk they buy to bring back to their families is not at 1997 prices. The health care they hope to buy someday for themselves and their family is not at 1997 prices, nor is the housing where they rent homes.

These are people, because of the official action of the Republican leadership of the House of Representatives, these people must continue to be impoverished. Yet we tell them that we value their work.

No, we don't. We ought to strip this Republican leadership so that these people can have economic justice so that they can share in some of the liberties and freedoms that the other side talks about so much. It is very hard to share in liberties and freedom at \$5.15 an hour, very difficult to do that. But the Republicans wouldn't understand that, because they just don't understand the plight nor do they care about the plight of these workers. That is why we should raise this minimum wage.

Minimum Wage Legislation Introduced By Democrats in Odd-Numbered Years

1. 105th Congress 1997: H.R. 2211 "American Family Fair Minimum Wage Act of 1997"—Republican-controlled E&W Committee refused to take action on the bill.

2. 106th Congress 1999: H.R. 325 "Fair Minimum Wage Act of 1999"

3. 107th Congress 2001: H.R. 665 "Fair Minimum Wage Act of 2001"

4. 109th Congress 2005: H.R. 2429 "Fair Minimum Wage Act of 2005"

Letters to Ed and Workforce Chairman Goodling From Ranking Democrat William Clay Requesting Action on the Minimum Wage—in Odd-Numbered Years

5. March 1, 1999, asking for hearing and markup of minimum wage legislation.

6. October 29, 1999

Letters To Ed and Workforce Chairman Boehner from Senior Member Miller Requesting Action on the Minimum Wage—in Odd-Numbered Years

7. March 2, 2001 from all 22 Democratic Members of the Committee requesting hearings on H.R. 665 to increase the minimum wage

8. July 16, 2001 from George Miller requesting, among other things, "immediate action to increase the minimum wage."

Press Events/Statements/Reports—in Odd-Numbered Years

9. Ranking Member Clay Makes a Statement in Ed and Workforce Committee urging passage of the minimum wage, October 7, 1999.

10. Ranking Member Clay asks unanimous consent in the Education and Workforce Committee to bring up H.R. 325 to increase the minimum wage, November 3, 1999.

11. Democrats issue "A Mid-Term Report Card, the Republicans Failed Labor Education and Health Care Record" with section entitled "Republicans Continue to Block a Fair Minimum Wage" and notes no committee action "[d]espite the submission to the committee's chairman for repeated writ-

ten requests for a markup of minimum wage legislation . . ." November 29, 1999 (Report).

12. Statement on the Introduction of the Fair Minimum Wage Act of 2001 (February 7, 2001)

13. Miller Introduces Legislation to Increase the Minimum Wage, February 27, 2003 (press release)

14. "Bush Administration Assault on Working Families—First 100 Days" calls for Republicans to stop blocking an increase in the minimum wage. April 26, 2001 (Report)

15. This Christmas, Congress Should Help the Less Fortunate by Raising Minimum Wage, December 14, 2005. (press release)

16. House Again Refuses to Give Minimum Wage Workers a Raise, July 12, 2005 (press release)

17. Miller Calls for Minimum Wage Increase, May 18, 2005 (press release)

Sample of Dear Colleagues Sent in Odd-Numbered Years on Minimum Wage

18. Support a Fair Increase in the Minimum Wage, January 8, 2003 (Miller)

19. Support an Increase in the Minimum Wage, January 31, 2003 (Miller)

20. Co-sponsor the Minimum Wage, February 25, 2003 (Miller)

Sampling of Floor Statements (Congressional Record) on Minimum Wage by Key Democrats in Odd-Numbered Years

21. Rep. George Miller, October 25, 2005:

"Mr. Speaker, today I rise on behalf of millions of American working men and women who are in desperate need of a raise. It has been a disgraceful 8 years since Congress last voted to raise the national minimum wage which is stuck today at only \$5.15 an hour. A person making the minimum wage today would have to work for the better part of an hour just to afford a single gallon of milk or a gallon of gasoline." (Congressional Record, Page H9049)

22. Rep. George Miller, May 18, 2005:

"Mr. Speaker, today, together with 100 of my colleagues, we are introducing legislation to raise the Federal minimum wage from \$5.15 to \$7.25 over 2 years. Senator Edward Kennedy is introducing identical legislation in the Senate. Two reports that are also being released today, one by the Center for Economic and Policy Research and one by the Children's Defense Fund, make obvious the importance of raising the minimum wage for workers, children, and families." (Congressional Record, Page E1024)

23. Rep. George Miller, February 27, 2003:

"Mr. Speaker, today I am honored to be joined by 73 of my colleagues in introducing legislation to increase the minimum wage. The legislation that we are introducing today provides for a \$1.50 increase in the minimum wage, in two steps. Our bill raises the minimum wage from its current level of \$5.15 per hour to \$5.90 sixty days after enactment and raises it again to \$6.65 one year thereafter. In addition, the legislation extends the applicability of the minimum wage to the U.S. Commonwealth of the Northern Mariana Islands. Our bill is identical to legislation introduced in the other body by the Democratic Leader, Mr. Daschle, and 34 of his colleagues." (Congressional Record, Page E333)

24. Rep. George Miller on CNMI, July 26, 2001:

"Today, I am joined by more than 40 cosponsors as we introduce the "CNMI Human Dignity Act," which would require that the Americans living in the US/CNMI live under the same laws as all of our constituents in our home districts. This legislation would extend U.S. immigration and minimum wage laws to the US/CNMI." (Congressional Record, Page E1442)

25. Rep. Rob Andrews, May 23, 2001:

"That compassion is sorely lacking when there has been a commitment by the majority not to move a bill to raise the minimum

wage of many of those parents that we are talking about today.” (Congressional Record, Page H2601)

26. Rep. Major Owens, March 7, 2001:

“What we are experiencing today is the beginning of warfare on a large scale which has a psychological significance. It is very strategic. After we roll over ergonomics, it is going to be Davis-Bacon’s prevailing wage act. It is going to be onward marching toward the elimination of any consideration of any minimum wage from now until this administration goes out of power.” (Congressional Record, Page H664)

27. Rep. George Miller, November 3, 1999:

“Now the Republicans tell us that we cannot afford a prescription drug benefit for our seniors, that we cannot afford a Patients’ Bill of Rights to protect our families against managed care and HMOs that deny them care, that we cannot afford a minimum wage for our low-income workers in this Nation, and that we cannot extend the fiscal security of social security by even one day. No, the Republicans still want to try to pass tax breaks for the wealthiest individuals, corporations, and special interests in this country. When in this session, in the last remaining 8 or 10 days of this session, when is it that Republicans are going to start thinking about our elderly, our children, and the working families of this Nation?” (Congressional Record, Page H11376)

28. Rep. William Clay, June 18, 1997:

“Mr. Speaker, I would like to bring to your attention an important editorial that appeared in the St. Louis Post-Dispatch, Monday, June 16, 1997. It brings to light the harsh reality of a GOP plan that deprives welfare participants of minimum wage.” (Congressional Record, Page E1251)

29. Rep. George Miller on CNMI, April 24, 1997:

“Mr. Speaker, today I am introducing legislation to address the systematic, persistent, and inexcusable exploitation of men and women in sweatshops in the Commonwealth of the Northern Mariana Islands, a territory of the United States of America. . . . This legislation will increase the minimum wage in the CNMI in stages until it matches the Federal level.” (Congressional Record, Page E748)

30. Rep. George Miller, September 5, 1997:

“This is not a matter of conjecture, this is a matter of record that hundreds of thousands of workers on a regular basis are denied their overtime pay. That overtime pay is the difference of whether or not they can provide for their family or not provide for their family. That minimum wage pays the difference of whether or not they need public assistance or they do not need public assistance, whether they can provide child care or they cannot provide child care for their children as they work.” (Congressional Record, Page H6931)

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

Mr. HASTINGS of Florida. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. Eleven minutes remain for the gentleman from Florida; the gentleman from Georgia, 16½.

Mr. HASTINGS of Florida. Madam Speaker, a young man whose sensitivities have shown through on this subject of countless others who are less fortunate, I am pleased to yield 2 minutes to my good friend from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Madam Speaker, if this issue were not

so serious it would be a joke. The Republican majority today is talking about a Pledge of Allegiance where they are saying that we should include the words “under God” as they have been historically in our country. They preach God all the time. They even call themselves the Christian Coalition. But you look at their policies, and you would not see anything Christian about their policies.

My Aunt Rosemary was mentally retarded. If she didn’t come from my family and have all of the financial support to give her, all of the support she needed, under the Republican Medicaid budget, she would have to live in the right State in order to get the support of services she needed because this Republican Congress has cut funding for the developmentally disabled in this country.

The very people who are treating the most vulnerable people in our society, the handicapped, the people who are living in group homes, in institutions, those people are being paid the least. They are being paid the minimum wage. They are taking care of God’s children, God’s children, and yet this majority says they want to make sure they stand up for God.

Where is their religiosity when it comes to standing up for the children of God? Where is their sense of justice when it comes to making sure that we treat others with the dignity and respect that God would have us treat one another with?

This is a joke, Madam Speaker, that this majority would talk about God and yet not even work to raise the wages of the very people that are taking care of the children of God.

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

The gentleman from Rhode Island, I greatly respect. The other side, making points about minimum wage or mental health parity and implying that these are the godly things to do, then I think in a way that they are inadvertently making my case.

Let us go along with the wishes outlined in this bill to keep “under God” in our Pledge of Allegiance, as we stand up every day and honor our flag. That, indeed is what it is all about. I thank them for helping to make the case for this particular piece of legislation, H.R. 2389.

I do hope that we have a recorded vote on the rule, and obviously on the bill, and I look forward to wide, maybe unanimous, bipartisan support on this issue.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 30 seconds to the gentleman from Rhode Island (Mr. KENNEDY) to respond.

Mr. KENNEDY of Rhode Island. Madam Speaker, in 1960 my uncle, President Kennedy, in one of his remarks in the inaugural address said, ultimately, our truest test here on

Earth, we need to make sure we do God’s will, because God’s work is ultimately our own.

I find it so interesting that when it comes to our implementing the kinds of things that this gentleman would say we are somehow being inconsistent; it is really my point that the gentleman is being inconsistent, saying that he is for making sure we have God in our Pledge of Allegiance, but that God does not exist anywhere else in the Republican majority positions.

Mr. HASTINGS of Florida. Before the gentleman from Georgia goes forward, may I say that we have but one more speaker, and then I will be prepared to close if the gentleman is prepared to close.

Mr. GINGREY. Madam Speaker, to my good friend from Florida, at this time I have no additional speakers. I will reserve to close.

Mr. HASTINGS of Florida. Before yielding to the distinguished minority leader whom I believe will cause in November the priorities of this House to change substantially, and to protect not only minimum wage earners, but the middle class of this country better than we have, I would like to come to today’s discussion.

I find it difficult to believe that God would want us to strip the courts of their powers to interpret the laws of this land, albeit with the divergent opinions. I shudder that my colleagues do not understand the dynamics of the Federal judiciary.

But let me do something, perhaps not dramatic, perhaps a little melodramatic. Under Madam Speaker are the words “In God we trust.” I have been in this body 14 years, and I have had the distinct privilege, as have many other Members of the House of Representatives, of opening these proceedings with other speakers in the chair, at least five times, from my memory.

Every time that I participated in the opening proceedings, we said the Pledge of Allegiance, and we used the term “God.” I don’t have as many of these as I want, and minimum wage workers don’t have this many, and the middle class is suffering immensely in this country. But on our money is “In God we trust.”

Please understand this. Only once has a court ruled that you cannot say the Pledge of Allegiance in this country, and that law was stricken down. I ask you, please, to listen to the Chief Justice when he says that court-stripping would be bad policy.

You may have the right intention, but you are doing it in the wrong way.

Madam Speaker, I yield 1 minute to the distinguished minority leader, Ms. PELOSI.

Ms. PELOSI. I thank the distinguished gentleman from Florida for his leadership on this important issue, and for his eloquence on it as well.

Madam Speaker, my Republican colleagues on the other side of the aisle, I have really good news for you. The pledge to the flag and the words “under

God" are not in trouble. They are very safely ensconced in the Pledge of Allegiance, which, as our colleague mentioned, we pledge every single day that this body comes to order, school children across the country, the beginning of meetings all over our country. The profession of our pledge to the flag, and one Nation under God, is safe and it is sound.

That is why it is hard to understand why you would take up the time of this Congress to bring something to the floor that is so out of touch with the concerns of America's middle class. We are talking about democracy here and the intentions of our Founding Fathers. Essential to a democracy is a strong, thriving and growing middle class.

The policies of this Congress, this Republican Congress, undermined the security and the size of that middle class. That is why, if you are at home with someone who is sick, or a child home from school, and you happen to turn on the TV, and you see the proceedings of Congress, what would an American think? What they are doing is totally irrelevant to my life, totally irrelevant to my life, whether it is the health of my family, the education of my children, the economic security of our family and the safety of my neighborhoods.

Why isn't Congress addressing the concerns of America's great middle class? Why, indeed, are the Republicans taking up the time, day in and day out, with their proposals which have no prospect of success, which have no basis in reality, and which, in fact, undermine the Constitution of the United States which each one of us takes an oath of office to support and defend.

Why, instead of having this conversation, which as Mr. HASTINGS and others have said, this is not at risk. We all agree. One Nation under God. What a beautiful pledge. We all agree.

□ 1130

So rather than addressing the concerns of the American people, we are making here an all-out assault on the Constitution of the United States, which, thank God, will fail. Court-stripping. Court-stripping.

Fundamental to our democracy is the separation of powers, a system of checks and balances, but this Republican Congress says that Congress should strip the courts of the power to be a check and a balance to the other branches of government.

They have said in their meetings that *Marbury v. Madison*, which established precedent of judicial review, was wrongly decided. Over 200 years of precedent on judicial review they say was wrongly decided, and therefore, they can strip the courts of the ability to review the constitutionality of an act of Congress. That means by a simple majority, and if the other body were willing and the President were to sign, by a simple majority they can amend the Constitution with bills that are not constitutional but have no court to judge that constitutionality.

It is absolutely wrong, and Justice O'Connor said recently on this subject that this was brought up at the time of desegregation. They tried to use it then. Thank God, thank God, thank you, God, they failed. Thank God they failed.

What we should be talking about today is what is important, the issues that are important to America's middle class. Again, when people ask me what are the three most important issues facing the Congress I say the same thing: our children, our children, our children; their health, their education, the economic security of their families, which includes the pension security of their grandparents, the healthy environment and safety of the neighborhoods in which they live, a world at peace in which they can thrive.

But turn on the television and tune in to C-SPAN and see what is going on in Congress, and what do you see? The politics of divide and distract. It is really sad, as Mr. KENNEDY said. It would be almost a joke but it is just really not that funny.

So let us instead vote, when we have a chance to vote on this rule, against the previous question; and that vote will be a vote to increase the minimum wage. That is relevant to the lives of the American people. In fact, it is relevant to the lives of millions of American people, many of them single moms. Many of them single moms.

Right now, minimum wage is \$5.15 an hour. If you work full time at the minimum wage you make about \$10,000. If you are two wage earners in a family and you both work full time and make the minimum wage, you make \$20,000. You are below the poverty line for a family of four. Imagine two wage earners working full time. Is that fair? Is that just? I do not think so.

This Congress had no hesitation to give itself a raise over the past 9 years, \$30,000 in raises. That \$30,000 would take a minimum wage worker 3 years to earn just the increase in salaries that Congress gave itself. So there is no justice in what we are talking about here.

I quoted another debate on this subject, the recent encyclical of Pope Benedict XVI. This is a quote from Cardinal McCarrick, quoting the Pope quoting a saint. In his encyclical, "God is Love," Pope Benedict talks about the responsibilities of politicians, people in government, and he quotes Saint Augustine who said that unless politicians, people who are in the public domain, are there to promote justice, they are just a bunch of thieves. Saint Augustine said, unless politicians were there in office to promote justice, they were just a gang of thieves. The Pope quoted Saint Augustine and the cardinal quoted the Pope in his farewell address to us.

It is true, it is true, how can we be talking about justice, how can we be talking about our Constitution, how can we be talking about under God if

we do not even meet the simple test of fairness to America's middle class, which is central to our democracy? How can we be talking about that here when people are suffering in our country? They do not know how they are going to pay for their health bills, and millions of them do not have health insurance. In fact, 6 million more people in America do not have health insurance since President Bush became President, a 70 percent increase in the cost of health insurance since President Bush and this Republican Congress went to work on the American people.

So the injustices are there. The opportunity is here, and it is being ignored because the priority of the Republicans in Congress is to distract and divide the country. It is time for the politics as usual to end. It is time for this House to be the marketplace of ideas that our Founders intended, where we come to do the work of the American people, where they tell us to make laws to grow our economy, to make our country strong militarily, and then the health and well-being of the American people, make our country strong in the unity and the reputation that we have in the world.

Instead, we have this freak show one day after another of a rollout of distractions and divisions that is unworthy of this House, unworthy of the American people and certainly does not honor the vision of our Founding Fathers, the sacrifices of our men and women in uniform or the aspirations of our children.

So I urge my colleagues to vote "no" on the previous question, and that vote will be a vote to increase the minimum wage, which is, again, \$5.15 an hour. It has not been increased in 9 years. While the price of gas, food, health care and everything else has gone up, the purchasing power has gone down.

Let us not be a bunch of thieves. Let us be a deliberative body that is here to promote justice. Vote "no" on the previous question. Vote "no" on this court-stripping bill which dishonors the oath of office that we all take.

Mr. GINGREY. Madam Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN), the author of the bill.

Mr. AKIN. Madam Speaker, the question has been placed: Is there really a need for this legislation? And I think the statement was made, inaccurately, that there was just only one time that the Pledge had been challenged as being unconstitutional.

The words "under God" were found by the Ninth Circuit to be unconstitutional. It was not once. It was done first by a three-judge panel there. They came to the conclusion that school kids are not allowed to say the Pledge of Allegiance. They were then backed up by the entire Ninth Circuit that supported that same position.

The case then went to the U.S. Supreme Court. If we could be so assured that the phrase "one Nation under

God," Madam Speaker, that is over your head is safe, if the words "in God we trust" on our money is safe, well, then certainly the words "under God" in our Pledge should be safe. So the Supreme Court could simply have ruled this is a ridiculous and a silly case that the Ninth Circuit has sent to the Supreme Court; we strike down their decision. They could have ruled that way.

I was there when the case was heard. The President's attorney recommended that the Court dismiss the case based on lack of standing of the person who brought the case. And one of the Supreme Court judges said we consider that the lower courts will take care of whether or not somebody has standing; that is not the kind of issue we consider. And yet on deliberation, instead of striking the Ninth Circuit decision, the Court said, oh, we are going to dismiss it for lack of standing.

That gives many of us very little cause to not be concerned not only with our Pledge, but with the money that says "in God we trust," "in God we trust" over the Speaker's chair, and "one Nation under God" on our money. So it is a matter of debate whether or not there is a threat here, but this is the same Court who not so long ago made the decision that we could also ignore the fifth amendment and redistribute private property to other people without it being for government use. If they would ignore the fifth amendment, is it possible they might turn the first amendment upside down and use it as a tool of censorship? Certainly, many authorities think so.

This bill has merit, and it needs serious consideration. We take an oath of office to uphold the Constitution. That includes the first amendment, and this is about free speech, not censorship.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

It is hard to correct my friend from Missouri. I said to him last night, earlier yesterday, as it were, in the Rules Committee that he is an engineer and I am a lawyer of 44 years standing, twice a judge as it were, and I understand a little bit about how the Federal judiciary works. I said to him that I do not come into his engineering association to tell them how to construct bridges and tunnels, and not that there is any premium on lawyers or judges having clarity, but he muddies the water on this subject.

I would urge him to understand that it was under President Eisenhower that the words "under God" were put in the Pledge of Allegiance. Somehow or another, during World War I and World War II, without the words "under God," we managed to win those wars. Somehow or another we were not a godless society any more than we are not today.

Please understand that the pendulum swings in the Federal judiciary, and there may be a day when things that you envision are important for the Court to undertake constitutionally

will allow for some more liberal Congresspersons to come along than you and strip the courts of those powers.

We have a beautiful system of checks and balances in this country. Madam Speaker, I would urge that we do not impinge upon that territory.

I urge all Members to vote "no" on the previous question so I can amend the rule and provide this House with yet another chance to vote on legislation to increase the Federal minimum wage.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. My amendment provides that immediately after the House adopts this rule it will bring H.R. 2429, the Miller-Owens minimum wage bill, to the House floor for an up-or-down vote. This bill will gradually increase the minimum wage from the current level of \$5.15 an hour to \$7.25 an hour after about 2 years.

A footnote right there; I am so proud of my State. By petition, the State of Florida passed a minimum wage with an acceleration clause pegged to the cost of living. Hurrah for Florida.

The bill is identical to language that was included in the Labor-HHS appropriations bill that was blocked by the majority leadership last month. It is also identical to the language that we on the Democratic side have tried to bring to this floor in recent weeks.

Madam Speaker, every day that we fail to bring legislation to the floor to increase the minimum wage is another day we turn our backs on America's low-income and middle-class families who desperately need our help. These workers, as many have said, struggle every day to make ends meet. Many minimum-wage earners work two and three jobs just to get by, and it is unconscionable that we have waited this long to offer even a little relief to those in this Nation who need it most.

There is a statistic that was quoted very recently, but no offense to rich people, but America's corporate executives collectively, when paired down in the first 4 hours of any given year that they worked, they earn in 4 hours more money than a minimum-wage earner makes all year long.

It has been nearly a decade since this House voted to increase the minimum wage. The minimum wage, as I said earlier, is now at its lowest level in 50 years.

□ 1145

A full-time minimum-wage earner makes just \$10,700 a year, an amount that is \$5,000 below the poverty line for a family of three.

I am going to cut it off right here, Madam Speaker, and go back to my

original remarks. We have not done anything about genocide in Darfur; the Middle East is in flames. California is suffering forest fires. We have left the Hurricane Katrina victims by the wayside with more hurricanes looming to come during this hurricane season. The deficit is at an all-time high and accelerating. The national debt is crippling this Nation. And the middle class, we didn't fully fund education to the extent that we left no children behind. We are not putting sufficient police on the streets in order to be able to protect our Nation. Our homeland is vulnerable in more ways than one, including the containers that go on our aircraft and those that are not inspected in our ports. I could go on and on, including the potential for \$4-a-gallon gas prices.

And what we are going to do? We are going to strip the courts. We ought to strip some of these people that are in the business of stripping the courts.

Mr. GINGREY. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I rise again in support of this rule and in recognition of the importance of the underlying bill, H.R. 2389, the Pledge Protection Act of 2005.

I want to express my appreciation to my colleagues who participated in the preceding debate on this rule, and I want to ask my colleagues to continue their participation as we move into the general debate.

I also want to again commend Representative AKIN, both a friend and a colleague, for leading the charge in defense of not only our Pledge of Allegiance, but also many of our time-honored traditions that are currently under assault by some activist judges, as he just enumerated.

As I stated yesterday, we did not raise these issues; a few activist judges did when they decided to throw out precedent and make new law without one vote cast in either a legislature or at the ballot box. So it is now the responsibility of this Congress to stand up for the will of the American people and sanction our Pledge of Allegiance. Let us affirm this is "one Nation under God, indivisible, with liberty and justice for all."

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 920, RULE FOR H.R. 2389 THE PLEDGE PROTECTION ACT OF 2005

At the end of the resolution add the following new section:

"SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one

motion to recommit with or without instructions.”

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 200, not voting 8, as follows:

[Roll No. 382]

YEAS—224

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

Sodrel	Tiaht	Westmoreland
Souder	Tiberi	Whitfield
Stearns	Turner	Wicker
Sullivan	Upton	Wilson (NM)
Sweeney	Walden (OR)	Wilson (SC)
Tancredo	Walsh	Wolf
Taylor (NC)	Wamp	Young (AK)
Terry	Weldon (FL)	Young (FL)
Thomas	Weldon (PA)	
Thornberry	Weller	

NAYS—200

Abercrombie	Green, Gene	Oberstar
Ackerman	Grijalva	Obey
Allen	Harman	Oliver
Andrews	Hastings (FL)	Ortiz
Baca	Herseth	Owens
Baird	Higgins	Pallone
Baldwin	Hinchee	Pascrell
Barrow	Hinojosa	Pastor
Bean	Holden	Payne
Becerra	Holt	Pelosi
Berkley	Honda	Peterson (MN)
Berman	Hooley	Pomeroy
Berry	Hoyer	Price (NC)
Bishop (GA)	Inslee	Rahall
Bishop (NY)	Israel	Rangel
Blumenauer	Jackson (IL)	Reyes
Boren	Jackson-Lee	Ross
Boswell	(TX)	Rothman
Boucher	Jefferson	Royal-Allard
Boyd	Johnson, E. B.	Ruppersberger
Brady (PA)	Jones (OH)	Rush
Brown (OH)	Kanjorski	Ryan (OH)
Brown, Corrine	Kaptur	Sabo
Butterfield	Kennedy (RI)	Salazar
Capps	Kildee	Sánchez, Linda
Capuano	Kilpatrick (MI)	T.
Cardin	Kind	Sanchez, Loretta
Cardoza	Kucinich	Sanders
Carnahan	Langevin	Shakowsky
Carson	Lantos	Schiff
Case	Larsen (WA)	Schwartz (PA)
Chandler	Larson (CT)	Scott (GA)
Clay	Leach	Scott (VA)
Cleaver	Lee	Serrano
Clyburn	Levin	Shays
Coyers	Lewis (GA)	Sherman
Cooper	Lipinski	Skelton
Costa	Lofgren, Zoe	Slaughter
Costello	Lowey	Smith (WA)
Cramer	Lynch	Snyder
Crowley	Maloney	Solis
Cuellar	Markey	Spratt
Cummings	Marshall	Stark
Davis (AL)	Matheson	Strickland
Davis (CA)	Matsui	Stupak
Davis (FL)	McCarthy	Tanner
Davis (IL)	McCollum (MN)	Tauscher
Davis (TN)	McDermott	Taylor (MS)
DeFazio	McGovern	Thompson (CA)
DeGette	McIntyre	Thompson (MS)
Delahunt	McNulty	Tierney
DeLauro	Meehan	Towns
Dicks	Meek (FL)	Udall (CO)
Dingell	Meeks (NY)	Udall (NM)
Doggett	Melancon	Van Hollen
Doyle	Michaud	Velázquez
Edwards	Millender	Visclosky
Emanuel	McDonald	Wasserman
Engel	Miller (NC)	Schultz
Eshoo	Miller, George	Waters
Etheridge	Mollohan	Watson
Farr	Moore (KS)	Watt
Fattah	Moore (WI)	Waxman
Filner	Moran (VA)	Weiner
Frank (MA)	Murtha	Wexler
Gonzalez	Nadler	Woolsey
Gordon	Napolitano	Wu
Green, Al	Neal (MA)	Wynn

NOT VOTING—8

Evans	Gutiérrez	McKinney
Ford	Harris	Northup
Goode	Linder	

□ 1213

Ms. McCOLLUM of Minnesota, Mr. AL GREEN of Texas and Mr. POMEROY changed their vote from “yea” to “nay.”

Mr. SULLIVAN changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded

The SPEAKER pro tempore. 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 vote was taken by electronic device, and there were—yeas 257, nays 168, not voting 7, as follows:

[Roll No. 383]

YEAS—257

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

Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller

Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)

Wolf  
Young (AK)  
Young (FL)

NAYS—168

Abercrombie  
Ackerman  
Allen  
Andrews  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berman  
Bishop (NY)  
Blumenauer  
Boswell  
Boucher  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardin  
Cardoza  
Carnahan  
Carson  
Case  
Clay  
Cleaver  
Clyburn  
Conyers  
Cooper  
Costa  
Costello  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
DeLahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Finer  
Frank (MA)  
Gonzalez  
Grijalva  
Harman  
Hastings (FL)  
Hinchey

Hinojosa  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Insee  
Israel  
Jackson (IL)  
Jackson-Lee  
    (TX)  
Jefferson  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
Kucinich  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren, Zoe  
Lowey  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy  
McCollum (MN)  
McDermott  
McGovern  
McNulty  
Meehan  
Meeke (FL)  
Meeks (NY)  
Michaud  
Millender-Doyle  
Miller (NC)  
Miller, George  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver

Owens  
Pallone  
Pascrell  
Payne  
Pelosi  
Pomeroy  
Price (NC)  
Rangel  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Sabo  
Sanchez, Linda  
    T.  
Sanchez, Loretta  
Sanders  
Schakowsky  
Schiff  
Schwartz (PA)  
Scott (GA)  
Scott (VA)  
Serrano  
Shays  
Sherman  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Wasserman  
    Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

NOT VOTING—7

Evans  
Ford  
Gutierrez

Harris  
McKinney  
Northup

Ryan (OH)

□ 1223

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BLUNT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2389.

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

There was no objection.

PLEDGE PROTECTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 920 and rule

VIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2389.

□ 1225

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

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

The gentleman from Missouri (Mr. BLUNT) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

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

As we approach this bill today, Mr. Chairman, I want to make the point that clearly the Pledge of Allegiance is well understood by this body and the Members of this body. It is repeated here every day. The words of the Pledge are words that we have learned since our childhood:

“I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

When Congress passed the bill adding the words “under God,” Congress stated its belief that those words in no way run contrary to the first amendment, but recognize “only the guidance of God in our national affairs.”

Two words, “under God,” in the Pledge helped define our national heritage as the beneficiaries of a Constitution sent to the States for ratification “in the year of our Lord,” as the ratification statement said, 1787, by a founding generation that saw itself as guided by a providential God. These two words were added to the Pledge in the 1950s, and at that time President Eisenhower made the point that in those days of Cold War, those days after World War II, that it was important that we realize that there was something bigger than ourselves and that our country was guided by that.

For decades children have been reciting the Pledge of Allegiance in classrooms across America. The Pledge of Allegiance is an important civic ritual. It binds us together as Americans. But last year that daily ritual was halted in the Ninth Circuit Court of Appeals. The court actually told teachers and children in Alaska and Arizona, in California and Hawaii, in Idaho and Montana, in Nevada, Oregon, and Washington that they could not recite the Pledge of Allegiance as they had for decades in their classrooms.