bill and helping it get to the Floor of the House today. I'd especially like to thank Congressman POMBO, Chairman of the House Resources Committee and his staff and NICK RAHALL, its Ranking Member, and his staff, for their advice and counsel as this bill went through the legislative process in the House.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUNIOR DUCK STAMP REAUTHORIZATION AMENDMENTS ACT OF 2005

Mr. POMBO. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 3179) to reauthorize and amend the Junior Duck Stamp Conservation and Design Program Act of 1994, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, for the last 8 hours, we have been dealing with a majority leadership that has stripped out of the appropriations process and out of the conference virtually every major understanding we have had on those bills. We have had the United States Senate ram down our throats an ANWR provision. And then after we were assured in conference that there would be no language with respect to drug company indemnification, 3 hours after the conference report we get 45 pages of language which Senator FRIST and the Speaker of the House demanded be included in the conference report after the conference was specifically told it would not be in there.

Now, I want to know how do we have assurances on any bill brought to this floor under unanimous consent that that same kind of nonsense is not occurring in these instances? I have a responsibility as the ranking member of the Appropriations Committee to try to defend the integrity of this House, and I will use any opportunity I can to point out how the majority leadership in this House is destroying the principle that this is supposed to be the greatest deliberative body in the world.

How long is the bill? Because, Mr. Speaker, I am tempted to demand that every single bill that comes up tonight be read in its entirety.

The SPEAKER pro tempore. The bill is four pages.

Mr. OBEY. I would like to have the bill read.

The SPEAKER pro tempore. Under this unanimous-consent procedure a bill is reported by title only.

Mr. OBEY. Mr. Speaker, I will withdraw that request because I did not inform the gentleman ahead of time, and he just happened to get in the line of fire on something he should not have been involved in.

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

Mr. OBEY. Absolutely.

Mr. POMBO. The bills that we are doing by UC right now are bills that have been before the committee for a long time. The particular bill you are objecting to is a bill that the gentleman from Texas (Mr. ORTIZ) has been working on for years. It is something that means a lot to him. He was sitting right behind you just a minute ago, and I am sure he would be happy to explain it to you. We are not adding anything new into the bill of the gentleman from Texas (Mr. ORTIZ).

Mr. OBEY. I am not objecting to any bill, and I am not suggesting you did. What I am doing is using the only avenue available to me since we are operating under some very strange rules in this House to point out that even if these matters had been cleared on both sides of the aisle, there is really no way for the individual Member to protect himself if the leadership of this House is going to depart from what ought to be the custom in this place of not dictating what goes into conference reports.

Mr. POMBO. If the gentleman will yield, these bills have been worked out. They have been cleared by the gentleman from West Virginia (Mr. RAHALL) and myself. Most of these bills are from your side of the aisle, and they are bills that have been worked on for a number of years. There is nothing in here that has changed. I understand your frustration. It happens every year when we get to the end of the session that stupid stuff happens.

Mr. OBEY. With all due respect, what does not happen is that the leadership does not abuse its power routinely to alter the contents of conference reports. So I know the gentleman didn't, and I have no objection to the gentleman proceeding. But I wanted to use this as an opportunity to point out that the leadership of this House, starting with the Speaker of the House, is abdicating his responsibility to protect the integrity of this institution.

Mr. KUCINICH. Mr. Speaker, I reserve the right to object.

Mr. POMBO. Mr. Speaker, I withdraw my unanimous consent request.

The SPEAKER pro tempore. The request is withdrawn.

Mr. POMBO. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 3179) to reauthorize and amend the Junior Duck Stamp Conservation and Design Program Act of 1994, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. MARKEY. Reserving the right to object, Mr. Speaker, this is one of the most preposterous situations that the House has ever been placed in. Poised to be placed before the House in just a matter of moments is a bill, the Defense appropriations bill, which is in violation of the germaneness rules of the House; it is in violation of any scope that the Defense appropriations bill has ever allowed to be considered in that bill because inside that bill is a provision which will in fact allow for the drilling in the Arctic Wildlife Refuge.

The gentleman from California is the chairman of the committee, the Natural Resources Committee, which has jurisdiction over the Arctic National Wildlife Refuge.

Mr. POMBO. Mr. Speaker, I withdraw my unanimous consent request.

Mr. MARKEY. The gentleman is out here propounding. I would like to continue to be recognized.

The SPEAKER pro tempore. The gentleman will suspend.

The request is withdrawn.

□ 0115

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109–361) on the resolution (H. Res. 639) waiving points of order against the conference report to accompany the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON S. 1932, DEFICIT REDUCTION ACT OF 2005

Mr. NUSSLE submitted the following conference report and statement on the Senate bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95):

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 639 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

[Conference report will be printed in a future edition of the RECORD.]

H. RES. 639

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration

are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) 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.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include tabular and extraneous material on H. Res. 639.

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

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, today the Rules Committee met and reported the rule for consideration of House Resolution 639.

Mr. Speaker, the rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

Mr. Speaker, I rise today to urge support of the rule for H. Res. 639 and the underlying bill.

Normally in these situations, Mr. Speaker, we focus on matters such as force levels, military capabilities, procurement, pay and benefits for our men and women in uniform, and budgetary concerns, and of course, in the course of this debate and debate on the underlying bill we will. Before we do, however, I think we ought to reflect on the nature, the mission and the morale of our current military forces.

The United States military is the most remarkable, capable and multifaceted armed force in the history of the world, but it is much more than a proficient military force designed to protect our country. It contains our finest and our most dedicated citizens, it embodies and exhibits our best ideals and traditions, and it projects our values as well as our power around the world.

We should always remember that the men and women who wear the uniform of the United States are all volunteers. They represent every race, every ethnic group, every geographic region, every shade of political opinion in this country.

Their mission is not just to defend our country but to spread and defend freedom around the world. While they are feared by our enemies, they are respected by our friends and seen as a source of protection and assistance in time of need and disasters by people all over the world. Their recent performance in the tsunami and the Pakistani earthquake disasters are an indication of that.

Our men and women embody the best of who we are as a people. This was brought home to me when I visited the 101st Airborne in Mosul in October of 2003. I had the occasion to talk to a gentleman who was on the city council of that dangerous and troubled city, and while we were having our discussion I pointed out that his city was one of the most ethnically diverse in Iraq. It had Kurds, it had Sunnis, it had Shiites, it had Turkmen, it had other groups in that country.

I asked the question, which is still pertinent today, how can you get all these different groups to work together. He answered in a rather unusual way. He said first, you did in your country and you have given us an extraordinary example of how it can be done; we see it in your military, again, every religion, every race, every ethnic group, both genders, cooperating for a common purpose. That is what I want for my people, what you demonstrate in your military.

This remarkable force is once again engaged in defending our country, confronting our enemies and extending freedom in Afghanistan and Iraq and other troubled spots around the world.

This mission, as the President noted earlier this evening, is dangerous and difficult. Yet we are succeeding as we have seen in historically unprecedented elections in Afghanistan and Iraq.

And the morale in the forces, despite the challenges they face, is high. Reenlistment rates, as reported in the Washington Post today, are among the highest in our history, and those rates are often even higher among units involved in operations in Afghanistan and Iraq.

Mr. Speaker, our job here in this Congress is to make sure that this magnificent armed force of dedicated Americans has the equipment, the training and the capabilities to defend our country and accomplish their very many important missions.

I believe this bill accomplishes that important mission and keeps faith with the men and women in the uniform who have volunteered to defend our country.

There are many highlights in this bill. It appropriates $97 billion for military personnel and fully funds the pay raises that have been promised for next year. It adds $123.6 billion for operation and maintenance, $76.5 billion to procurement, $72.1 billion for research development test and evaluations, and over $50 billion in emergency wartime appropriations.

Mr. Speaker, there is no doubt that this bill directs the expenditures of vast amounts of money. Frankly, I wish the bill were even more generous in that regard as I believe we need to expand the size of our forces in the years ahead.

However, it is important to note and for the American people to realize that our military is by any measure a bargain. It consumes only a fraction of our national wealth, and that fraction has declined dramatically over recent decades.

President Eisenhower and President Kennedy served our country with great distinction at the height of the Cold War. Military consumed almost 9 percent of the national wealth and 50 percent of the Federal budget. Ronald Reagan began to rebuild the military in the 1980s, another critical juncture in the Cold War. It consumed only 6 percent of our national wealth and about a third of the Federal budget, and today, even in the difficult time of war, it consumes only 3.6 percent of the national wealth and about 18 percent of the Federal budget. This suggests our military, by historical standard, is more efficient and less burdensome than at any time than at least 1940.

Mr. Speaker, this Defense Appropriations Act also contains a number of items which, while not usually found in such legislation, are nevertheless important to our security and the welfare of our Nation.

These include the prohibitions that allow for the drilling of oil and natural gas in the Arctic National Wildlife Reserve, where there is an estimated 10.4 billion barrels of oil. This measure will generate billions of dollars of revenue for the Federal Government. It is critical to the energy security of America, and it is favored by bipartisan majorities in both Houses of Congress and by the President.

Another item in this bill is over $3.7 billion set aside to deal with the avian flu preparedness initiative. That is only half of what the President requests, but it is enough to get things moving and enough to give Congress the time to come back and more fully consider this appropriation in next year's session.

There is also hurricane disaster relief for troubled and distressed Americans along the gulf coast, $29 billion in all of reprogrammed and additional funds.

Finally, there are offsets in this bill, $23 billion plus, for FEMA disaster relief fund reprogramming, $8.5 billion across-the-board cuts in discretionary spending except in Veterans Affairs, and over $1 billion in other rescissions.

Mr. Speaker, this is a good rule and a good bill, and it deserves the support of this House of Representatives. To that end, I urge the support of the rule and the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I want to do something I have never done before and that is talk about the process in the Rules Committee.

I listened to the gentleman from Wisconsin (Mr. OBEY), and I really am astonished at the deterioration of process in this House. I want it strictly on the

record for this debate today that those of us in the Rules Committee, the four Democrats, all voted to expunge from this bill the matter of the 45 pages of liability added after the conference was over. I realize that we waive everything in Rules, but I did not think that all the rules of the House back to Jefferson's Manual had just been waived.

We are very distressed about it. The process has been awful. We have been here for 2 days doing suspensions, for heaven's sake. What we are doing here, this is so critical, and I can guarantee every Member here that you are going to spend your whole time home in January and I understand we are working 6 days in February, so we are going to be around the district a lot, you are going to be explaining what was in this bill and why you did not know it and why you did not do something about it.

In doing so, I have to say that probably two of the the nicest people in the House of Representatives, Chairman YOUNG and Chairman LEWIS, I think have their names attached to this. I feel badly for them as well.

This bill determines how we as a Nation will spend our resources, at home and abroad, and in order to do the best to protect our fellow Americans, our shared values and our common interests. And in doing so, people around the world will rightly view this legislation as a testament to the values our Nation has chosen to embrace and promote, how we have chosen to define ourselves at this critical moment in history.

Our international credibility and the moral weight of our words continues to be damaged by every new allegation of detainee mistreatment at the hands of our forces and our government. With every new revelation of secret detention facilities operating beyond public scrutiny, we take a perilous step toward that which we wish to defeat.

Stories of undisclosed domestic spying and wiretaps approved by this White House and carried out by our top law enforcement agencies, without congressional knowledge or judicial review, force citizens, here and abroad, to question this Nation's commitment to its own ideals. How determined are we to create an open world ruled by clear and established laws if we are abandoning them at home?

The creation of clandestine CIA facilities beyond the oversight of Congress and the world community, the troubling misuse of American power, undermining the goodwill born of the sincerest efforts of our fighting men and women, that is not the work of my America.

My America won two world wars and faced down fascism without resorting to torture. My America survived those troubling times without abandoning the civil and personal liberties which made us different and made our way of life so worth fighting for. My America practices what it preaches.

I applaud the fact that Senator MCCAIN's torture amendment has been added to this appropriations bill. Mr. MCCAIN understands that torture is not just morally reprehensible. It also gives us bad intelligence, undermines our credibility and endangers our troops by providing their enemies with an excuse to mistreat them if they are captured. I am relieved that most of my fellow Members in this House see the wisdom in Senator MCCAIN's words.

At the same time, there have been reports suggesting that the Army Field Manual, enshrined by Mr. MCCAIN, is being quietly amended in a way which threatens to undermine his efforts. If this is true, this Congress must vigilantly monitor what is added to the list of acceptable interrogation procedures given to our troops, and we must further guarantee that our Nation continues to exemplify the kind of society we hope to encourage.

Today, we fund continued operation of the defense community and all those who are part of it. We do so gladly because we believe, as we always have, that ours is the way of life that should not perish.

But to change the values of our society at the moment we are fighting to preserve them at home and champion them abroad would not just be the height of irony, Mr. Speaker, it would be the height of tragedy.

We have many questions to answer about how the United States will define itself in the years ahead and how we will interact with the world. I hope that we will use the upcoming holiday to reflect on what kind of America we in Congress wish to create for future generations. I hope we take that question seriously in the second half of this session.

I have faith in this body just as I have faith in this Nation that we possess the wisdom to do what is right and the courage to right what is wrong if only we will use it. The very nature of our democracy depends on it.

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

□ 0130

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume for a couple of quick remarks.

First, I share the gentlewoman's concern about allegations of torture and misbehavior of any kind, and I am pleased that this legislation contains compromise language worked out between the President and Senator MCCAIN that I think will take care of any concerns.

We know that, frankly, any instances of misbehavior, whenever they have been identified, and I can say this from having sat in numerous hearings on the Armed Services Committee, have been dealt with swiftly and severely by the appropriate authorities on our side. We do not ever condone torture.

As for spying and those conversations, I think the President has been well within his power, particularly in the aftermath of 9/11, to keep up an appropriate level of surveillance on people who wish to do harm to the United States of America. This body has been informed about that. The ranking members and chairmen of the intelligence committees have been kept apprised of this, according to what I have been told at least.

And finally, on process, we quite often get hung up on this. I hope we spend at least some time talking about the merits of this very important bill.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. CONAWAY).

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

Mr. CONAWAY. Mr. Speaker, I thank my good friend from Oklahoma for yielding me this time.

I serve on the Armed Services Committee, and I am proud of the underlying bill this rule represents, and that is the way we provide for the defense of this country, with all of the equipment and gear and training and personnel that we have in place. But I want to speak specifically to a provision that is in there relating to the drilling in the Arctic National Wildlife Reserve.

I come from west Texas, where a good slug of the daily production in America comes from, the area that I represent; and we have been drilling there for a long, long time in a responsible manner.

America imports crude oil every day in the millions of barrels. To the extent that we can reduce that dependency on foreign crude, we will improve the national security of this country. We have drilled in ANWR three test wells; and with the best science we have and the best estimates that we have, we should be able to produce between 800,000 and a million barrels a day. Now, if you come from oil country, you know that until you drill it, you do not know if the production is going to be there. But let us say for the sake of argument that that production is there. I believe that our current drilling companies, drilling operators and contractors can do that drilling in an environmentally sensitive and responsible manner.

To put the 2,000 acres we intend to drill on in perspective, if you take the full front page of the Wall Street Journal, every letter on that page, the drilling in ANWR is the equivalent of one letter on that page. Now, I am not trying to minimize the responsibility of the commitment to do this drilling in an environmentally sensitive manner, but we will do that in this regard.

Drilling in ANWR will improve our daily production of crude oil, it will reduce the amount of crude oil that we will have to buy, and that purchase of crude oil from foreign countries obviously aggravates the trade deficit.

So I speak in favor of the rule and the underlying legislation and encourage my colleagues to vote ''yes'' on the rule and the bill itself.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the

ranking member of the Appropriations Committee.

Mr. OBEY. Mr. Speaker, the Republican leadership of this House has decided that this war-time Defense bill is the proper vehicle to resolve the debate on ANWR. Now, I know this is not the first time that substantive legislation has been added to an appropriations bill, but it is certainly one of the worst.

There is something especially outrageous about the willingness of the majority party leadership to allow the Defense Department bill, in a time of war, to be held hostage to totally unrelated special interest items. The Defense bill should be about delivering equipment and support to our troops. Instead, it is being used to deliver a multibillion dollar bonanza to the oil companies.

That action represents a fundamental corruption of the integrity of the legislative process, in my view. This legislation allows one Senator to grease the skids to allow the passage of ANWR by sprinkling enough money around this bill in selected accounts to buy enough votes in the Senate to ensure passage. I think that ought not happen, but that is what is going to happen if we pass the rule.

I have another objection to what is happening here tonight. I have in my hand 45 pages of language which we were told in writing during the conference would not be included in the conference committee report. This is language which relates to indemnification of the pharmaceutical industry and the establishment of a compensation fund.

What happens under this language is that individuals have their right to sue in case they are made very ill or in case, say someone in their family dies, they lose their right to sue a pharmaceutical manufacturer except when the Secretary finds malfeasance. Instead, they are told that they can have access to a compensation fund, but then there is no money put in the compensation fund. So that means that if you do get sick, you lose your right to sue, but you have to lobby the Congress in order to provide an appropriation in order to provide compensation for your loss.

We were told in writing that that was not going to be in the conference report; and yet Senator FRIST walked across the Capitol, walked into the Speaker's office, and Senator FRIST and the Speaker demanded that the Republican leadership on the House Appropriations Committee insert that language in the bill. So we are here tonight recognizing that once again the orderly legislative process has been corrupted by a couple of muscle men in the Congress who think that they have a right to tell everybody else that they have to do their bidding.

ANWR does not belong in this bill. This language with respect to the drug companies does not belong in this bill. It ought to be stripped. This rule should be turned down.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Let me first address my good friend's concern about ANWR and point out a couple of things. ANWR has been voted on repeatedly in both Houses of Congress. Frankly, bipartisan majorities in each House have repeatedly expressed their support for this measure. The President has indicated he would sign it.

Minorities in both Houses, particularly in the other body, have frustrated that process. I have no objection to that, because they have done that, frankly, under the rules and traditions of the Senate. They have been shrewd, they have been tough, and they have been wily; but they have represented a minority viewpoint on the issue.

I think it is somewhat disingenuous now, when the majority bipartisan proponents of this measure are equally tough and shrewd and wily and find a procedure to pass their measure, that they somehow are engaging in something that is either unprecedented or unfair or untoward in some way. Frankly, this is a matter that has been discussed extensively and debated extensively. People have settled opinions on it, but this is simply a case where the majority of Congress and the President are working their will and passing a very important piece of legislation.

As to the avian flu matter that my good friend discusses, I still would point out that wrongful action lawsuits are still permitted under this legislation. A fund has, as he points out, been established. It has not been filled up yet, but it is in being. And, finally, we are only appropriating roughly half of what the President requested. We will be back and review this issue again, and I suspect we will review not only funding mechanisms but liability protections as well.

So I do not think this is the last time we are going to discuss it; but it is critical that we begin the process so that if, God forbid, something I know all of us on each side does not want to happen, but something should occur, this country is well down the road for preparation, and we can move quickly to meet the needs of our citizens.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Every Member of the House should understand that they are about to cast the most important environmental vote of the decade. The vote on the rule on the Defense appropriations bill is a vote to drill in the Arctic National Wildlife Refuge. This provision was not in the House bill. This amendment was not in the Senate Bill. In violation of all House rules, this provision has been added to the Defense appropriations bill. A can't-pass measure has been added to a must-pass measure in order for the Republicans to give an early huge Christmas gift to the oil companies of the United States.

It is not enough that the Republicans have already tipped American consumers and taxpayers upside down all year for the oil companies. But now, after the oil companies registered $100 billion worth of profits, now, here on the Defense appropriations bill, the Republicans, waiving all rules of the House, have taken the number one environmental issue of the decade and they have slapped it onto the Defense appropriations bill.

The Republicans have said, or President Bush has said, the war in Iraq had nothing to do with oil. But here we are at 20 of 2 in the morning, with the Defense appropriations bill out here for the Republicans and what are they doing on the Defense appropriations bill? They are attaching an oil amendment to drill in the Arctic Wildlife Refuge. This whole myth that the Republicans do not fight wars over oil, do not corrupt the way in which the rules of the House are conducted in order to advance the agenda of the oil industry is once and for all put to rest here where the Members cannot even vote straight up or down on whether or not they want to drill in the Arctic National Wildlife Refuge.

And let me make it clear to everyone who might have some pangs of conscience about our fighting men and women in Iraq, which every one of us wants to help, if you vote ''no'' on this rule, the Rules Committee in 5 minutes is going to bring another rule back down here without the Arctic National Wildlife Refuge in it, and we will be able to fund everything that we want to do for every single soldier and marine in Iraq.

So do not let yourself be fooled by that. They just did it. We are doing stuff for drug companies in this bill that was just added. We are doing stuff for the oil companies in this bill that was just added. And if you think for a minute after we vote down this rule because it is the single worst anti-environmental bill in history that they are not going to have the bill right back out here in a nanosecond, then you are kidding yourself.

So that is not the cover. If you want to drill in the Arctic Wildlife Refuge, you do so. But that is your environmental vote. The next vote will be on the Defense appropriations itself. This is on a rule that is banning, barring Members from having a straight up-or-down vote on the Arctic National Wildlife Refuge.

We reach this point at the end of the year where the House and the Senate majority, lead by the White House, is contorting the rules of both institutions in a way which will set precedence for a generation in order to accomplish a goal which should not in fact be considered on this Defense appropriations bill. So in order to preserve the integrity of the rules of the

House, in order to ensure that we give the full consideration to the historic importance of voting in this body to drill in the Arctic National Wildlife Refuge, I urge a ''no'' vote.

And each and every Member should be warned that this will be the number one environmental vote not just of this year but of the decade. I urge a ''no'' vote.

□ 0145

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Let me quickly make a point that oil and gas drilling is something if you are from Oklahoma you know something about. And, frankly, in the history of my State, we have had over half a million wells drilled.

The technology today is unbelievably different. I sometimes think when I listen to my friends on the other side or friends from States that are not energy States, they sort of have the picture of the old movie ''Boom Town'' with Spencer Tracy and Clark Gable that all oil wells are wooden derricks about 6 feet apart. That is not what modern energy exploration is all about. Frankly, we do it again and again across this country.

As to the fact of this being an unusual method of passing ANWR, I would remind my friends on the other side that ANWR has passed this House repeatedly by large bipartisan majorities. As a matter of fact, I would talk to my good friends on the other side, 30-odd, who have consistently supported them and suggest that a vote against the rule is to vote against ANWR and is to take out your own vote and, frankly, cancel your own interest. So I hope you consider that if you happen to be someone who has previously been in favor of this measure.

Finally, I would like to point out that this legislation adds enormous amounts of new money in addition to LIHEAP to deal with the heating challenge that we undoubtedly will have this winter, and I think that is a wise measure.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to tell him that he is aging himself when he talks about Clark Gable and Spencer Tracy in that movie.

Let me start off by saying that I looked at this bill, and 95 percent of it I agree with; but there is one area I do not. I am probably going to vote for the rule, but I have a terrible problem with this Avian Flu Pandemic Compensation Fund, so-called. I think my colleagues need to know really what is in this language, this 40-some pages that were added very late in the day.

First of all, I do not believe anybody is going to be able to collect any money at all. The fund does not have any money in it, number one. Number two, when you look at the language, it gives carte blanche authority to the vaccine companies, but it does not provide a mechanism for people to get compensation if they are damaged or injured.

Let me just read to you what it says. It says: ''The plaintiff,'' that is the person who was injured by the vaccine, ''shall have the burden of proving by clear and convincing evidence willful misconduct by each covered person,'' i.e. the manufacturers, ''sued and that such willful misconduct caused death or serious injury.'' However, a manufacturer is presumed not to have engaged in willful misconduct if they ''acted consistent with guidelines or recommendations by the Secretary of Health and Human Services regarding the administration'' of the vaccine.

So, basically, the manufacturers are protected no matter what. No matter what. And then it goes on to say that the Secretary of Health and Human Services has to decide whether or not they engaged in willful misconduct, and that is a determination that he would have to make. And if he does not make that determination, there is no action whatsoever a damaged person could take.

Now, we had a similar problem with the smallpox vaccination problem in 2003, and first responders would not be vaccinated because there was not adequate provisions for compensation in the event they were damaged. They would not take the vaccination.

Now, what would happen if we had an avian flu pandemic and people found out there might be damage caused to them by the vaccination and there was no recourse for them whatsoever, which is the case, in my opinion? Would they take the vaccination knowing they might be damaged, or would they risk not getting the avian flu and maybe be a conductor of this epidemic and spread it all over the country?

I really believe this language should not have been put in this bill. I believe we should give liability protection to the pharmaceutical companies, but we should do it in conjunction with things that are going to protect the American public from vaccinations that hurt them. And this does not do that. It just does not do that. And I am very sorry that this was added to this legislation at the 11th hour. I think it is a tragic mistake and God help us, God help us if we have the kind of problems that could happen with people being damaged by the thousands by this vaccination. It will not be checked out. We will not have time if we have an epidemic for it to be tested again and again. And you could have tens of thousands, maybe hundreds of thousands people die or hurt from the vaccination itself and they would have no recourse whatsoever.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Let me take just a second to say I agree with Mr. BURTON, and also it does not just include vaccine. It is some other medical devices as well that are indemnified.

Mr. Speaker, I yield for a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong opposition to this rule because of the inclusion of the drilling in the Arctic Wildlife Refuge.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, this is wrong. It is indefensible. And the only reason that it is being done is because the majority has the power to do it. There are a great many Members of the majority, I can see them right now, that know that the defense appropriations bill is not the vehicle with which we should be establishing profoundly important environmental policy. Whether or not to drill in the Arctic National Wildlife Refuge is an issue that has been divisive and contentious, that is bound to delay this bill and that has nothing germane to do with this defense appropriations bill. It should not be here. And yet we are going to do it because the majority can get away with it at 2:00 a.m. in the morning.

We have been debating this for decades, whether or not to allow our national wildlife refuges to be opened for drilling. Good people of good intention on both sides can make their arguments, but they should be made in the authorizing committee, not at 2:00 a.m. in the morning, not slipped into an appropriations bill when we are sitting in conference at the last minute just because the chairman can do it. He figures he can force Members to have to choose between supporting the troops and protecting the environment. That is a false choice. I do not believe that the policy is right. To save a penny a gallon, we are going to establish this precedent, we are going to drill in what is really the Serengeti of the Arctic meaning that our future generations will not be able to enjoy this wilderness in the same way because we have jeopardized the ecology of this pristine wilderness.

Beyond the fact that the policy is wrong is that the process stinks. It is indefensible to be doing this at this time on this bill, forcing Members into this kind of a false choice. This policy of protecting our wildlife refuges has been upheld through four Republican Presidents, three Democratic Presidents. It should. It is a very important environmental priority. The process you are using to change this policy does not show respect for the integrity of this body. That is why this rule should be defeated. This provision should not be part of the defense appropriations bill. It does not belong here. We should not be debating it at 2:00 a.m. in the morning. And just because

people can do it, because they have the power to do it does not mean it is right, and it will come back to haunt us.

Mr. COLE of Oklahoma. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. POMBO), the distinguished chairman of the Resources Committee.

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

Mr. POMBO. Mr. Speaker, obviously ANWR is a controversial issue and it is something that this House has debated a number of times. This House has passed it a number of times. It is somewhat ironic that here, at 2 o'clock in the morning, as Mr. MORAN points out, that we are hearing that this deserves to be debated again. And I guess we will debate it again because we have debated it probably half a dozen times since I have been here, probably 20 or 30 times since the creation of ANWR. We have talked about what we can do to harness those resources that exist there. The House has spoken a number of times. It has passed a number of times through the House in a strong bipartisan vote.

ANWR today represents the largest potential reserves of new energy resources in this country, and if you look at supply and demand right now we do not have enough oil, enough natural gas in the world to meet what the demand is, and that is why the price keeps going up. And the oil companies do like that. They like the price to continue to go up. And we have Members coming down here tonight who have always voted against every new potential energy source. Everything that we have brought to the floor they are opposed to. They are opposed to ANWR. They are opposed to anything that creates new energy in this country. And yet they are still arguing about the high price of energy. It is a direct result of their votes. It is a direct result of the policies that they have pushed through for years. And I think it is kind of funny when I hear people talk about using parliamentary procedural rules to get this into this particular bill.

A majority in the House supports opening up ANWR to responsible energy development. A majority in the Senate supports opening it up, and yet they have used procedural rules for 20 years to stop it from happening. And now, in this particular bill, it happens to be included in this. It is not the way I wanted it. I wanted it in the energy bill, but they used procedural rules in the Senate to stop it from becoming part of the energy bill, not once, not twice, but three times. They have used procedural rules to stop it even though a majority supported it in both bodies of Congress and continue to support that today.

We need to do something about energy in this country. We need to produce more of our own energy. We continue to be dependent on foreign energy sources and we as a Congress need to stand up and begin to do that.

We need to continue to develop new energy sources. There are a number of new technologies that have been developed, a number of new ways that we can conserve and get more out of the energy that we produce. But we have to begin to produce more energy in this country and quit being dependent on Middle Eastern countries and other countries around the world for our energy. That is why we are in this mess right now. You cannot continue to oppose every new source of energy that anybody comes up with and say that you want to do something about it.

I support the rule. Vote for the rule and vote for the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I recall the last time ANWR was debated that major oil companies said they had no interest in ANWR and it was purely speculative whether there is oil there or not.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. KUCINICH) for a unanimous consent request.

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

Mr. KUCINICH. Mr. Speaker, I rise in opposition to this bill, principally because of the inclusion of the Arctic National Wildlife Refuge.

I oppose this bill for many reasons including:

1. Bad process—Withholding language so we can't review the bill is anti-democratic. Adding provisions that would never pass if brought to a legitimate vote to a must pass bill is anti-democratic. Trying to use our desperation to go home to see our families to extort us into voting for a bad bill is anti-democratic. This abuse of power is a shameful display by a nation that claims to be a paragon of democratic virtue.

2. Improper Defense spending—The bill spends over $300 billion. Congress could spend tens of billions less and do a far better job protecting our nation.

The bill continues the misguided strategy of buying weapons that provide us no additional protection. Buying ever more expensive fighter jets, massive naval ships, and a missile defense system provides no additional protection for our nation. No other nation has fighter jets or naval ships that can compete with our Air Force or Navy. The claimed ballistic missile threat is grossly over-exaggerated.

Yet, the Army is vastly over-used because of our war in Iraq. To re-establish the Army, we need to cut back of weapon spending. In response, recent press reports indicate the Pentagon wants to cut troop levels and resources for the troops to ensure we can continue spending on unnecessary weapons systems.

In effect, this funding bill forces our troops to fight wars against enemy with the wrong weapons. The F–22, naval ships, and missile defense cannot defeat insurgents fighting a different kind of war. We need a different kind of Army. One that is capable of dealing with the real threats we face. The Soviet Union is gone, and the insurgents of Iraq are not scared of a poorly functioning missile defense system.

3. Drilling in the Arctic National Wildlife Refuge—This bill violates the basic constitutional rights to life, liberty and pursuit of happiness of the Gwick'in Native peoples. This Bill will not help America Achieve Energy Independence. According to a March, 2004 U.S. Geological Survey—will lower U.S. oil imports by between one and two percent per year and even at peak production in 2025 the U.S. would still import 66% of its oil, up from 58% today.

The Arctic Refuge Has Less Than A Year's Worth Of Oil. According to the most recent figures released by the Energy Information Administration, the United States used over 20.7 million barrels of oil each day in October of 2004. At this rate, over the course of a year the U.S. goes through over 7.5 billion barrels, accounting for more than a quarter of the world's oil demand. However, since the Arctic Refuge contains only approximately 3.2 billion barrels of economically recoverable oil, it could only sustain the United States for less than a year.

Oil Would Not Reach Consumers For Ten Years. Even if the Arctic Refuge were opened for drilling immediately the oil would not be available for around ten years while the oil companies explored the area and built the infrastructure to transport the oil.

4. Liability exemption for vaccine manufacturers—Liability immunity for pandemic flu vaccines is included in the bill. This giveaway will not result in increased vaccine production, but it leaves consumers with no recourse if they are injured, and it could exacerbate the epidemic. We learned from the smallpox scenario only a few years ago that if the vaccine companies and Congress won't back the safety of the vaccines, people will not accept them and the epidemic could be worse as a result. This is nothing more than another giveaway to big Pharma at the expense of public health.

First, it is said that liability concerns are the reason that pharmaceutical manufacturers do not want to manufacture vaccines. An October study published in the Journal of the American Medical Association found otherwise. It found that other more glaring uncertainties, like the absence of a guaranteed market, are the problem. However, the pandemic flu plan appropriates billions of dollars specifically to create this guaranteed market. Chiron, a major pharmaceutical company and vaccine manufacturer, does not need more financial incentives—they have been working on an H5N1 vaccine since 1997. Liability immunity is simply not necessary.

Second, the language could hasten the epidemic. In order for a vaccine to be effective, it must be widely used. But liability immunity like this sends the message that it is expected that people will be injured or worse by the vaccine. If they are, they will have no recourse. Citizens and health workers may refuse the vaccine if neither the vaccine maker nor the government asking them to take it will stand behind its safety. In fact, the American Nurses Association recalled that, ". . . ultimately, fears about the side effects of the smallpox vaccine and the lack of a comprehensive compensation program discouraged RNs from participating in the program, which caused it to fall far short of its goal." Fewer vaccine recipients means that the virus could spread faster.

Third, there is reason to doubt the safety of these vaccines. Chiron, the company responsible for the collapse of half of last year's flu vaccine supply because it allowed contamination during the manufacturing process, is planning to use MF59 in an avian flu vaccine. MF59 is an adjuvant (a vaccine additive used to increase the effectiveness of a vaccine dose) that is highly controversial because a primary ingredient, squalene, is on the list of potential causes for the chronic debilitating illnesses experienced by the veterans of the first Persian Gulf War. The adjuvant is unlicensed by the FDA despite having been a component of vaccines in several clinical trials over the last ten years. Despite these risks, liability exemption language is being forced into the Defense Appropriations bill with no public debate and no vetting in Congress. At a minimum, this decision should be made in the open before the public, not behind closed doors.

The liability immunity is unnecessary, quite possibly counterproductive, and is being passed undemocratically. It is nothing more than another gift to the already enormously profitable pharmaceutical industry.

5. Funding for Avian Flu preparedness. The bulk of the funding is likely to go to stockpiling vaccines and anti-virals like Tamiflu. But, despite months of promises from Roche, there have been no agreements to allow other companies to help quickly build the stockpile to meet our needs. By failing to issue a compulsory license for Tamiflu, we are gambling with public health and the proceeds are going to Roche. If a compulsory license was issued, Roche would still get their royalties. Allowing Roche to control world supply and price is yet another blatant giveaway to one of the most profitable industries in the world.

6. Gulf War Illness funding. Earlier this year, I won an amendment, along with Mr. Shays and Mr. Sanders, to reestablish funding for research into the chronic debilitating illnesses that veterans of the first Persian gulf war are experiencing. The Veterans Administration has finally recently admitted that these illnesses are NOT due to psychological trauma. That means the specific list of causes is shorter than ever which means we are closer than ever to finding treatment. Yet there is no new funding for this research. I hope the conferees have seen fit to stand behind the funding, along with the House and major veterans groups.

DANCING WITH GHOSTS

(By Dennis Kucinich, U.S. Congressman (D-Ohio))

Early in the morning, Monday, December 19, 2005, the United States House of Representatives will vote on the Defense Authorization bill which will contain a provision to permit the drilling for oil in the Arctic National Wildlife Refuge (ANWR). I have taken three opportunities on the floor of the House early today to alert the American people of this backdoor approach to passing a very controversial bill which is desecration of the basic human rights of the Gwich'in people.

When will America get off the treadmill of sacrificing native rights to greed, territorial ambitions and fear? We will soon observe a grim anniversary which testifies to our persistent moral dilemma when it comes to those who were here first.

One hundred and fifteen years ago, on December 29, 1890, the US Seventh Cavalry, under the control of Colonel James Forsyth, directed artillery fire against Lakota men, women and children. One hundred and fifty Native Americans were killed in what became known as the Massacre at Wounded Knee in South Dakota.

U.S. Government troops were drawn to the land of the Lakotas to enforce a ban on Ghost Dance Religion, a native mysticism which taught non-violence and included chanting prayers and dancing one could achieve the ecstasy of harmony with the paradise of the natural world. The dance was forbidden out of fear that excitation of religious passions would turn to Indian violence against the US Government.

The history of the United States' relationship with our native peoples has been one shame-ridden chapter after another of expropriation, humiliation, and deception, theft of lands, theft of natural resources, destruction of sacred sites and massacres. The U.S.'s relationship with our native peoples has been an endless cycle of exploitation and contrition. Massacres and apologies.

Who in the future United States will apologize to the descendants of today's Gwich'in tribe, whose humble, natural way of life, religion, and culture are threatened with extinction by the plan to drill oil in the Arctic National Wildlife Refuge? The Gwich'in tribe has lived on their ancestral lands for 20,000 years in harmony with the natural world.

The drilling for oil in the coastal plain of the Arctic Refuge, called by the Gwich'in ''the Sacred Place Where All Life Begins'' will disrupt caribou calving grounds, leading to the long-term decline not only of the herd, but of the tribe which depends upon it for survival This will not only violate Gwich'in internationally recognized human rights and make a mockery of our founding principles of belief in the inalienable right of each person to ''life, liberty and pursuit of happiness.''

Members of Congress will come to the floor today and say we need to drill to protect our economy, to defend our country, to keep our way of life. I intend to point out the reciprocal nature of our moral decisions.

Christian teaching tells us to do unto others as we would have them do unto ourselves. We learn from other spiritual insights that what we do unto others we actually do to ourselves. We cannot in the consciousness of true American spirit return to a history of slavery, a history where women had no rights, or a history where native peoples are objectified and deprived of their humanity, their culture, their religion, their health, their lives.

We must make our stand now not only as to who the Gwich'in are, but, in a world where all are interdependent and interconnected, who we are, and what we will become based on our decisions today.

When we perpetrate acts of violence, such as drilling in ANWR, we are damaging ourselves as humans. It destroys the land, it destroys the herd, it destroys the Gwich'in. It destroys us alL Another part of the true America will die. We must not only search for alternative energy. We must search for an alternative way to live. We must escape this cycle of destruction. We must reconcile with nature. We must find a path to peace, with our native brothers and sisters and with ourselves.

One hundred and fifteen years ago, the Ghost Dancers were killed. Yet we still meet their ghosts. They are dancing upon the coastal plains of the Arctic National Wildlife Refuge.

□ 0200

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, this bill provides sorely needed funds for our troops and their families who deserve the very best of equipment, research and development and support services. We should have passed this bill weeks, even months ago. The administration's puzzling reluctance to accept a ban on torture, along with the majority's decision to use defense spending as a shield for passing controversial legislation, delayed passage of this important measure.

So here we are tonight, poised to push through a measure that would open up the pristine Arctic National Wildlife Refuge to oil drilling, a measure so contentious and wrongheaded they had to hide it behind our courageous troops to get it done. Here we are passing an across the board cut on all discretionary spending programs. We are wielding the axe indiscriminately and unmercifully, hurting low income children in need of reading and math help, seniors who need help paying record heating bills this winter, local law enforcement officers who need equipment and training and our Nation's own FBI counterterrorism efforts.

Here we are passing a landmark package to ready our Nation for a potential outbreak of avian flu. But we shortchange the President's request, ignore key priorities like State and local preparedness, leaving our hometowns woefully unprepared to contend with such a disaster. We ignore the fact that the best responses is prevention, dedicating only meager funds to international efforts to detect and fight avian influenza.

Furthermore, we fail to provide one cent to entice farmers in affected countries who are on the front lines of detection to report incidents of avian flu to the proper health authorities. The flu package included in this bill is riddled with gaps which may undermine all our efforts, and the overly broad liability provisions and inadequate compensation programs are simply unacceptable, dangerous, wrong. Here we are ignoring the blatant need in one of the most wretched corners of the earth, Darfur, Sudan. While the administration and the Republican majority each try to earn their fiscal responsibility stripes by withholding needed funding from the African Union peacekeeping mission, the genocide continues. $50 million, miniscule percentage of the total included in the bill, could save innocent lives in Sudan.

Tonight's shenanigans have demonstrated that this administration and this majority will ram through whatever legislation they want if given the opportunity. They are simply not committed to do what we can to bring peace and stability to Darfur. We should all be ashamed that this bill is silent on this matter of life and death.

Mr. Speaker, the American people deserve more from Congress than 11th

hour gamesmanship and stealth legislating. This dishonest process and incomplete product should disgust us and our constituents. We can do better.

Mr. COLE of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, 2005 will be remembered as a year of good intentions, bad disasters and promises kept. This spring, Congress adopted the toughest budget since the Reagan years, and the Appropriations Committee reported one bill after another, on time and on budget.

Then came the heartbreak that was Hurricane Katrina, 90,000 square miles of the gulf coast destroyed. Congress responded by speeding relief and recovery funds totaling $60 billion in 6 days to rebuild the families and communities destroyed by this storm.

After the storm, many in Washington thought that fiscal discipline was the last thing Congress should be thinking about, preferring raising taxes or raising the national debt to making tough choices, but not this majority.

Seeing that a catastrophe of nature could become a catastrophe of debt, dozens of House conservatives challenged the Congress to offset the cost of Hurricane Katrina with budget cuts. And I will always believe that their effort, which came to be known as Operation Offset, helped spark a national debate that propelled us to this moment tonight.

The American people wanted Washington to pay for Katrina with budget cuts, and Washington got the message. In direct response to President George W. Bush's call for offsets, Speaker Dennis Hastert unveiled a bold plan we consider tonight, to find budget cuts from every area of the Federal Government. The Hastert plan with the across the board cut included in this bill and the more than $40 billion in entitlement savings in the Deficit Reduction Act will become a reality today. This legislation includes $33.5 billion in spending offsets, $23 billion reallocated of unspent FEMA funds, a 1 percent across the board cut, saving $8.5 billion and $1.6 billion in additional rescissions.

But with a national debt of $8 trillion, Mr. Speaker, nearly $26,000 for every American, completing the task of putting our fiscal house in order will take time. But tonight, the task begins.

In 1994, the American people said yes to a vision of fiscal discipline, limited government and reform. Some called it the Republican Revolution. With the passage of the Deficit Reduction Act and the across the board cut in spending in this legislation, I say with great sincerity the Republican Revolution is back.

By showing that we can make tough choices even during tough times, Congress is renewing our commitment to the principles of fiscal discipline and limited government that minted this majority. And in so doing, we are beginning the task of ensuring the continued prosperity of our Nation and our national government for future generations.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, if absolute power corrupts absolutely, so does oil. And the continued lust, the continued rapacious grab for oil in one of our most pristine areas in this country has corrupted this body absolutely. We stand here in the middle of the night tagging on in this scheme, something that could not pass this body tonight in any other way other than through this subterfuge. And yes, those artificers who tried to run this scheme recognize it is difficult to ask Members to vote against any defense bill because all of us, Republican and Democrat, stand for our troops. But I hope we take a little bit of inspiration from our troops. Mr. COLE and I went and visited Baghdad a few weeks ago, who are standing late night sentry duty, and it does get cold in the desert this time of year. Alone, away from the holidays, they are doing a little tough duty. And maybe we can have a few Democrats and Republicans do a little tough duty tonight and call foul and blow the whistle on this corruption of the Armed Services appropriation process on a bipartisan basis.

Whatever you think of the Arctic drilling, and for those who think it is such a great thing I will just tell you, I went out to the Washington Mall. I went for a walk tonight. It is a beautiful night. Saw these beautiful monuments. People were out enjoying the Lincoln Monument tonight, even in the cold. And they feel the same way about the Lincoln Monument as they do about the wildlife, the Arctic National Wildlife Refuge. We should not drill in the Yellowstone, in the Glacier, in the National Mall or the Arctic Wildlife Refuge.

Why? Because it is not an answer to our problem. We can solve our problem with 2 miles a gallon fuel efficiency. You can believe in Santa Claus, but you cannot believe the Arctic is a solution to our energy problems.

Vote no on the biggest environmental vote, which is on the rule today. Vote no against corruption of the Armed Services appropriations process. Vote no to restore integrity of this situation and vote no on this rule.

Mr. COLE of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I thank the gentleman from Oklahoma, who also grew up in an area where they knew about drilling for oil and gas. You know, it is important that this be part of the defense budget. It is a matter of national security. It would have been better to be part of the energy. It should have been, but by maneuvering that did not happen. But it is a matter of national security that we can provide oil and gas.

Go back through history. Why did the Germans fail in the Battle of the Bulge? Because they ran out of gasoline. And there in East Texas where I grew up, man, they were just pumping that oil and gas right out as fast they could to help the Nation survive.

Now, what kind of arrogance and hypocrisy says, you know, I want my car, I want my jet ride, I want my air conditioning, electricity, but I do not want to drill anywhere, well, except in like Texas, Louisiana, Oklahoma, places we do not care about. But not anywhere else we care about.

Folks, it is a matter of national security. We need every part of the solution in order to conquer our energy needs. All the alternative energy needs to be pursued.

The majority has passed this time and again out of our subcommittee, out of our committee, and to the floor. This is the thing to do.

And I just submit, in conclusion, for anyone whose transportation is a bicycle that you yourself made, without the use of any plastic or metal, you have a right to complain. Everybody else is a hypocrite.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER), the minority whip, to make a good point.

Mr. HOYER. Mr. Speaker, Lewis Carroll continues to write their material. Mr. PENCE, your Republican leadership has taken us $1.5 trillion into deficit over the last 60 months. That is the so-called revolution. Seventeen years you have controlled the presidency. You have taken us $4 trillion into debt. Bill Clinton was President of the United States for 8 years, $62.5 billion surplus. This time you cut $50 billion. But when we cut $250 billion not one of you had the guts to vote for it.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are so many needs that we have to confront and the defense appropriations bill seems to be the place where every one is running to. As I look at the resources that have been designated for disaster assistance, and look at a whole region that is suffering, although I am grateful for the $29 billion, I would have hoped that we would have been able to put in new money. In our own community in Houston, our school districts, many of them are spending large sums of money in a welcoming manner for many of the students who have come into our system. Our State schools, who have taken college students, are not being reimbursed for those students, and many of them do not have resources to

pay. One school district in particular is spending $186,000 a day to a total of approximately $30 million. They have received reimbursement of $164,000. It is obvious that we will need to provide more funding in a very short order.

The levee money has not been put in, and we will need more money for the levees. We have not put in enough money for the wetland restoration, which is crucial for the entire gulf coast region.

Many of our constituents will be, in essence without funds for housing in the first quarter of the new year. Many of the travel trailers are not placed because the electricity cannot be in place because the companies are bankrupt. And so I hope that my colleagues will look at this as a serious responsibility that requires further study, further assessment and more money.

Might I also say that our troops need these dollars. And I would imagine that we want to give these dollars. And with that in mind, we would have hoped that there would have been a free independent debate on the ANWR question so that we could move forward with this defense appropriation without the addition of ANWAR. This is an untimely, inappropriate unfair misuse of this legislation and the environment.

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

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time. May I inquire how many requests my colleague has?

Mr. COLE of Oklahoma. I have no further requests. I am prepared to close.

Ms. SLAUGHTER. Let me take my remaining time, then, to close.

Mr. Speaker, let me end as I began, deploring the process. This is the third legislature that I have served in. I am always proud to have been elected by people to represent them and their interests.

We cannot take care of their interests any more, Mr. Speaker. We can only stand here in the middle of the night, when obviously I am beginning to think that is the plot, because we know that nobody is going to be listening to this, not even those who love us most.

But a lot of harm is going to be done here. Not the least of it is the fact that the process was so flawed that even after the conference report was signed, 45 more pages were added to do harm. I deplore that. I look for better days for the Congress of the United States for it to get back to the rules, and that once again, Mr. Jefferson's Manual, and not a Senate and House conference, will rule this House.

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

Mr. COLE of Oklahoma. Mr. Speaker, we have had a good debate here today. We have talked a lot about ANWR. And I want to point out to my good friends again, this body has repeatedly passed ANWR. As a matter of fact, Mr. Speaker, I would like to submit for the RECORD the last vote we had in this House on this issue, where 231 of our Members favored ANWR and only 200 opposed.

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 200, noes 231, not voting 3, as follows:

[Roll No. 122]

AYES—200

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—231

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barton (TX)
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Andrews
Emanuel
Kelly

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 2209

Mr. HALL changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. Speaker, the other body also has had a bipartisan majority in favor of ANWR. Indeed, this Congress, if I recall correctly, actually passed ANWR in the 1990s, and President Clinton vetoed it. So this is an issue that is well known, well discussed, well explored.

I have no complaints that my friends on the other side of the aisle who oppose ANWR have been very successful, very skillful and very consistent in using the legislative process to their advantage. They have every right to do so. I am surprised at the outrage now that the proponents, who, after all, do represent the majority in both bodies, and have a President who shares their view of this issue has finally managed to use the legislative process to its advantage.

□ 0215

We would not be dealing here with ANWR if our good friends on the other side had not resorted to every single expedient to keep us from getting it passed. Having done that, I do not think they can claim with any legitimacy when we finally are able to do that.

I am very proud it is on this bill. I think it is important for the country's energy security, and I appreciate the Appropriations Committee working in this fashion to get it on.

We have also talked a great deal tonight about avian flu, and that is an interesting topic and an important topic and one, frankly, where we could face a very difficult situation in our own country.

I would just point out to my friends that we do continue to reserve the right for people to sue if wrongful action takes place. We have only appropriated, as was pointed out, half of what the President has requested so that we can come back, frankly, and consider this again. And I suspect we will look at this issue not only in terms of finance but liability and administration of the programs as we move forward. So I do not think our debate is final, but I do think it is important that we move ahead, that we appropriate these funds, that we send a signal that we are serious about this and we begin to prepare the country.

However, as important as ANWR and avian flu funds are, they are secondary to the nature and purpose of the legislation, and I regret we did not have more discussion on this tonight. This bill is fundamentally about supporting our troops in the field; supporting our husbands, wives, sons, and daughters as they prosecute a war against hardened terrorists who would not blink at killing innocent civilians and, frankly, thousands and potentially millions of Americans. This is about supporting our military while overseas, on deployment, and engaged in combat. This is a critically important piece of good bipartisan legislation. This is legislation, frankly, that sends a powerful signal to our adversaries around the world and a powerful signal to our friends as well.

More importantly, it is a recognition and a signal to the men and women that wear the uniform of the United States that not only defend us each and every day but also spread and represent our values around the world in a way that is quite unique in world history and one which, on both sides of the aisle, I know, we are extraordinarily proud of. It is a good bill. It is an important bill. The rule allows the bill to move forward.

Mr. Speaker, I urge that we support the rule and support the underlying bill.

Mr. COOPER. Mr. Speaker, if anyone needed evidence that this Congress is being managed in an incompetent and corrupt fashion, tonight's debate is it.

At 2 o'clock in the morning we are finally taking up some of the most important defense bills of the year, only to find them burdened with irrelevant, special-interest measures that have nothing to do with the underlying legislation. Pharmaceutical companies, oil companies, and Lord knows what other special interests are probably smiling at this late hour, but the average taxpayer back home should be ashamed of what we are doing tonight, especially in the name of our soldiers, sailors, airmen and marines.

We have just learned that many of these special interest provisions were added in the dark of night, with no notice even to the conferees. What are they afraid of? Why don't they want us to read and understand the added language? Why not let the public see what is really going on? It was not enough for the Republican leadership to almost completely exclude any real bipartisan discussion or debate in conference, and to so radically short-circuit the democratic process that this year's process may mark an all-time low in the history of the House of Representatives.

Mr. Speaker, as our troops risk their lives to promote democracy in Iraq and Afghanistan, we should not be degrading our democracy here at home. I strongly support the troops and the many excellent provisions in the defense authorization and appropriations bills on their behalf. We should honor their sacrifice by passing legislation for them, not using them as a shield for special interests. We should also honor them by refusing the $4 billion cut in the defense budget that was inserted in this bill in order to fund the extraneous provisions. You didn't hear about that defense cut, did you, while the Republicans were bragging on their efforts on defense.

The only reason these special interest provisions have been added is that Republican leadership knows that they could not pass in the light of day, when the public is allowed to see what we are doing. These provisions could not pass on their own strength, in either day or night.

Given the few minutes that we have been allowed to read these conference reports of many hundreds of pages, no one on the House floor tonight really knows what is contained in these bills because all normal House procedures have broken down. Rumors are rampant that other embarrassments have been added to worthy defense bills, simply because they are viewed as "must pass" legislation. We simply don't have time to verify or debunk these rumors. The only safe vote tonight for the American taxpayer is a "no" vote. Let's stay in session a few more days, even though the Christmas holiday approaches, and do the job right. Our troops deserve no less.

Mr. SCHWARTZ of Michigan. Mr. Speaker, I rise as a strong supporter of our Armed Forces, a strong supporter of our troop's efforts in the war on terror and a member who believes we can and will achieve victory in Iraq. However, the amalgamation with the DoD Appropriations Bill of the act allowing exploration and drilling in the Artic National Wildlife Reserve is an act which raises disingenuousness to an art form. There are, apparently, no limits on the maneuvers the proponents of ANWR drilling will attempt in order to despoil one of the last truly wild and unsulllied wilderness areas in the United States. For those of us who are legitimately concerned about the Abysmally low opinion the people of the United States hold of their Congress, they need look only at this attempt to admix the question of oil drilling in a pristine wilderness with the funding of our armed services. If it is the sense of the Congress that it is appropriate to open ANWR for oil exploration, put the issue to an up or down vote, a vote on ANWR only, not a vote that can only be described as a murky obfuscation. Oppose this rule so we all have the opportunity to vote on a clean defense appropriations bill.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

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

The yeas and nays were ordered.

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

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1932, DEFICIT REDUCTION ACT OF 2005

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–363) on the resolution (H. Res. 640) waiving points of order against the conference report to accompany the Senate bill (S. 1932) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006, which was referred to the House Calendar and ordered to be printed.

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 640 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 640

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S.