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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 30, 2004.

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

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

PRAYER

The Reverend William G. Alvey, Pastor, Park United Methodist Church, Madison, Ohio, offered the following prayer:

Our Most Gracious Heavenly Father, we ask Your blessings to rest upon these very special people who represent all the people of this great country. Help them not to just represent all the people, but also be responsible to the needs of all the people.

As they diligently listen to and discuss the proposals presented to them, help them to discern Your will, not their will, in the decisions they are called upon to make.

We are grateful for the freedoms that this country affords to us, that we may participate in the governing of ourselves and especially our future.

With this great responsibility we ask that Your Spirit might give the Members of Congress guidance and leadership in all their deliberations both today and every day.

These blessings we ask in Your name which is above every name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KIND led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 982. An act to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa.

H.R. 4115. An act to amend the act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

H.R. 4259. An act to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes.

H.J. Res. 107. Joint resolution making continuing appropriations for the fiscal year 2005, and for other purposes.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1601. An act to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

S. 2639. An act to reauthorize the Congressional Award Act.

S. Con. Res. 110. Concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

WELCOMING THE REVEREND WILLIAM ALVEY

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

Mr. LATOURETTE. Mr. Speaker, the guest chaplain today is the Reverend William Alvey from the Park United Methodist Church in Madison, Ohio.

His appearance here today started out last Memorial Day. He was giving the invocation at the J. Wilson VFW Post on Memorial Day and indicated that he was thinking about retiring in the near future, and one of the things that he would like to do was give the opening prayer at the House of Representatives.

I am honored to have known Reverend Alvey for nearly a decade, I want to welcome him and 47 people who rode up on a bus from Madison, Ohio, to be with Reverend Alvey today and who have joined us this morning. Reverend Alvey is in his 41st year with the United Methodist Church, and has been at the Madison Park United Methodist Church since 1995. Reverend Alvey is a fixture in the Madison community, and I want to thank him for his distinguished service to the church and to our community, and it is my pleasure to welcome him here this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will enterertain 10 one-minute speeches per side.

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HOPE IN IRAQ

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

Mr. SHIMKUS. Mr. Speaker, on September 29, an article in the Centralia Sentinel reads, ''Former Centralia policeman finds hope in Iraq.''

Joe Phoenix ended his 11-year career in February to join 1,000 other law enforcement officers from the U.S. hired by the Federal Government to train Iraqi police officers. In a brief visit home he states about the Iraqi people, ''They are good people with good hearts and they love working with Americans,'' he said. ''They consider it such an honor that we come over here and that we leave home and work with them. I have had nothing but cooperation from the people I am working with.''

About the current challenges he states, ''We are trying to get people trained and fortified so they can stand their ground. We need to get the Iraqi police in a better position to fight these guys.''

And about the future, ''Right now it is dangerous and it is probably going to get worse between now and January. They are going to try and stop the elections and show people we are not in control, but that is not going to happen. After the elections, I think things will slow down and get better.''

Mr. Speaker, I thank Officer Phoenix for his service. God bless him, and God bless the United States of America.

AMERICA NEEDS COMMANDER IN CHIEF, NOT CHEERLEADER IN CHIEF

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

Mr. EMANUEL. Mr. Speaker, a former CIA official recently said ''The best we can hope for in Iraq is a failed state hobbling along.'' The State Department's official travel warnings says, ''Iraq remains very dangerous.'' The national intelligence estimate from July said the best case scenario for Iraq was merely ''tenuous stability.''

A Kroll Security International study shows the number of attacks has increased from 40 per day to around 70 per day. Republican Senator CHUCK HAGEL said, ''I do not think we are winning. We are in deep trouble in Iraq.'' Secretary of State Colin Powell said, ''It is getting worse.''

I know that the President is proud of the fact that he does not read newspapers, but can somebody please brief the President of the United States?

Today in the Washington Post, with all of the horrific news, there is a report that the administration is embarking on a new propaganda campaign ''designed to be uplifting, with good news messages about Iraq.''

Mr. Speaker, the American people need the truth about Iraq. The American people can handle the truth; the question is, can the President?

MARRIAGE PROTECTION AMENDMENT

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

Mr. RYUN of Kansas. Mr. Speaker, much has been said about the need to protect the definition of marriage for the future. While I wholeheartedly agree, I would like to offer a perspective from the past on the importance of marriage in America.

Alexis de Tocqueville perhaps provided the most comprehensive analysis of American society in the 1830s. He observed that there is certainly no country in the world where the tie of marriage is more respected than in America.

In 1885 the United States Supreme Court added its opinion stating, ''Certainly no legislation can be supposed more wholesome and necessary in the founding of a free, self-governing commonwealth than that which establishes it on the idea of the family, consisting of the union for life of one man and one woman in the holy estate of matrimony; the family is the sure foundation of all that is stable and noble in our civilization.''

Historically, marriage between one man and one woman has been the cornerstone of stable families. The marriage protection amendment will ensure that the definition of marriage in America does not change based upon the whim of an activist judge. It will protect the rights of each State and the will of the people. I urge Members to support the marriage protection amendment. It is necessary for the preservation of the historic institution of the family.

RUBEN MARTINEZ AWARDED MACARTHUR FELLOWSHIP

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise this morning to congratulate a very good friend of mine, Ruben Martinez, owner of Libreria Martinez Books and Art Gallery in Santa Ana, California, for being named a 2004 MacArthur Fellow.

How appropriate that during Hispanic Heritage Month, I have the opportunity to recognize such a successful Hispanic from my own district on this great honor. For more than 30 years, Ruben has been getting the youth of Orange County engaged in books and politics. What began as a haircutting venture, accompanied by political discussions with his clients, turned into a lifelong passion for selling books in both Spanish and English.

Today Libreria Martinez is one of the largest commercial sellers of Spanish-language books in the Nation. Authors and community members, both young and old alike, have made this shop a home.

The MacArthur Fellowship has been dubbed the ''genius award'' by some, and I can think of no one more deserving than Ruben. I thank him for his tireless work and his dedication in promoting readings and education in my hometown.

MARRIAGE PROTECTION AMENDMENT

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

Mr. BARRETT of South Carolina. Mr. Speaker, this afternoon we will debate and vote on the marriage protection amendment. Let us be clear, the debate today is not about denying anyone's rights. This is about ensuring the will of the people and protecting it. Forty-four States have already enacted laws defining marriage as the union between a man and a woman. South Carolina is one of these 44 States. The people of my State have already decided how they would like for marriage to be defined. So as a Representative I am wondering why the will of my constituents and that of over 70 percent of Americans nationwide should be tossed aside because of a few activist judges because they disagree.

Unfortunately, a handful of judges have already begun to amend our Constitution. They have circumvented the democratic process with their rulings. Therefore, the decision we are left with now is not whether the Constitution will be amended but who will amend it: activist judges or the American people.

Mr. Speaker, I hope my colleagues will join me today in supporting the marriage protection amendment. It is time we get the debate back where it belongs, with the American people.

GLOBAL WARMING

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

Mr. BLUMENAUER. Mr. Speaker, as the damage, pain, and suffering of the recent hurricanes slowly recede in the memories of most Americans, we would do well to remember that this is but a small taste of what is likely to occur given the increase in global warming.

A recent study by the Commerce Department's Geophysical Fluid Dynamic Lab in Princeton University, the most extensive to date, indicated that global warming is going to make it a lot worse. The typical hurricane is going to be one-half step greater on the 5-step scale, rainfall up to 60 miles away will be up to 20 percent more intense, and even if the number of storms remains the same, which is not at all

clear, there will be much increased potential for damage, and the rising sea levels will create more flooding from the storm surges.

It is time for the United States to work with other developed countries to recognize the threat of global climate warming, to cooperate on solutions to reduce greenhouse gases. Future generations will be grateful.

MARRIAGE PROTECTION AMENDMENT

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

Mr. PITTS. Mr. Speaker, today we will debate and vote on an issue of critical importance to our society: marriage.

The issue is whether we will stand idly by as a few unelected judges redefine the family for us, or if we will take a stand and say enough is enough. The best home for kids is with their mom and dad. Children cannot do better than that, and we should not try to redefine marriage.

Unfortunately, some claim that this is an issue for the States. Indeed, it is if that is what was happening. It is not. Activist courts are circumventing the States in order to make this happen. We would never debate it. The States would never debate it. The American people would never debate. That is how the activist groups and the activist judges want it. States rights are meaningless if judges ultimately make the decisions.

Mr. Speaker, this House should pass the marriage protection amendment and send it to the State legislatures for their ratification so the courts do not become the final maker of family policy. Kids do best with a mom and dad.

CHENEY HAD IT RIGHT FIRST TIME

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

Mr. MCDERMOTT. Mr. Speaker, the Vice President had it right on Iraq the first time, and now we know that because of the Seattle Post-Intelligencer newspaper columnist Joe Connelly.

The Vice President was Defense Secretary during the first Gulf War. Mr. CHENEY told a Seattle audience in 1992 that it was folly to spill American blood to try to get Saddam or try to govern Iraq. This column ought to be required reading before the Presidential debates.

These are DICK CHENEY's exact words in defending the first President Bush's decision to leave Iraq and Saddam Hussein: ''And the question in my mind is how many additional American casualties is Saddam worth? And the answer is not that damned many. So I think we got it right, both when we decided to expel him from Kuwait, but also when the President made the decision that we had achieved our objectives and we were not going to get bogged down in the problems of trying to take over and govern Iraq.''

I am entering Mr. Connelly's column in the RECORD. It is seattlepi.com. Read it.

Mr. Speaker, they may call it swagger in Texas, but we call it truth in Washington State.

[From the Seattle Post-Intelligencer, Sept. 29, 2004]

IN THE NORTHWEST: BUSH-CHENEY FLIP-FLOPS COST AMERICA IN BLOOD

(By Joel Connelly)

As George W. Bush has lately shown, the tactic of successfully defining your opponent is to political conflict what occupying the high ground is to waging war.

The Bush-Cheney campaign has gleefully labeled John Kerry a flip-flopper. But what of Bush-Cheney flip-flops? They're getting a lot less ink, but America is paying a price in blood.

Little noticed, and worthy of lengthy consideration, is a speech delivered by then-Defense Secretary Dick Cheney in 1992 to the Discovery Institute in Seattle.

The words of our future vice president—defending the decision to end Gulf War I without occupying Iraq—eerily foretell today's morass. Here is what Cheney said in '92:

''I would guess if we had gone in there, I would still have forces in Baghdad today. We'd be running the country. We would not have been able to get everybody out and bring everybody home.

''And the final point that I think needs to be made is this question of casaualties. I don't think you could have done all of that without significant additional U.S. casualties. And while everybody was tremendously impressed with the low cost of the (1991) conflict, for the 146 Americans who were killed in action and for their families, it wasn't a cheap war.

''And the question in my mind is how many additional American casualties is Saddam (Hussein) worth? And the answer is not that damned many. So, I think we got it right, both when we decided to expel him from Kuwait, but also when the president made the decision that we'd achieved our objectives and we were not going to get bogged down in the problems of trying to take over and govern Iraq.''

How—given what he said then—does Cheney get off challenging the judgment and strength of those who argue that we are bogged down and shedding blood today?

Is Sadddam worth the lives of 1,046 (at last count) dead Americans, and 7,000 injured Americans?

Dick Cheney posed the hard-nosed questions that should be asked by a president in time of war. George Bush is out on the campaign trail boasting he's hard-nosed because he didn't ask how a ''Mission Accomplished!'' could unravel.

Kerry is taking a pounding from the relentless Republican machine. A GOP TV ad shows Kerry windsurfing, with Strauss' ''Blue Danube'' waltz playing in the background, as the voice-over claims the nominee has shifted positions ''whichever way the wind blows.''

In case the ''mainstream'' media are interested, or Fox News wants to balance its reporting to furnish a few moments of fairness, here are a few Bush flip-flops that might be put before the voters:

Nation-Building: As a candidate, Dubya traveled the land in 2000 denouncing the Clinton administration for using U.S. troops in what he called ''nation-building.''

''I'm worried about an opponent who uses nation-building and the military in the same sentence,'' he told a rally. ''My view of the military is for our military to be properly prepared to fight and win wars—therefore, (to) prevent war from happening in the first place.''

What are we doing in Iraq if not ''nation-building?'' Enmeshed in Iraq, are we properly prepared to fight such crazies as the nuclear weapon-equipped ''Great Leader'' of North Korea, Kim Jong Il?

Our Real Enemy: Two days after 9/11, President Bush declared: ''The most important thing is for us to find Osama bin Laden. It is our No. 1 priority, and we will not rest until we find him.''

Six months later, laying political groundwork for the Iraq war, the President said: ''I don't know where he is. I have no idea and I really don't care. It's not that important. It's not our priority.''

The 9/11 Commission: The White House initially opposed creation of an independent commission to investigate causes of the 9/11 atrocities. A July 2002 statement read: ''The administration would oppose an amendment that would create a new commission to conduct a similar review (to Congress' investigation).''

The administration reversed course five months later. The bipartisan commission, including former Sen. Slade Gorton, R–WA, distinguished itself at hearings and in its findings and recommendations.

Homeland Security: In the fall of 2001 Sens. JOHN MCCAIN, R–AZ, and JOE LIEBERMAN, D–CT, proposed creating a Cabinet-level Department of Homeland Security.

White House press secretary Ari Fleischer outlined the administration's opposition in October 2001, saying Congress did not need to make the director's job ''a statutory post'' and that ''every agency of the government has security concerns.''

A year later, the Bush administration was flaying Sen. MAX CLELAND, D–GA—a Vietnam triple amputee—for allegedly being an obstacle to creation of the department. Anti-Cleland ads showing Osama bin Laden and Saddam Hussein flashed across the TV screens of Georgia.

Such are this administration's major national security flip-flops. But other flips bear on our safety.

During the 2000 campaign, candidate Bush pledged to limit carbon dioxide emissions into the atmosphere. It didn't happen. The President promised to support—or at least sign—renewal of Congress' 1994 ban on military-style assault weapons. The Bush administration didn't lift a finger to extend the ban, which recently expired.

Out here on America's ''Left Coast,'' candidate George Bush proclaimed himself a steadfast free trader. Even today, Republican State Chairman Chris Vance hammers Kerry as a flip-flopper on trade.

How, then, to explain the President's 2002 decision to slap tariffs of 8 to 30 percent on steel imports to the United States? (The tariffs were lifted after 21 months.)

Answer: The steel-producing states of Pennsylvania, Ohio and West Virginia have 46 fought-over electoral votes in this year's election.

□ 1015

HISTORIC MEETING BETWEEN INDIA AND PAKISTAN LEADERS OFFERS HOPE

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

Mr. WILSON of South Carolina. Mr. Speaker, a historic meeting took place this past Friday in New York City between Indian Prime Minister Singh and Pakistani President Musharraf. This was an important step toward bringing about a peaceful ending to disputes over Kashmir and fears of nuclear conflict in the region.

Both India and Pakistan have been strong allies of the United States in the war on terror and Secretary of State Colin Powell should be thanked for playing a significant role in bringing these leaders together. This is the latest example of positive progress in South Asia and the Middle East, thanks to the leadership and support of President George W. Bush and his administration.

This month the world's largest Muslim nation, Indonesia, had its first direct democratic election of a president, and earlier this year Libya voluntarily gave up its program to develop weapons of mass destruction. Additionally, millions of Muslims have been liberated by coalition forces from brutal regimes in Afghanistan and Iraq and now will build a civil society which protects American families.

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

TONIGHT'S PRESIDENTIAL DEBATE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I briefly rise, as well, to join my colleague in acknowledging the meeting between the Prime Minister of India and, of course, the President of Pakistan asking for their fellow countrymen and -women to understand the importance of aspiring for peace for their people.

But I rise today, Mr. Speaker, to really ask my colleagues and the American people what tonight's debate should really be about. This debate has been almost poised as a contest between two warriors. In fact, I believe this is a debate for the American people. The question should be asked, why were the American people told that we needed to go to war for the weapons of mass destruction that did not exist? Why have some thousand-plus of our young men and women and family members died in Iraq when there was no basis for this war? Why did the President not seek a constitutional vote for this war? Why are there thousands of wounded lying in our hospitals and we do not even know if the veterans hospitals will remain open?

The question is, who can lead us forward, and the answer is JOHN KERRY. That is what this debate is about, what will the American people want for their future and I can assure you it is not and should not be a litany of untruths from their national government; they simply want the truth.

DROUGHT RELIEF

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

Mrs. MUSGRAVE. Mr. Speaker, as we approach the end of this legislative session and I near the end of my freshman term, I am amazed by the power this body has when it wants to act quickly. The speed at which recent emergency funding for hurricane victims passed just goes to show what can be accomplished in Congress and how quickly.

Serving my rural district in Colorado, I come to the floor this morning to urge action on funding for victims of another major natural disaster, our 6-year drought, which has devastated farmers and ranchers throughout the West. This is a matter of importance that is not being reported on the 24-hour cable news networks or capturing front-page headlines across the Nation because it is not a sudden, horrific force like hurricanes; but it is very critical nonetheless.

When I am at home on the weekends, I see the devastation firsthand. I see the worry and the anxiety. I see the detriment this natural disaster is imposing on the local small town economies. Recently, the other body included $3 billion for drought relief in the Department of Homeland Security bill.

To my colleagues here in the House, I urge support of this funding for drought relief. Floridians boarded up before their natural disasters. Let us make sure rural Colorado does not after theirs.

IRAQ

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, today's Washington Post tells us that the administration recently curtailed the distribution of reports by contractor Kroll Security International that show increasing violence in Iraq. The article goes on to say that the Pentagon is sponsoring a group of Iraqi Americans to speak at military bases throughout the United States to provide ''a first-hand account of events in Iraq.'' That is to say, the administration is sending Iraqi exiles, mostly people who may not have been to the country in years, to tell our troops just back from Iraq the ''good news'' about how things are going there.

I imagine some of these exiles are the same people who told Deputy Defense Secretary Wolfowitz that we would be greeted as liberators upon arriving in Iraq. These are two more examples of an administration in denial of what is actually going on in Iraq, an administration unhinged from reality. If these emissaries of the administration were going to tell our troops the truth about Iraq, they would say that the international coalition is getting smaller, that our burden is getting larger, and our casualties are rising at an alarming rate.

That is the reality in Iraq, the reality that our dedicated troops deserve to be told by those sending them into harm's way. The American public needs to know what is happening in Iraq. This administration is failing to do that.

MESSAGE FROM THE SENATE

The Speaker pro tempore (Mr. MILLER of Florida) laid before the House the following privileged message from the Senate:

In the Senate of the United States, September 20, 2004.

Ordered, That the Secretary be directed to request the return of (H.R. 4567) entitled ''An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.'', in compliance with a request of the Senate for the return thereof.

Attest:

EMILY J. REYNOLDS,
Secretary.

The SPEAKER pro tempore. Without objection, the request of the Senate is agreed to, and H.R. 4567 will be returned to the Senate.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5183, SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART V

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–710) on the resolution (H. Res. 811) providing for consideration of the bill (H.R. 5183) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 807 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 807

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of September 30, 2004, providing for consideration of a bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway

Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

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

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

Mr. REYNOLDS. Mr. Speaker, House Resolution 807 is a same-day rule that provides for consideration of the rule to accompany H.R. 5183, the Surface Transportation Extension Act of 2004. The rule waives clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules.

Mr. Speaker, the current extension of the highway bill ends at midnight tonight. The Congress must therefore act immediately to ensure that there is no termination in projects or jobs while we continue to formulate the package that will reauthorize the Transportation Equity Act for another 6 years. The legislation must be moved forward today in order to continue funding for highway, highway safety, motor carrier safety, transit and other programs at the levels approved in the fiscal year 2004 budget resolution.

Mr. Speaker, I urge my colleagues to support this rule.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from New York for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the transportation bill is one of the most strongly supported, popular, and bipartisan measures to be considered in the House. The programs authorized in this bill touch every American and affect their lives every single day. There are probably only a handful of Members who do not want to see the transportation bill reauthorized for another 6 years.

But it appears that the Republican leadership and the administration are stonewalling this process by their refusal to work in good faith with the other body. Let us look at the facts. Republicans are in charge of the White House, the Senate, and the House of Representatives. But, instead of providing real leadership, the Republican leadership and the President have let the conferees dangle in the wind while we continue to pass short-term extension after short-term extension of these important programs.

By my count, Mr. Speaker, this is the sixth temporary extension to be considered and sent to the President. Do not get me wrong. I strongly support these programs. I understand that the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI) and others are doing their best given the draconian allocation set by the Republican leadership. I support these extensions because we cannot afford to let these programs expire. But it is important to know that the Republican leadership and the Bush administration have not done all they can to ensure that the full reauthorization is completed and signed before the programs expire.

Mr. Speaker, the President is the leader of his party. Yet the President has shown a lack of leadership on this issue. The transportation bill will provide every American with roads and bridges that they need. It will provide economic stimulus across the country with the various projects that are written into it. Most importantly, this bill will create new jobs at a time when the new jobs are desperately needed. But instead of looking out for the American public, the President and the Republican leadership in this body have held onto their ideology to the detriment of this country.

Mr. Speaker, I want to say again that I support this extension. While I am concerned anytime the Republican leadership proposes a martial law rule, I also want to express my support for this particular rule that will allow us to consider this sixth extension and send it to the President before these programs expire. But I am disappointed and discouraged by the way the President and the Republican leadership have mismanaged this process, and I hope we can do better next year.

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

Mr. REYNOLDS. 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 resolution was agreed to.

A motion to reconsider was laid on the table.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART V

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 811 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 811

Resolved, That 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. 5183) to provide an extension of highway, safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century. 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) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

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

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

Mr. REYNOLDS. Mr. Speaker, House Resolution 811 is a closed rule that provides for consideration of H.R. 5183, the Surface Transportation Act of 2004. The rule waives all points of order against consideration of the bill and provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule further provides one motion to recommit.

Mr. Speaker, the Committee on Transportation and Infrastructure currently has under its consideration the multiyear reauthorization of the Transportation Equity Act. The current authorization expires at midnight tonight and the bill before us today provides funding for essential programs for an additional 8 months, through May 31, 2005. This extension is necessary to give the authorizing conferees additional time to agree on a larger reauthorization bill.

□ 1030

This Congress recognizes the many needs of our Nation and is answering the call by diligently working through its process to produce a bill that deals with the Nation's priorities in a whole host of areas.

The final authorization bill will ensure that we have a reliable and stable transportation infrastructure from Federal highways and highway safety to public transportation and motor-carrier safety programs.

In the meantime, the extension before us today authorizes $24.5 billion for the Federal Aid Highway program for highway and bridge construction and safety-related infrastructure improvements. Mr. Speaker, $5.2 billion is authorized for the Federal Transit Administration for grants to State and local transit agencies to reduce congestion and ensure mobility for all Americans in urban and rural areas.

Additionally, the bill authorizes $200 million for highway safety programs, including programs to encourage seatbelt use and prevent drunk driving. The $287 million is authorized for the Federal Motor Carrier Safety Administration for truck and bus-related safety programs.

Mr. Speaker, the underlying bill also releases the final portion of contract authority and obligation authority for

the highway program in fiscal year 2004. This funding was reserved until the end of the fiscal year and is now being used to ensure that States receive at least a 90.5 percent minimum guaranteed rate of return on their Highway Trust Fund contributions.

Without our action today, vital programs and projects under the jurisdiction of the Department of Transportation will be put on hold. States will not be reimbursed with the Federal share of projects. Safety grants will not be provided to States, and transit construction will be halted, all of which puts jobs at risk.

Mr. Speaker, we simply cannot allow States and transportation projects to suffer. I urge my colleagues to support this rule and the underlying extension.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS), my good friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this rule and the underlying bill are for an 8-month extension of the Transportation Equity Act for the 21st century, TEA 21. It marks the sixth extension of that landmark legislation since it expired last year and reveals, once again, the rank and utter incompetence of the Republican leadership to get a transportation reauthorization bill. This extension, while absolutely necessary to keep the Nation's highway and transportation agencies running is, simply stated, another glaring failure of the Republican leadership in this session of Congress.

Mr. Speaker, let us pause for a moment to remind everyone of the facts. They are in charge of the White House. They are in charge of the Senate, and they are in charge of the House of Representatives. The transportation reauthorization bill is one of the most strongly supported, popular and bipartisan measures to be considered in the House. The programs authorized in this bill touch every American and affect their lives every single day. There are probably only a handful of Members who do not want to see a transportation bill reauthorized for another 6 years. Nevertheless, this President and the Republican leadership, which have presided over a historic loss of more than 2 million American jobs, are stonewalling a transportation bill which will create 47,000 new jobs for every $1 billion of investment.

The refusal of this leadership to work in good faith with the other body is costing our economy precious jobs, while the condition of our roads and bridges continue to deteriorate. Instead of providing real leadership, the majority party and the President have let the conferees twist in the wind while we continue to pass short-term extension after short-term extension of these important programs. The States, which we were elected to represent, are left to guess at when we will have a transportation bill, as they endeavor to undertake critically important public works projects. According to the American Association of State Highway Transportation officials, 33 States say that a short-term extension rather than enactment of a 6-year bill will mean $2.1 billion in project delays and the loss of over 90,000 jobs.

Now, I understand that the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI) and everybody on the committee are doing the best they can given the Draconian allocations set by the Republican leadership. The members of that committee, the bipartisan cooperation of that committee deserves to be praised by all of us, and it should be an example to the rest of this body. I support these extensions because we cannot afford to let these programs expire. But it is important to know that the leadership of this House and the administration have not done all they can to ensure that the full reauthorization is completed and signed before the programs expire.

Mr. Speaker, as I said before, the President is the leader of his party. Where is the leadership? The transportation bill will provide every American with the roads and bridges that they need. It will provide economic stimulus across the country with various projects that are written into it. And, most importantly, this bill will create new jobs at a time when new jobs are desperately needed. But instead of looking out for the American public, the leadership and the President have held on to their ideology to the detriment of this country.

So, Mr. Speaker, I want to say again that while I support this extension, I am disappointed and discouraged by the way the leadership has so profoundly mismanaged this process, and I hope that we can do better next year.

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

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

It is now almost October 1, and we are getting into the election season. I expect the gentleman from Massachusetts to have some finger-pointing going on. But I was here, as he was, when the debate occurred on transportation, and I would say that the authorizers had some pretty good, wholehearted debate that seemed to almost be on the same page between Republicans and Democrats, the majority and the minority of this House.

I would remind all of us that while we had some harmony passing that legislation in the House and apparently in the other body, they had some harmony on what they passed, we have, as we well know as students of government, to pass an identical piece of legislation in the House, in the Senate and the President to sign it, or if he vetoes it, it would require a two-thirds vote in both of the bodies of Congress.

Now, what we have seen, because the other body has publicly debated some of their positions, is that we have disagreements between the House and the other body and we have some from the White House on just what the spending will be. But while we are in an election year, we need to make sure we also get some of the facts back here. And that is that my understanding of this extender, is that the 2005 authorization is using the 2004 levels, and there is absolutely zero loss of anything, that each State will have their money. As a matter of fact, in the underlying legislation, it is my understanding that we will see that the $2 billion that Members on both sides of the aisle worked hard to achieve for their districts will also be distributed to those States under the current formula.

Now, I cannot speak for Massachusetts, but I know, in New York, number one, that is going to be fair and equitable money. Number two, it is still a jobs bill that is keeping my people working across my State and, quite frankly, I think across the 50 States. So when we look at this, we also need to come to terms with a funding level of transportation authorization in a future 6-year bill that is equitable for all of us. And we know that different regions of the country have different viewpoints, and we know that non-mass-transit States have different views than those who are in high-growth States looking to develop further road infrastructure in their communities. It is not an easy bill to put together to get a 6-year consensus in this body, let alone between the House, the Senate, and the White House.

But the important thing that is to be noted today as we preserve those jobs, those jobs are working, and a ''yes'' vote today keeps these projects moving forward and protects those jobs. A ''no'' vote puts people out of work. I will willing to predict, Mr. Speaker, that we will have strong bipartisan support for the extension over the next 8 months.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague, the gentleman from New York, for his comments. I always enjoy listening to his interesting spin on things.

The fact of the matter is, the problem is not with the authorizers. The authorizers have done a great job. As I said, we need to praise, in a bipartisan way, the members of the Committee on Transportation and Infrastructure. But the problem is with the leadership, and the problem is with the White House who is insisting on unbelievably low numbers for the reauthorization of this bill.

As a result of not having a 6-year bill, there are a number of States that have put projects on hold, and that means that these projects are not being built. They are not going forward. The jobs are not being created. We should have done better.

We are all going to support this extension. We have to. We have no

choice. This is the right thing to do. I am just lamenting the fact that we should have had a 6-year bill, and I regret that the White House and the leadership were not able to get together and make this a priority, especially at a time when there is record job loss.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a member of the Committee on Transportation and Infrastructure.

Mr. BLUMENAUER. Mr. Speaker, I listened to the explanation of my friend, the gentleman from New York, and I agree with a number of the things he said. There will be a large, bipartisan majority supporting this extension, but the notion that somehow there are not problems associated with the repeated failure of Congress to pass, despite what my friend from New York says, what should be one of the easiest bills. We can take the bill that passed the Senate and put it on the floor of the House, and I am quite confident that it would pass with an overwhelming majority. It passed the other body with some 72 or 73 votes. The Committee on Transportation and Infrastructure offered up an approach to the Floor of the House that was substantially above that level. We have assembled the broadest coalition in the history of infrastructure legislation. We have interests ranging from the Sierra Club to the Chamber of Commerce, from the Women's Federation Garden Club of America to the cyclists, to the people who put down asphalt, who all agree on the basic structure of this legislation.

There has been a lot of hard work on behalf of the gentleman from Alaska and the gentleman from Minnesota to try and craft a piece of legislation that is acceptable. I see on the floor here my friends, the gentleman from Wisconsin and the gentleman from Illinois, who have been working, chairing the subcommittee, trying to put something forward underneath these artificial restrictions.

But the point is that it is not a failure of agreement between the Members of the two bodies of Congress. We are substantially in agreement, and we are in agreement with the vast majority of the American public. And the failure to allow that agreement to be fully and fairly debated on this floor and enacted means that we are holding in suspense important transportation priorities.

Yes, we are going to allow the spigot to be opened, or rather, we will avoid slamming the spigot closed at midnight tonight. I do not think anybody in their right mind thinks that we would or should do that. But that does not mean that there are not negative problems associated with it. We have projects in the Pacific Northwest that were slated to go forward that are multiyear in nature, and because of the uncertainty, these are on hold; significant problems that speak to economic development, that speak to environmental protection, to reducing congestion. And it is not just in the northwest. It is New York. It is in Massachusetts. It is Florida and Texas.

If we talk to any of the transportation officials, they will tell us that we are not well served having to repeatedly come to the floor with a short-term extension. But I am going to argue in support of this 8-month extension because, frankly, it is better to kick the can down the road past the election. We have shown that we are not really capable of doing that in an election year. With a new Congress, maybe with a new administration, without the pre-election posturing, I think we will, in fact, have a better piece of legislation. Were we to enact a flawed piece of legislation, it would not just be a problem for today or tomorrow; we would be crippling our transportation initiatives for the entire 6-year period of the authorization, and it would establish an artificially low standard for subsequent reauthorizations. We would be severely penalizing transportation for a generation to come.

I hope that, in the course of the next 8 months, but particularly in the course of the next 5 weeks, the American public takes the time to pin down the politicians in the House, in the Senate, running for President, about where they stand on transportation infrastructure. This is the most important transportation piece of legislation for the next 6 years. It is also the most important economic development legislation, and done right, it is the most important environmental legislation.

This should have been the easiest piece of legislation for this Congress to pass. Sadly, we are seeing today that it has proven that we are not up to the challenge. I hope we can take these next 8 months and do better by the American public.

□ 1045

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

Mr. Speaker, I respect the gentleman and what his view is, but I come from a State that has some complex transportation, from new to old aging infrastructure, to mass transit, to ports, to motor carriers, to dealing with buses and transit systems.

As I look at this, if we keep this moving forward by passing this extender, we are going to keep those projects moving forward to protect jobs. A ''no'' vote puts people out of work. It stops transit.

I have taken great care to listen to the transportation experts, and they assure me of the following. We came here with such great spirit in the House to pass this legislation, and it was bipartisan work. We certainly lauded both the chairman of the full Committee of Transportation and Infrastructure and the subcommittee chairs who put together this complex bill and in a bipartisan fashion. Yes, there certainly are differences of agreement to different aspects of what I see in the other body just from public statements of negotiation. We have also seen that the White House and Department of Transportation has some of their opinions on this bill as well.

I accept the fact that we are getting into the election season, and we are going to have all sorts of consumption going on back home as to what this means. But what my transportation experts of New York say, as well as talking to experts in this body, they tell me that if we do this extension, it is going to maintain the spending in the 2005 authorization and 2004 funding levels and that basically no one will lose any money at all in any of our States or, for the most part, in our districts unless some of the Members do not have a relationship with their State transportation people on some of the priorities that they might be looking for in their State.

It is important to understand, for those who are listening to this debate, that this maintains the spending of a multiyear plan in the extension of 8 months, and it does in the 2005 authorization as well as looking at the 2004 funding levels that are currently available.

My local folks in New York, the State commissioner and his people, tell me that we will be able to continue in the continuity of a complex transportation system by being able to count on this extension and the funding to continue the multiyear projects.

So I do not quite understand the gentleman's aspect of where it starts and stops maybe as he sees the view, because I have been assured that we have continuity of transportation services in a multiyear fashion by extending this.

Again, I must say to my colleagues, a ''yes'' vote today keeps those projects moving forward and protects jobs and protects the work and plans that are in our respective States, and a ''no'' vote just plain stops that or puts people out of work.

Mr. BLUMENAUER. Mr. Speaker, will the gentleman yield for a question?

Mr. REYNOLDS. I yield to the gentleman from Oregon for a question.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's notion about having the funds flow.

Mr. REYNOLDS. I said I yield for a question. I do not want to hear the gentleman's debate on my time.

Mr. BLUMENAUER. Mr. Speaker, I am seeking not to debate. I was just trying to establish a context for a question.

Is it not true that, in both the House and the Senate version of the transportation reauthorization, there are a vast number of specific projects, new starts, that are multiyear in nature and that cannot proceed in the absence of their being reauthorized, and that this extension has no bearing on those longer-term, complex, important projects in the gentleman's State and in mine?

Mr. REYNOLDS. I thank the gentleman for his question, and what I understand is as follows. Sure, I have projects; I think most Members of this body have specific projects earmarked in our legislation. It is my understanding that the other body would not consider earmarks that we would like to begin in the 2005 project year. Therefore, the compromise of extension, because we have had disagreements between the two bodies and we also have the White House in consideration of getting a final bill, was that we would take $2 billion of funding of Member-earmarked items of 2004 and roll them into our respective States on the existing formulas. That is what makes the States content to have that money back into their aspect of continuing in the projects.

The gentleman's influence, as a member of the Oregon delegation, might put an opportunity where the gentleman could talk to the DOT commissioner and begin their projects based on some of the monies they will receive.

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

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

Let me be clear to everybody here, because the gentleman from New York keeps on talking about this in terms of a ''yes'' or ''no'' vote. We are all going to vote for it because there is no other choice. Nobody is opposing the extension here. What we are simply saying is they have mismanaged this process.

He talks about jobs that could be maintained. Well, we want to not only maintain jobs, we want to create them.

Let me repeat to him, according to the American Association of State Highway Transportation Officials, 33 States say that a short-term extension rather than enactment of a 6-year bill will mean $2.1 billion in project delays and the loss of over 90,000 jobs. If we did our job right in this House, then this would not be the case. There would be more jobs coming.

I would remind the gentleman, again, I am pretty sure that one party, one party, controls the House and controls the Senate and controls the White House. Contrary to what the gentleman says, this is not about finger-pointing to point out that you guys cannot get your act together.

Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for the time.

October 1, 2003: What is important about that date? That is the date that the last highway bill expired. Here we are, almost a year later, legislation that sets the course of all spending on roads, bridges, highways, mass transit in the United States of America has been in suspended animation working under a 7-year-old law for the last 11 months.

I guess if the Republicans controlled things, things would not be like that; that is the kind of thing we hear around here all the time. They control the White House, the Department of Transportation, the House and the Senate. The White House is low-balling the number and underinvesting in America. They only want to spend $259 billion. They want to take our gas tax money and spend it on other things instead of transportation.

The House did a little better, $283 billion, not enough, but they did better. But they do not want to confront the President in an election year. We could roll them easily. It would be embarrassing, though, just before the election for him to be against jobs and investment in America and spending gas taxes on the purposes for which it was collected. The Senate did a lot better yet, $318 billion.

Then, of course, there was the unanimous bipartisan vote of the Committee on Transportation and Infrastructure, on which I serve, where we voted unanimously for $379 billion, $120 billion more than the President is willing to spend, because that is what the President's Department of Transportation said is necessary to take care of the problems in New York and other States. We need another $120 billion over what the President's asking for to deal with those problems.

It is disingenuous to get up here and say, oh, if we follow these lower numbers, nothing is being hurt. We are foregoing new starts. We are foregoing new investments. We are foregoing additional investments that the President's own Department of Transportation says is necessary. Why? Why are we doing that? We collect gas taxes from each and every American every time they fill up their car, a bunch of them, and that money is supposed to be spent on roads, bridges and highways. We have seen the potholes. I have got failing bridges in my district. We could put hundreds of thousands of people to work tomorrow if we had more investment and more spending.

I cannot understand why they will not spend our gas tax money to put people to work and meet needed investment in our infrastructure. So I stand here saying we should be doing more than just this continuing resolution, obviously. We should have sometime in the last 11 months. The Republicans should have been able to get their act together and agree on a highway bill. That has not happened. Well, if we cannot do that, at least let us put a little more money in there, put a few more people back to work, begin to address some of these problems that are out there, begin to take care of some of the new starts that New York has asked for that cannot go forward under this legislation.

My colleagues cannot say, oh, the transportation experts in New York say this is going to take care of all the problems. It is not. It is not even beginning to address the backlog of problems of failing roads and bridges.

Another interesting statistic from the President's own Department of Transportation is that, for every $1 billion we spend on roads, bridges, highways, mass transit, we create 47,500 jobs; not just construction jobs, but those are good jobs and good wage jobs. And guess what? They cannot be outsourced to another country. That is a really good thing about those jobs, but what it also does is it spills over into communities and small businesses. The suppliers, the contractors, the equipment operators, they are all local. They are locally based. It helps our local communities who need more jobs and investment. It helps small businesses, 47,500 jobs.

So, that means by walking away from the higher numbers proposed by the Senate, that is $318 billion, that we are foregoing $34 billion of investment that is needed to repair our failing bridges, roads, highways and our mass transit inadequacies, new starts in New York and other States. I cannot do the math quite here, but 34 times 47 sounds like a heck of a lot of jobs to me, somewhere around 1.5 million jobs. This country could use another 1.5 million jobs. In fact, if the President would sign a bill at that higher number, then he could say he delivered on his promise of creating 2 million jobs during his presidency. Right now, he is kind of short on that.

This is at best an absolutely minimal stopgap that is not meeting the real needs of Americans, that is not putting people back to work, that is not spending their gas tax money in the manner in which it was intended when it was collected and extracted from them, when they bought gas at the pump.

I would say we have apparently no alternative but to support this inadequate level of funding, but the American people should be aware it is inadequate. It does mean no new starts. It does mean that we are not going to address a whole bunch of problems all around the country, and we can do better.

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

It is a well-known fact in the House that the Committee on Transportation and Infrastructure is probably the largest of membership in our great body. It amazes me when I look at the members of the committee, that might share from the other side of the aisle, kind of going back and forth between an extension and the 6-year bill, kind of mixing it up.

I just want to make sure we have the record straight, although I have said it so many times in this debate already. The extension does not prejudice the 6-year bill. It actually keeps a continuity of funding levels at the authorization of our budget resolution.

The gentleman is actually continuing, as previous speakers have, to go back and forth between a simple extension that guarantees all States their money and some planning purposes over the next 8 months versus trying to get to a 6-year bill.

I am used to a situation where legislation does not come to the floor as

fast as some Members would want, that there is finger-pointing. I also acknowledge that we have disagreements between the other body, the White House and this on getting a conclusion of a 6-year bill.

But the Chairman of the Committee on Transportation and Infrastructure has made sure, with his subcommittee chairmen, that we have an 8-month extension that guarantees each State their money so they can continue in their planning purposes. As I have said before, it clearly says a ''yes'' vote today keeps those projects moving forward and protects jobs. A ''no'' vote puts people out of work and brings that construction to an end.

I also want to make sure that some of these alarmist accusations, that there is clear, on-the-record information so that they do not get caught up without a response. As the previous gentleman talked about the fact of money going all over the place, this bill includes an extension of the budgetary firewalls and spending guarantees for the highway category and transit category. These firewalls and guarantees protect the integrity of the Highway Trust Fund to ensure the highway user-related fees are used exclusively for highway transit and highway safety programs.

I want to just let America know that we extend those protections in this extension of 8 months, just as it was in underlying legislation in the past.

□ 1100

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

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, as I look at this particular road bill, the reauthorization, I think of comments made back home, where it is called road kill. In essence, what is happening with this legislation and the reauthorization, quite frankly our folks back home will call it road kill; and let me explain why.

We have individuals this morning that got up in my district and districts throughout this country and they have traveled to work at the factory or at their workplace, and in many cases in my district, on unsafe roads. So this legislation will provide, if enacted, as it should have been, will provide a safe way for working moms and dads to go to work and return to their families later that afternoon, and in many cases working at low-wage jobs.

We have also heard that maybe we can pass this legislation in a lame duck session. Well, that obviously is not going to happen. But I submit to you that is what we have been doing the past year and a half: we have been having a lame duck session. And quite frankly with the lame duck session we have been having concerning transportation needs, we have provided an avenue for many of our folks back home to be sitting ducks, sitting ducks that unless we pass this legislation and fully fund it, as many of us on this side of the Chamber have asked for, it may bring about a situation where the American public and the jobs that we have will bring about an economy that will create a dead duck scenario.

It is my hope that we realize, as we engage in the next 8 months, and I am sure that is what is going to happen, that for the American public and the safety of the American public and the American workers, that we pass an adequately funded reauthorization bill that will help build roads to many of our rural areas; that will help the inner cities with mass transit; and will bring about safe traveling as well as providing an economic boost.

Many years ago, Mr. Speaker, when our interstate systems were built, it helped bring about what we called ''just-in-time manufacturing.'' Small rural areas could in fact become the suppliers for the assembly lines of American manufacturers. As a result of that, we were able to move from small rural areas the products being built there, or that portion of it, to the larger manufacturing companies and create jobs in rural areas. We, in fact, by languishing and not fulfilling our responsibilities are bringing about a situation and circumstance for many of our workers and many of our families and our economy that will not be able to compete should, say, China decide to do as we did in the 1950s and the 1960s.

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

Mr. DAVIS of Tennessee. I yield to the gentleman from New York.

Mr. REYNOLDS. Mr. Speaker, I was listening carefully to the comments of the gentleman, but I was at the point where I wondered if the gentleman intends to vote for the extension or not to vote for the extension, based on your remarks.

Mr. DAVIS of Tennessee. Mr. Speaker, reclaiming my time, I would say to the gentleman from New York that my intention is to vote for a reauthorization bill adequately funded. Unfortunately, we do not have that option.

Mr. Speaker, my hope is that we do what is right and that we put first the safety of the American public and pass the reauthorization bill at the level it should be.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time, and let me just conclude for our side here by saying that this debate is not about whether or not we are going to support this extension. We are all going to support it. That is not the issue.

What we are expressing here is a frustration that we do not have a 6-year bill. And contrary to what the gentleman from New York says, most transportation planners that I have talked to, and I am sure he has talked to, if he has listened to them, would tell him that a 6-year bill is better than an 8-month extension for this reason: that many transportation programs require long-term planning. It is not a quick one-time investment. With an 8-month extension there is not the certainty of what happens after 8 months.

My point earlier was simply that this is another missed opportunity by this leadership. The Republicans control the House, they control the Senate, and they control the White House. Surely, surely they could have worked out a deal. Surely they could have helped accomplish a 6-year extension. That is what the frustration is on this side.

Our Governors and our mayors and our town managers and our city planners are all looking for a long-term guarantee of funding, and they are not going to get that. They are going to get an 8-month extension. And, yes, that is better than nothing. We need to keep this funding going. But the fact is they cannot plan long term; and as a result of that, we are not going to create as many jobs. The future for some of the economic development that we all hoped for that will come from some of these projects will have to be put on hold, and I think that is a shame.

So I want to commend the Committee on Transportation and Infrastructure, the chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and all the Members who have worked hard in a bipartisan way. I only wish that their spirit of cooperation would have translated to the leadership of this House and the other body and the White House. We should be doing so much better than this. We should be passing a 6-year extension right now.

So I urge my colleagues to vote for the rule, and I urge them to vote for the extension; and, hopefully, we will, sooner rather than later, get a 6-year bill.

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

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

Mr. Speaker, my colleague said it well, we should vote for this rule and then the underlying legislation. As I opened my remarks, I commented that I understand it is the election season. So many of us have to get up and try to say something for back home on whatever that may be.

I have talked to planners in my years of service, and some planners I know would like to have an exact fund for the entire length of their career in planning. But the reality is that this bill is going to provide an extension and continuity in both planning and money to our respective States. My State, as I outlined earlier, has a complex transportation network and understands that this extension keeps the funding levels the same as it has been. As a matter of fact, the opportunity of all States will have the same funding levels. So we have continuity of our programmatic services and dollars to the States and for them to also distribute as they see fit the monies that will come in this 8-month extension.

It is not easy to formulate an agreement of an extension, and I laud Chairman YOUNG of the Committee on Transportation and Infrastructure and his subcommittee chairman in working with the other body to get a compromise of extension that works so well for our States as we continue this continuity of transportation projects and creating and maintaining the jobs that these construction opportunities exist through the transportation bill. But as we also look here, it is an opportunity for us to continue to get an agreement that both bodies and the White House will look to be a 6-year plan following the extension that is here.

My colleague, the gentleman from Massachusetts (Mr. MCGOVERN), has been clear. A ''yes'' vote today keeps the projects moving and keeps and protects jobs. A ''no'' vote puts people out of work. The extension will do the job and we can continue in having a multiyear plan of the future based on the results of our actions today. So I call upon my colleagues to support this rule and the underlying extension.

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 resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to House Resolution 811, I call up the bill (H.R. 5183) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 811, the bill shall be considered as read for amendment:

The text of H.R. 5183 is as follows:

H.R. 5183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Surface Transportation Extension Act of 2004, Part V''.

SEC. 2. ADVANCES.

(a) IN GENERAL.—

(1) APPORTIONMENT RATIO.—Except as provided in paragraph (2), the Secretary of Transportation shall apportion funds made available under section 1101(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 876), as amended by this section, to each State in the ratio that—

(A) the State's total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(B) all States' total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program.

(2) EXCEPTION.—The ratios determined under this subsection shall be subject to the same adjustments as the adjustments made under section 105(f) of title 23, United States Code.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the recreational trails program, the Appalachian development highway system program, and the minimum guarantee.

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

(A) the amount apportioned to the State under subsection (a); by

(B) the ratio that—

(i) the amount of funds apportioned for the item to the State for fiscal year 2004; bears to

(ii) the total of the amount of funds apportioned for the items to the State for fiscal year 2004.

(3) ADMINISTRATION OF FUNDS.—Funds authorized by the amendment made under subsection (d) shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deductions and set-asides in the following sections of such title shall not apply to such funds: sections 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

(4) SPECIAL RULES FOR MINIMUM GUARANTEE.—In carrying out the minimum guarantee under section 105(c) of title 23, United States Code, with funds apportioned under this section for the minimum guarantee, the $2,800,000,000 set forth in paragraph (1) of such section 105(c) shall be treated as being $1,866,666,667 and the aggregate of amounts apportioned to the States under this section for the minimum guarantee shall be treated, for purposes of such section 105(c), as amounts made available under section 105 of such title.

(5) EXTENSION OF OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by inserting after ''2004'' the following: ''and in the period of October 1, 2004, through May 31, 2005,''.

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall reduce the amount that would be apportioned, but for this section, to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 2005, under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) and section 5(c) for each such program.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101 of the Transportation Equity Act for the 21st Century (112 Stat. 111–115; 117 Stat. 1118; 118 Stat. 876) is amended by adding at the end the following:

''(1) ADVANCE AUTHORIZATION FOR FISCAL YEAR 2005.—

''(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 2004, Part V $21,311,774,667 for the period of October 1, 2004, through May 31, 2005.

''(2) SPECIAL RULE.—Funds apportioned under section 2(a) of the Surface Transportation Extension Act of 2004, Part V shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

''(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.''.

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2005 (other than an Act or resolution making continuing appropriations), the Secretary shall distribute 8/12 of the obligation limitation for Federal-aid highways and highway safety construction programs provided by such Act according to the provisions of such Act.

(2) EXCEPTIONS.—

(A) DETERMINATION OF AMOUNTS.—Any instruction in such Act that would require the distribution or reservation of obligation limitation prior to distributing the remainder of the obligation limitation to the States shall be executed as if the program, project, or activity for which obligation limitation is so distributed or reserved was authorized at an amount equivalent to the greater of—

(i) the amount authorized for such program, project, or activity in this Act; or

(ii) 8/12 of the amount provided for or limitation set on such program, project, or activity in the Act making appropriations for the Department of Transportation for fiscal year 2005.

(B) MINIMUM GUARANTEE.—Obligations for the period October 1, 2004, through May 31, 2005, shall not exceed the obligation limitation distributed by this subsection, except that this limitation shall not apply to $426,000,000 in obligations for minimum guarantee for such period.

(3) TIME PERIOD FOR OBLIGATIONS.—After May 31, 2005, no funds shall be obligated for any Federal-aid highway program project until the date of enactment of a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2005 for the purposes of any obligation limitation set in an Act making appropriations for the Department of Transportation for fiscal year 2005.

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) IN GENERAL.—In addition to any other authority of a State to transfer funds, for fiscal year 2005, a State may transfer any funds apportioned to the State for any program under section 104(b) (including amounts apportioned under section 104(b)(3) or set aside, made available, or suballocated under section 133(d)) or section 144 of title 23, United States Code, before, on, or after the date of enactment of this Act, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other than subsections (d)(1) and (d)(2)) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary of Transportation shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway program.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—No provision of law, except a statute enacted after the date of enactment of this Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

(d) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

(e) PROHIBITION OF TRANSFERS.—Notwithstanding any other provision of this section, no funds may be transferred by a State under subsection (a)—

(1) from amounts apportioned to the State for the congestion mitigation and air quality improvement program; and

(2) from amounts apportioned to the State for the surface transportation program and that are subject to any of paragraphs (1), (2), and (3)(A)(i) of section 133(d) of title 23, United States Code.

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative expenses of the Federal-aid highway program $234,682,667 for fiscal year 2005.

(b) CONTRACT AUTHORITY.—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs; except that such funds shall remain available until expended.

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 877) is amended—

(i) by inserting before the period at the end the following: ''and $183,333,333 for the period of October 1, 2004, through May 31, 2005''; and

(ii) by adding at the end the following: ''The minimum amount made available for such period that the Secretary, in cooperation with the Secretary of the Interior, shall reserve for Indian reservation road bridges under section 202(d)(4) of title 23, United States Code, shall be $8,666,667 instead of $13,000,000.''.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $164,000,000 for the period of October 1, 2004, through May 31, 2005''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $110,000,000 for the period of October 1, 2004, through May 31, 2005''.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $13,333,333 for the period of October 1, 2004, through May 31, 2005''.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $93,333,333 for the period of October 1, 2004, through May 31, 2005''.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $25,333,333 for the period of October 1, 2004, through May 31, 2005''.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—To carry out section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005; 112 Stat. 185; 118 Stat. 878), of funds made available by the amendment made by subparagraph (A)—

(i) $6,666,667 shall be available for section 1064(d)(2);

(ii) $3,333,333 shall be available for section 1064(d)(3); and

(iii) $3,333,333 shall be available for section 1064(d)(4).

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 878) is amended—

(A) by striking ''and'' the last place it appears; and

(B) by inserting before the period at the end the following: '', and $17,666,667 for the period of October 1, 2004, through May 31, 2005''.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 878) is amended by inserting before the period at the end the following: '', and $7,333,333 for the period of October 1, 2004, through May 31, 2005''.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $3,333,333 for the period of October 1, 2004, through May 31, 2005''.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—

(A) IN GENERAL.—Section 1101(a)(15) of such Act (112 Stat. 113; 118 Stat. 879) is amended by inserting before the period at the end the following: ''and $73,333,333 for the period of October 1, 2004, through May 31, 2005''.

(B) CONFORMING AMENDMENT.—Section 1214(r)(1) of such Act (112 Stat. 209; 117 Stat. 1114) is amended by striking ''2004'' and inserting ''2005''.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 879) is amended by inserting before the period at the end the following: ''and $333,333 for the period of October 1, 2004, through May 31, 2005''.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 879) is amended by inserting before the period at the end the following: ''and $16,666,667 for the period of October 1, 2004, through May 31, 2005''.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking ''and'' at the end of subparagraph (E);

(ii) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(iii) by adding at the end the following:

''(G) $86,666,667 for the period of October 1, 2004, through May 31, 2005.'';

(B) in subsection (a)(2) by inserting after ''2004'' the following: ''and $1,333,333 for the period of October 1, 2004, through May 31, 2005''; and

(C) in subsection (c)—

(i) by striking ''2004'' and inserting ''2005''; and

(ii) by striking the period at the end of the table and inserting the following:

''2005 ..... $1,733,333,333.''.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act of the 21st Century (112 Stat. 210) is amended by inserting before the period at the end ''and $1,000,000 for the period of October 1, 2004, through May 31, 2005''.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 879) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $68,666,667 for the period of October 1, 2004, through May 31, 2005''.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 879) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $33,333,333 for the period of October 1, 2004, through May 31, 2005''.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 879) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $13,333,333 for the period of October 1, 2004, through May 31, 2005''.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 879) is amended by inserting before the period at the end the following: '', and $20,666,667 for the period of October 1, 2004, through May 31, 2005''.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 879) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $73,333,333 for the period of October 1, 2004, through May 31, 2005''.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 880) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $81,333,333 for the period of October 1, 2004, through May 31, 2005''.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 880) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $17,666,667 for the period of October 1, 2004, through May 31, 2005''.

(c) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, $145,000,000 for the period of October 1, 2004, through May 31, 2005.

(2) DISTRIBUTION OF FUNDS.—The Secretary shall distribute funds made available by this subsection to the States in accordance with

section 104(f)(2) of title 23, United States Code.

(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111–115; 117 Stat. 1116; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $24,266,667 for the period of October 1, 2004, through May 31, 2005''.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $12,533,333 for the period of October 1, 2004, through May 31, 2005''.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $333,333 for the period of October 1, 2004, through May 31, 2005''.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $66,666,667 for the period of October 1, 2004, through May 31, 2005''.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $66,666,667 for the period of October 1, 2004, through May 31, 2005''.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $500,000 for the period of October 1, 2004, through May 31, 2005''.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118; 118 Stat. 881) is amended—

(1) by inserting before ''; except'' the following: ''and $3,500,000 for the period of October 1, 2004, through May 31, 2005''; and

(2) by inserting before ''for eligible'' the following: ''and not less than $166,667 instead of $250,000 shall be available for the period of October 1, 2004, through May 31, 2005,''.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118; 118 Stat. 881) is amended—

(1) in paragraph (1) by inserting after ''2004'' the following: ''and $6,666,667 for the period of October 1, 2004, through May 31, 2005''; and

(2) in paragraph (2) by inserting after ''2004'' the following: ''and $6,666,667 for the period of October 1, 2004, through May 31, 2005''.

(l) ADMINISTRATION OF FUNDS.—Funds authorized by the amendments made by this section shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code, except that the deductions under sections 104(a)(1)(A) and 104(a)(1)(B) of such title shall not apply to funds made available by the amendment made by subsection (a)(1) of this section.

(m) REDUCTION OF ALLOCATED PROGRAMS.—The Secretary of Transportation shall reduce the amount that would be made available, but for this section, for fiscal year 2005 for allocation under a program, that is continued both by a multiyear law reauthorizing such program enacted after the date of enactment of this Act and by this section, by the amount made available for such program by this section.

(n) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds allocated under this section for fiscal year 2005 for a program category for which funds are not authorized for fiscal year 2005 under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act may be restored to the Federal-aid highway program.

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157 of title 23, United States Code, is amended—

(A) in subsection (a)(3) by striking ''2002'' and inserting ''2003'';

(B) in subsection (a)(8)(B) by striking ''2002'' and inserting ''2003'';

(C) in subsection (b) by striking ''2003'' and inserting ''2005'';

(D) in subsection (c)(1) by striking ''2003'' and inserting ''2004'';

(E) in subsection (c)(2) by striking ''2003'' and inserting ''2004'';

(F) in subsection (f)(4) by striking ''2003'' and inserting ''2004'';

(G) in subsection (g)(1)—

(i) by striking ''and''; and

(ii) by inserting before the period at the end the following: '', and $74,666,667 for the period of October 1, 2004, through May 31, 2005'';

(H) in the heading to subsection (g)(3)(B) by striking ''2004'' and inserting ''2005''; and

(I) in subsection (g)(3)(B) by striking ''2004'' and inserting ''2005''.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended—

(A) by striking ''and''; and

(B) by inserting before the period at the end the following: '', and $73,333,333 for the period of October 1, 2004, through May 31, 2005''.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 886) is amended—

(1) by striking ''and''; and

(2) by inserting before the period at the end the following: '', and $110,000,000 for the period of October 1, 2004, through May 31, 2005''.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 886) is amended by inserting after ''2004'' the following: '', and $48,000,000 for the period of October 1, 2004, through May 31, 2005''.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 886) is amended—

(1) by striking ''and'' the last place it appears; and

(2) by inserting before the period at the end the following: '', and $13,333,333 for the period of October 1, 2004, through May 31, 2005''.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3) by striking ''7'' and inserting ''8''; and

(B) in subsection (a)(4)(C) by striking ''and seventh'' and inserting '', seventh, and eighth''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 886) is amended—

(A) by striking ''and'' the last place it appears; and

(B) by inserting before the period at the end the following: '', and $26,666,667 for the period of October 1, 2004, through May 31, 2005''.

(f) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 886) is amended by inserting after ''2004'' the following: '', and $2,400,000 for the period of October 1, 2004, through May 31, 2005''.

(g) ALLOCATIONS.—Section 2009(b) of such Act (112 Stat. 338) is amended—

(1) in paragraph (1) by striking ''2004'' and inserting ''2005''; and

(2) in paragraph (2) by striking ''2004'' and inserting ''2005''.

(h) APPLICABILITY OF TITLE 23.—Section 2009(c) of such Act (112 Stat. 338) is amended by striking ''2004'' and inserting ''2005''.

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration $160,552,536 for the period of October 1, 2004, through May 31, 2005.

(2) USE OF FUNDS.—Funds authorized by this subsection may be used for personnel costs; administrative infrastructure; rent; information technology; and programs for research and technology, regulatory development, and other operating expenses and similar matters. Such funds available may also be used to make grants to, or enter into contracts with, States, local governments, or other persons for implementation of the Commercial Driver's License Improvement Grants and the Border Enforcement Grants programs.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a) of title 49, United States Code, is amended by adding at the end the following:

''(8) Not more than $112,512,329 for the period of October 1, 2004, through May 31, 2005.''.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a) of such title is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) $13,315,068 for the period of October 1, 2004 through May 31, 2005.''.

(2) EMERGENCY CDL GRANTS.—From amounts made available by section 31107(a) of title 49, United States Code, for the period of October 1, 2004 through May 31, 2005, the Secretary of Transportation may make grants of up to $665,753 to a State whose commercial driver's license program may fail to meet the compliance requirements of section 31311(a) of such title.

(d) CRASH CAUSATION STUDY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Federal Motor Carrier Safety Administration to continue the crash causation study required by section 224 of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31100 note; 113 Stat. 1770–1771), $665,753 for the period of October 1, 2004 through May 31, 2005.

(e) CONTRACT AUTHORITY.—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(f) RULE STAY.—The hours-of-service regulations applicable to property-carrying commercial drivers contained in the Final Rule published on April 28, 2003 (68 Fed. Reg. 22456-22517), as amended on September 30, 2003 (68 Fed. Reg. 56208-56212), and made applicable to motor carriers and drivers on January 4, 2004, shall be in effect until the earlier of—

(1) the effective date of a new final rule addressing the issues raised by the July 16, 2004, decision of the United States Court of Appeals for the District of Columbia in Public Citizen, et al. v. Federal Motor Carrier Safety Administration (No. 03-1165); or

(2) September 30, 2005.

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by inserting ''and for the period of October 1, 2004, through May 31, 2005'' after ''2004'';

(2) in paragraph (2)(B) by inserting after clause (ii) the following:

''(iii) OCTOBER 1, 2004 THROUGH MAY 31, 2005.—Of the amounts made available under paragraph (1)(B), $6,933,333 shall be available for the period of October 1, 2004, through May 31, 2005, for capital projects described in clause (i).'';

(3) in paragraph (3)(B) by inserting after ''2004'' the following: ''(and $2,000,000 shall be available for the period October 1, 2004, through May 31, 2005)''; and

(4) in paragraph (3)(C) by inserting after ''2004)'' the following: '', and $33,333,333 shall be available for the period October 1, 2004, through May 31, 2005,''.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—The Secretary of Transportation shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under section 5337 of title 49, United States Code, on a pro rata basis to reflect the partial fiscal year 2005 funding made available by sections 5338(b)(2)(A)(vii) and 5338(b)(2)(B)(vii) of such title.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of such title is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005'' after ''2004'';

(2) by striking ''and'' at the end of paragraphs (2)(A)(v) and (2)(B)(v);

(3) by striking the period at the end of paragraphs (2)(A)(vi) and (2)(B)(vi) and inserting ''; and'';

(4) by adding at the end of paragraph (2)(A) the following:

''(vii) $2,201,760,000 for the period of October 1, 2004, through May 31, 2005.'';

(5) by adding at the end in paragraph (2)(B) the following:

''(vii) $550,440,000 for the period of October 1, 2004, through May 31, 2005.''; and

(6) in paragraph (2)(C) by striking ''2003'' and inserting the following: ''2005 (other than for the period of October 1, 2004, through May 31, 2005)''.

(d) ALLOCATION OF FORMULA GRANT FUNDS FOR OCTOBER 1, 2004, THROUGH MAY 31, 2005.—Of the aggregate of amounts made available by and appropriated under section 5338(a)(2) of title 49, United States Code, for the period of October 1, 2004, through May 31, 2005—

(1) $3,233,300 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

(2) $33,333,333 shall be available for clean fuels formula grants under section 5308 of such title;

(3) $65,064,001 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

(4) $172,690,702 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title;

(5) $4,633,333 shall be available to provide financial assistance in accordance with section 3038(g) of the Transportation Equity Act for the 21st Century; and

(6) $2,473,245,331 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b) of such title is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005'' after ''2004'';

(2) by striking ''and'' at the end of paragraphs (2)(A)(v) and (2)(B)(v);

(3) by striking the period at the end of paragraphs (2)(A)(vi) and (2)(B)(vi) and inserting ''; and'';

(4) by adding at the end of paragraph (2)(A) the following:

''(vii) $1,740,960,000 for the period of October 1, 2004, through May 31, 2005.''; and

(5) by adding at the end of paragraph (2)(B) the following:

''(vii) $435,240,000 for the period of October 1, 2004, through May 31, 2005.''.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c) is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005'' after ''2004'';

(2) by striking ''and'' at the end of paragraphs (2)(A)(v) and (2)(B)(v);

(3) by striking the period at the end of paragraphs (2)(A)(vi) and (2)(B)(vi) and inserting ''; and'';

(4) by adding at the end of paragraph (2)(A) the following:

''(vii) $41,813,334 for the period of October 1, 2004, through May 31, 2005.'';

(5) by adding at the end of paragraph (2)(B) the following:

''(vii) $10,453,333 for the period of October 1, 2004, through May 31, 2005.''; and

(6) in paragraph (2)(C) by inserting ''or any portion of a fiscal year'' after ''fiscal year''.

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d) of such title is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005'' after ''2004'';

(2) by striking ''and'' at the end of paragraphs (2)(A)(v) and (2)(B)(v);

(3) by striking the period at the end of paragraphs (2)(A)(vi) and (2)(B)(vi) and inserting ''; and'';

(4) by adding at the end of paragraph (2)(A) the following:

''(vii) $28,266,667 for the period of October 1, 2004, through May 31, 2005.'';

(5) by adding at the end of paragraph (2)(B) the following:

''(vii) $7,066,667 for the period of October 1, 2004, through May 31, 2005.''; and

(6) in paragraph (2)(C) by inserting after ''a fiscal year'' the following: ''(other than for the period of October 1, 2004, through May 31, 2005)''.

(h) ALLOCATION OF RESEARCH FUNDS FOR OCTOBER 1, 2004, THROUGH MAY 31, 2005.—Of the funds made available by or appropriated under section 5338(d)(2) of title 49, United States Code, for the period of October 1, 2004, through May 31, 2005—

(1) not less than $3,500,000 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

(2) not less than $5,500,000 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

(3) not less than $2,666,667 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than $666,667 shall be available to carry out section 5315(a)(16) of such title; and

(4) any amounts not made available under paragraphs (1) through (3) shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322 of such title.

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e) of such title is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005'' after ''2004'';

(2) in paragraph (2)(A) by inserting after ''2004'' the following: ''and $3,200,000 for the period of October 1, 2004, through May 31, 2005'';

(3) in paragraph (2)(B) by inserting after ''2004'' the following: ''and $800,000 for the period of October 1, 2004, through May 31, 2005''; and

(4) in paragraphs (2)(C)(i) and (2)(C)(iii) by inserting after ''fiscal year'' the following: ''(other than for the period of October 1, 2004, through May 31, 2005)''.

(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title 49, United States Code, for the period October 1, 2004, through May 31, 2005—

(A) $1,333,333 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

(B) $1,333,333 shall be available for the center identified in section 5505(j)(4)(F) of such title.

(2) TRAINING AND CURRICULUM DEVELOPMENT.—Notwithstanding section 5338(e)(2) of such title, any amounts made available under such section for the period October 1, 2004, through May 31, 2005, that remain after distribution under paragraph (1), shall be available for the purposes identified in section 3015(d) of the Transportation Equity Act for the 21st Century (112 Stat. 857).

(3) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857; 118 Stat. 884) is amended by inserting ''or in the period October 1, 2004, through May 31, 2005'' after ''2004''.

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f) of such title is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005'' after ''2004'';

(2) by striking ''and'' at the end of paragraphs (2)(A)(v) and (2)(B)(v);

(3) by striking the period at the end of paragraphs (2)(A)(vi) and (2)(B)(vi) and inserting ''; and'';

(4) by adding at the end of paragraph (2)(A) the following:

''(vii) $41,600,000 for the period of October 1, 2004, through May 31, 2005.''; and

(5) by adding at the end of paragraph (2)(B) the following:

''(vii) $10,400,000 for the period of October 1, 2004, through May 31, 2005.''.

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391–392; 118 Stat. 884) is amended—

(1) by striking ''and'' at the end of paragraphs (1)(A)(v) and (1)(B)(v);

(2) by striking the period at the end of paragraphs (1)(A)(vi) and (1)(B)(vi) and inserting ''; and'';

(3) by adding at the end of paragraph (1)(A) the following:

''(vii) $80,000,000 for the period of October 1, 2004, through May 31, 2005.'';

(4) by adding at the end of paragraph (1)(B) the following:

''(vii) $20,000,000 for the period of October 1, 2004, through May 31, 2005.''; and

(5) by inserting before the period at the end of paragraph (2) the following: ''; except that in the period of October 1, 2004, through May 31, 2005, not more than $6,666,667 shall be used for such projects''.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of such Act (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 885) is amended—

(1) by adding at the end of paragraph (1) the following:

''(G) $3,500,000 for the period of October 1, 2004, through May 31, 2005.''; and

(2) in paragraph (2) by inserting after ''2004'' the following: ''(and $1,133,333 shall be available for the period of October 1, 2004, through May 31, 2005)''.

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005'' after ''2004''; and

(2) in paragraph (2)(A) by inserting ''and for the period of October 1, 2004, through May 31, 2005'' after ''2004,''.

(o) OBLIGATION CEILING.—Section 3040 of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 885) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) $5,172,000,000 for the period of October 1, 2004, through May 31, 2005.''.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of such Act (112 Stat. 361; 118 Stat. 885) is amended by inserting ''(or, in the case of the period of October 1, 2004, through May 31, 2005, $3,233,333)'' after ''$4,850,000''.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of such Act (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 885) is amended—

(1) by inserting ''and for the period of October 1, 2004, through May 31, 2005,'' after ''2004,''; and

(2) by inserting ''and $3,333,333 for such period'' after ''$5,000,000 per fiscal year''.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030 of such Act (112 Stat. 373–381; 118 Stat. 885) is amended—

(1) in subsections (a) and (b) by inserting ''and for the period of October 1, 2004, through May 31, 2005,'' after ''2004''; and

(2) in subsection (c)(1) by inserting ''and for the period of October 1, 2004, through May 31, 2005'' after ''2004''.

(s) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379; 118 Stat. 885) are amended by inserting ''and for the period of October 1, 2004, through May 31, 2005,'' after ''2004,''.

(t) TREATMENT OF FUNDS.—Amounts made available under the amendments made by this section shall be treated for purposes of section 1101(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) as amounts made available for programs under title III of such Act.

(u) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 637; 118 Stat. 708; 118 Stat. 886) is amended by inserting ''and for the period of October 1, 2004, through May 31, 2005'' after ''2004''.

SEC. 9. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by inserting ''and'' after the semicolon at the end of paragraph (6); and

(3) by inserting after paragraph (6) the following:

''(7) $6,666,664 for the period of October 1, 2004, through May 31, 2005;''.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b) of such Act (16 U.S.C. 777c(b)) is amended—

(1) in paragraph (4) by striking the paragraph heading and inserting ''FISCAL YEAR 2004'';

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) FIRST 8 MONTHS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through May 31, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $54,666,664, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

''(A) $6,666,664 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(B) $5,333,334 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

''(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.''.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended to read as follows:

''(c)(1) Of the amount transferred to the Secretary of Transportation under paragraph (5)(C) of section 4(b) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)), $3,333,336 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title, of which $1,333,336 shall be available to the Secretary only to ensure compliance with chapter 43 of this title.

''(2) No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section.

''(3) Amounts made available by this subsection shall remain available until expended.

''(4) The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.''.

SEC. 10. BUDGET LIMITATIONS.

(a) ADJUSTMENTS TO ANNUALIZED DISCRETIONARY SPENDING LIMITS.—In the matter that precedes subparagraph (A) of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, strike ''through 2002''.

(b) DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) Strike paragraphs (1) through (7) and redesignate paragraph (8) (which relates to fiscal year 2005) as paragraph (1) and in such redesignated paragraph strike ''(1) with respect to fiscal year 2005'', redesignate the remaining matter as subparagraph (C), and before such redesignated matter insert the following:

''(1) with respect to fiscal year 2005—

''(A) for the highway category: $31,113,000,000 in outlays;

''(B) for the mass transit category: $1,453,000,000 in new budget authority and $6,535,000,000 in outlays; and''.

(2) Redesignate paragraphs (9) through (16) as paragraphs (2) through (9).

(c) CATEGORY DEFINED.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (B) by inserting after ''Century'' the following: ''and the Surface Transportation Extension Act of 2004, Part V''; and

(2) in subparagraph (C)—

(A) by inserting after ''Century'' the first place it appears the following: ''and the Surface Transportation Extension Act of 2004, Part V''; and

(B) by striking ''that Act'' and inserting ''those Acts''.

(d) CONFORMANCE WITH THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.—Notwithstanding any other provision of law, all adjustments made pursuant to section 110(a)(2) of title 23, United States Code, to sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) in fiscal year 2005 shall be deemed to be zero.

(e) SENSE OF CONGRESS ON ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—It is the sense of Congress that, in any multiyear reauthorization of the Federal-aid highway program, the alignment of highway spending with revenues under section 251(b)(1)(B)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 should be restructured to minimize year-to-year fluctuations in highway spending levels and to ensure the uniform enforcement of such levels.

(f) SENSE OF CONGRESS ON FULLY GUARANTEED FUNDING.—It is the sense of Congress—

(1) in any multiyear law reauthorizing of the Federal-aid highway program enacted after the date of the enactment of this Act, the level of obligation limitations for fiscal year 2005 under the highway category and the mass transit category in section 8103 of the Transportation Equity Act for the 21st Century (2 U.S.C. 901 note), as amended and extended, should equal the obligation limitations for such categories authorized in such multiyear law;

(2) the highway account category obligation limitation level for fiscal year 2005 should be equal to the sum of the Federal Highway Administration, National Highway Safety Administration, and Federal Motor Carrier Safety Administration obligation limitations for fiscal year 2005 in such multiyear law; and

(3) the mass transit category obligation limitation level for fiscal year 2005 should be equal to the sum of budget authority and obligation limitation authorizations for Federal Transit Administration programs for fiscal year 2005 in such multiyear reauthorization.

SEC. 11. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—Section 8103(a) of the Transportation Equity Act for the 21st Century (2 U.S.C. 901 note; 112 Stat. 492; 117 Stat. 1128) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) for fiscal year 2005, $35,392,000,000.''.

(b) MASS TRANSIT CATEGORY.—Section 8103(b) of such Act (2 U.S.C. 901 note; 112 Stat. 492; 117 Stat. 1128) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) for fiscal year 2005, $7,265,000,000.''.

(c) TREATMENT OF FUNDS.—Notwithstanding any other provision of law, funds made available under this Act, including the amendments made by this Act, shall be deemed to be zero for the purposes of section 110 of the title 23, United States Code.

SEC. 12. EXTENSION OF HIGHWAY PROGRAMS THROUGH END OF FISCAL YEAR 2004.

(a) ADVANCES.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110; 118 Stat. 876) is amended by striking ''and the Surface Transportation Extension Act of 2004, Part IV'' and inserting ''the Surface Transportation Extension Act of 2004, Part IV, and the Surface Transportation Extension Act of 2004, Part V''.

(b) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111; 118 Stat. 876) is amended by striking ''the period of October 1, 2003, through September 24,'' and inserting ''fiscal year''.

(c) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111; 118 Stat. 478; 118 Stat. 876) is amended—

(1) by striking paragraphs (1) through (4) and inserting:

''(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—For the fiscal year 2004, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading 'Federal-aid highways' in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199; 118 Stat. 291; 118 Stat. 1013), in accordance with section 110 of such Act.''; and

(2) by redesignating paragraph (5) as paragraph (2).

(d) PERIOD OF AVAILABILITY.—Obligation authority made available for fiscal year 2004 under section 2 of the Surface Transportation Extension Act of 2003 as a result of the amendments made by this section, that is in addition to obligation authority previously made available for fiscal year 2004 under section 2 of such Act (117 Stat. 1110; 118 Stat. 478; 118 Stat. 627; 118 Stat. 698; 118 Stat. 876), shall remain available for obligation during fiscal years 2004 and 2005, or for additional fiscal years if so made available in a law enacted before the date of enactment of this Act.

(e) PAYMENT FROM FUTURE APPORTIONMENTS.—The Surface Transportation Extension Act of 2003 (117 Stat. 1110) is amended—

(1) by striking section 2(c) (117 Stat. 1111; 118 Stat. 877);

(2) by striking section 3(c)(1) (117 Stat. 1112) and inserting the following:

''(1) IN GENERAL.—As soon as practicable after the date of enactment of the Surface Transportation Extension Act of 2004, Part V, the Secretary of Transportation shall restore any funds that a State transferred under subsection (a).''; and

(3) by striking section 5(n) (117 Stat. 1119; 118 Stat. 483; 118 Stat. 632; 118 Stat. 703; 118 Stat. 881).

(f) SUPPLEMENTAL MINIMUM GUARANTEE.—

(1) GENERAL RULE.—For fiscal year 2004, the Secretary shall allocate among the States amounts sufficient to ensure that each State's percentage of the total apportionments for such fiscal year pursuant to sections 2(a) and 5(c) of the Surface Transportation Extension Act of 2003 and amounts apportioned under this section shall equal the percentage listed for each State in section 105(b) of title 23, United States Code. The shares in such section shall be adjusted in accordance with section 105(f) of such title. The minimum amount allocated to a State under this subsection for the fiscal year shall be $1,000,000.

(2) AUTHORIZATION.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection for fiscal year 2004.

(3) ADMINISTRATION OF FUNDS.—Funds apportioned to a State under this subsection—

(A) shall be available for obligation in the same manner as if such funds were apportioned to the State under chapter 1 of title 23, United States Code;

(B) shall be combined with funds apportioned to the State for the minimum guarantee program under section 2(a) of the Surface Transportation Extension Act of 2003; and

(C) shall be administered in the same manner as funds apportioned under section 105 of such title.

(4) OBLIGATION LIMITATION.—Funds apportioned under this subsection shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(g) CALCULATION OF ESTIMATED TRUST FUND CONTRIBUTIONS.—The amendment made by section 13(c) of this Act shall have no effect on the estimates of tax payments attributable to highway users in each State paid into the Highway Trust Fund for purposes of apportioning funds to States in fiscal year 2004 until enactment of a multiyear law reauthorizing surface transportation programs.

SEC. 13. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''October 1, 2004'' and inserting ''June 1, 2005'',

(B) by striking ''or'' at the end of subparagraph (I),

(C) by striking the period at the end of subparagraph (J) and inserting '', or'',

(D) by inserting after subparagraph (J) the following new subparagraph:

''(K) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004, Part V.'', and

(E) in the matter after subparagraph (K), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2004, Part IV'' and inserting ''Surface Transportation Extension Act of 2004, Part V''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''October 1, 2004'' and inserting ''June 1, 2005'',

(B) in subparagraph (G), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (H), by inserting ''or'' at the end of such subparagraph,

(D) by inserting after subparagraph (H) the following new subparagraph:

''(I) the Surface Transportation Extension Act of 2004, Part V,'', and

(E) in the matter after subparagraph (I), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2004, Part IV'' and inserting ''Surface Transportation Extension Act of 2004, Part V''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking ''October 1, 2004'' and inserting ''June 1, 2005''.

(4) CONFORMING AMENDMENT.—Subsection (a) of section 10 of the Surface Transportation Extension Act of 2004, Part IV is amended by striking paragraph (4).

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2004, Part IV'' each place it appears and inserting ''Surface Transportation Extension Act of 2004, Part V''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''October 1, 2004'' and inserting ''June 1, 2005'', and

(B) by striking ''Surface Transportation Extension Act of 2004, Part IV'' and inserting ''Surface Transportation Extension Act of 2004, Part V''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''October 1, 2004'' and inserting ''June 1, 2005''.

(c) ALL ALCOHOL FUEL TAXES TRANSFERRED TO HIGHWAY TRUST FUND FOR FISCAL YEAR 2004.—Subparagraphs (E) and (F) of section 9503(b)(4) (relating to certain taxes not transferred to Highway Trust Fund) are each amended by inserting ''before October 1, 2003, and for the period beginning after September 30, 2004, and'' before ''before October 1, 2005''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSFERS TO HIGHWAY TRUST FUND.—The amendments made by subsection (c) shall apply to taxes imposed after September 30, 2003.

(e) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on May 31, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

(f) APPORTIONMENT OF HIGHWAY TRUST FUNDS FOR FISCAL YEAR 2004.—Section 9503(d)(3) of the Internal Revenue Code of 1986 shall not apply to any apportionment to the States of the amounts authorized to be appropriated from the Highway Trust Fund for the fiscal year ending September 30, 2004.

The SPEAKER pro tempore. Pursuant to House Resolution 811, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Illinois (Mr. LIPINSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

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

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

Mr. YOUNG of Alaska. Mr. Speaker, much has been said during the rule about the obvious need for this extension, and I will agree with those who say we need a finalization of the 6-year

bill; but this extension gives us time to allow the States to go forth with their construction, with their projects that are necessary, and to keep some stability in our continued efforts to improve the transportation system in this great Nation of ours.

I truly believe this will be the last extension. I have endeavored and will continue to work until we sine die to try to make a finalization of the 6-year bill. I want to make sure everybody understands that just because this is an 8-month extension, it does not mean we have to wait 8 months to get it done. If I can get it done next week, we are going to get it done. If I can get it done the week after that, if we are not here, I cannot do that, but if we can get it done during the lame duck, we can do it then. Or we can do it in February, March, April, May, June, July, or in that period of time. Whatever we have to do, we will do to continue to improve our transportation system in our great Nation.

May I suggest, respectfully, since some have spoken on this bill about the reauthorization, our committee has done its work. The gentleman from Illinois (Mr. LIPINSKI), I see, is managing the bill today instead of the gentleman from Minnesota (Mr. OBERSTAR). We are going to miss him. He is no longer going to be with us next year, but he has done his work as the ranking member of the Subcommittee on Highways, Transit and Pipelines. The gentleman from Minnesota (Mr. OBERSTAR) has done his work; the gentleman from Wisconsin (Mr. PETRI) has done his work. We have done our work, and we have passed this legislation over to the other body.

Now, we can point a lot of fingers and we can say this guy, that person, this other person in the other body did not do it; but in reality there is a difference of philosophies. I personally will say that when we passed this bill in the House, I had $375 billion. That is the number I would like to have. Well, a lot of us would like to have some things which we cannot achieve. We have agreed and we have worked with the other body, and we did reach a number that, to me, was a great victory, $299 billion of contractual authority, $284.3 as obligated dollars, real dollars, with policies and philosophies in the bill. We reached those agreements. But, unfortunately, on both sides of the aisle there are some people in the other body that desire more, and we were unable to reach that agreement because it was not there.

I would have liked to have had what we agreed to, because I think it was the appropriate way to go. It did not mean it would be the final number, but we did not and were not able to achieve that. Consequently, we are here for this extension. As they said in the rules debate, this extension is badly needed to continue the stability of our transportation system.

But I will commit to this House and to this Nation that this committee will continue to work to finish this job and to work with the other body to arrive at a conclusion that I think is long overdue.

In closing, Mr. Speaker, I would suggest to this body that we are on the cusp of a disaster in transportation if we do not act soon. We are gathering in population more each day. We are importing more each day, we are exporting more each day, and we are becoming more congested each day. I am hoping that my State Governors, my State legislators, my State department of transportation and my mayors, all those people understand they too have to participate in solving this problem. It just cannot come from this body. They too must participate with ambitious and visionary ideas in helping to solve our transportation problems.

We all must work together. If we do not, we do not leave the appropriate legacy behind us so this country can continue to grow. I will say, Mr. Speaker, there are some in this country that do not want to improve the transportation system, because they realize if they do not improve upon it, then our ability to be competitive and to be the leaders of the free world will not occur. So I suggest to this body we must awaken the people and make sure they understand the effect upon them and they must respond and ask us, and, yes, their local legislators, their Governors, their mayors, and those people who lead them to say yes to participate together with us so we can solve this problem.

Mr. Speaker, this extension is necessary, and I urge passage of the extension.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I rise in support of the legislation before us.

H.R. 5183, the Surface Transportation Extension Act of 2004, part V, continues the highway construction, highway safety, transit, motor carrier, and surface transportation research programs for 8 months of fiscal year 2005, expiring on May 31, 2005. Fiscal year 2004 is completed in this extension as well. The transportation programs under all previous extensions will be continued under this extension.

This is, we hope, the final short-term extension of the surface transportation programs' authorization. We have gotten extremely close to a fair and broadly accepted conclusion to the House-Senate conference on our multiyear authorization bill, but a stopgap measure is needed, once again, to give us time to finalize this deal.

This short-term extension is a "must-pass" bill. If Congress does not pass a bill and send it to the President today, new highway projects will be shelved, safety grants will not be provided to states, transit construction will be halted, and Federal enforcement of motor carrier safety regulations on the highways and at the borders will end.

H.R. 5183 provides more than $30 billion in new funding authority, which reflects 8 months' worth—or two-thirds of the funding authorization levels the House approved for fiscal year 2005 in TEA LU, H.R. 3550.

I urge my colleagues to support the passage of H.R. 5183 today. It is vitally important that this bill be passed by both the House and senate today, delivered to the President—the bill must be flown down to Florida—and signed before midnight tonight. Our economy cannot withstand the shutdown of the national surface transportation programs.

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

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

Mr. LIPINSKI. Mr. Speaker, on September 29, the bipartisan leadership of the Committee on Transportation and Infrastructure introduced H.R. 5183, the Surface Transportation Extension Act of 2004. H.R. 5183 would extend our Nation's surface transportation programs for an additional 8 months, through May 31, 2005. While I fully support this extension, I am certainly not pleased that we need to consider such a measure once again. This is the fifth such extension we are considering since our highway and transit programs expired exactly 1 year ago.

Earlier this year, my colleagues in this body labored long and very hard to pass H.R. 3550. In writing TEA–LU, our committee considered the interests and needs of almost every single Member of this body.

□ 1115

We held dozens of hearings and we heard from many Members. We heard about their needs in their districts that they represent. Most importantly, we listened. We tried to accommodate the needs of every Member within the $275 billion bill. All in all, I think that the gentleman from Alaska (Chairman YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Mr. PETRI) and myself on the Committee on Transportation and the Infrastructure did a good job. I believe we wrote a good bipartisan bill.

This body passed TEA–LU by a vote of 357–65. But now many, many months later, this measure is stalled in conference. Let me be clear, the leadership in this body has worked long and hard to negotiate an increase in the funding level from $275 billion to $299 billion. I believe that this is a good funding level. We would all like to have more, but democracy is compromise and we have all had to compromise.

My understanding is that most of my colleagues in this Chamber will accept the $299 billion funding for this bill. The leadership of this body should be commended for their efforts. Unfortunately, the conference is still stalled due to opposition from some Members of the other body.

We simply cannot continue to allow our highway and transit programs to limp along, extension after extension. States and localities are bearing the brunt of this inaction. State DOTs are flatlining their capital budgets. Critical transportation projects are not getting completed. Congestion problems are getting worse.

However, hope springs eternal. I, for one, believe we can get it done. Much like Ronald Wilson Reagan, I am an eternal optimist. I also have faith in our democratic process, and I have faith in our leadership on the committee and in this body. We still have an opportunity to finish negotiations on the highway conference, but to do so I would urge the other body to put aside partisan differences and think about the Nation, and we simply need to get this job done. But for now I urge my colleagues to support the extension.

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

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

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time. First of all, I want to say nothing but kudos to the leadership of this committee, the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), and the subcommittee leadership. This committee has worked together as well as any committee in Congress, particularly during these hard times, on a bill that was entirely responsive to other Members and entirely responsive to the needs of the country.

We can keep extending bills. The problem is we cannot extend the need. The need just gets worse. Many of us are close to desperation now. We have done our work. Our leadership has tried desperately to get this bill out, and we are left with what looks like the sixth extension. The highway bill is about extensions, not bills. This is the first time that I have ever seen a White House that did not want a highway bill, that wanted to go into an election without a highway bill.

Members recognize we had some concerns here and we tried to work them out. I was a conferee, and I understand what those concerns were. My problem with the extension is we are extending with funding from 6 years ago. The problem with that is the need has grown larger and people want this bill because they want whatever new amounts the committees and the Congress can give them.

I will be frank; most of the money that comes to the District of Columbia does not have anything to do with the 600,000 residents of the District of Columbia. My desperation comes because the highway money for my district could just as well be put in the homeland security budget because it is going to go for tunnels and bridges which will get people out of here in the case of an event, and for well-traveled Federal roads which are used by literally millions of commuters and visitors every year. So operating at levels from 6 years ago puts us in a real trick bag. I ask that we finally get this bill out before the end of the year.

Mr. LIPINSKI. Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. LIPINSKI) for his tireless work because this will be his last action on this legislation. I would like to thank my colleagues on the committee and the chairman of the committee for their work. If we ran things, we would have already completed a much more robust investment in our roads, bridges, highways and mass transit here in the United States, putting millions of people to work and beginning to deal with the backlog of projects.

Unfortunately, we not only have to deal with the House, the other body, the Senate and the White House; in this case the White House has been the big problem. What we are doing here today will mean no increase. This will be the second year in a row with no increase in transportation infrastructure spending, even with the accelerating rate of deterioration of our bridges, even with growing congestion, no new starts. This does not get anywhere near what we would consider a good push toward dealing with those problems and putting people back to work. But the White House has chosen this extraordinarily low number, $256 billion. They would essentially underspend the highway trust fund. They collect gas tax from Americans and they would divert some of that money to other purposes by borrowing from it instead of fully investing it in roads, bridges, highways and mass transit. That means we are walking away from a lot of jobs. For every $1 billion we invest in transportation, the estimates are that we create 47,500 jobs, not just direct construction jobs which are good jobs which cannot be outsourced out of the United States, but also spill over into communities, small businesses, equipment providers, suppliers; all those people would benefit dramatically.

If we were to adopt the numbers proposed by the Senate at $318 billion, we would create nearly another 2 million jobs. We could use those jobs. It would also help the President, who is dragging his feet on this, to deliver on his promise of creating 2 million jobs, which he has not done yet and is unlikely to be able to accomplish before November except with the stroke of a pen and signing a bill and showing that he will create them in the future. But he is refusing to do that.

Unfortunately, there is hesitation with going forward with a more robust level and challenging the President. Someone spoke earlier about how the system works, and we have to deal with the Senate and White House, but we have the power to send something to the White House, allow him to veto it, and then override. The first vote I cast in the United States Congress was to override a much more popular President's veto of a highway bill, Ronald Reagan.

This is not only good for the transportation infrastructure, the economy, just-in-time delivery, small businesses, construction workers, it would be of tremendous benefit to the entire economy.

In closing, I want to thank the gentleman from Illinois (Mr. LIPINSKI). He has been a great mentor and friend to me. I will miss him. I am sure that we will take care of him when we do the highway bill next year. Although we do not know how much money we will have, but if we have lots of money, he will still do well, I am sure, and his State will do well.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, first of all I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI) for their hard work in pushing for the highest amount possible for our Nation's transportation system. I want to particularly thank the gentleman from Illinois (Mr. LIPINSKI) who I have enjoyed working with over the past 12 years. I thank the gentleman for his leadership.

American transportation infrastructure is in need of sufficient additional funding, particularly as we struggle to finance the security upgrades needed to protect our transportation system from terrorist attack. Transportation projects are also a natural economic development tool which this Nation sorely needs. Department of Transportation statistics show that every $1 billion invested in transportation infrastructure creates 42,000 jobs and $2.1 million in economic activity. It also saves the lives of 1,400 people. We cannot ignore those numbers. Transportation funding is a win/win for everyone involved. States get to improve their transportation infrastructure which creates economic development, puts people back to work, enhances safety and improves local communities.

Unfortunately, we were unable to add a rail title to the bill, but that does not mean that our rail infrastructure is taken care of. We have dangerously underfunded rail security. It is surprising after what happened in Madrid that rail is not a priority in this administration.

By delaying the passage of much-needed legislation, we are doing a disservice to the driving population and the Nation as a whole. The States who are battling red ink want to see a bill passed. Construction companies laying off employees want to see a bill passed, and citizens waiting in traffic jams want to see a bill passed. If this Congress fails to pass a bill funding transportation, shame on us.

Mr. LIPINSKI. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, the fact is that the importance of infrastructure investments to my home

State of New Jersey and our Nation cannot be overstated. More resources are desperately required to satisfy unmet needs, to improve livability, to alleviate congestion, to build safer roads, to upgrade and expand our mass transit system, to facilitate commerce, and create good-paying local construction jobs. Every $1 billion invested in Federal highway and transit spending means over 40,000 jobs are created or sustained.

□ 1130

Why do we only have an extension on the floor today rather than a good 6-year bill, a full 6-year bill that can benefit all of our States? The administration has been one of the biggest roadblocks in our path. For months, the administration would stonewall on supporting the funding necessary to get a right-sized bill. Their original proposal actively ignored new needs, choosing to keep the status quo. They did not want to make the tough choices in an election year to do what is right. The gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Wisconsin (Mr. PETRI), et cetera know what is right. They put a lot of hours into this legislation. Both sides of the aisle.

The President has been deafening in his silence on the importance of a highway bill. They choose to hold the highway bill hostage as a credit to their ideology of fiscal responsibility. That is a laugh. It is a joke. Everybody knows it is. This ignores the reality that we are running up record deficits. It ignores the reality that the interest we are paying on the debt, $300 billion this year, is equal to the entire government outlay in 1974.

So it cannot really be an issue of fiscal responsibility. It is just politics, plain and simple. I support the extension because we need to keep the funding flowing to the States, or we will stop those projects right in their tracks. Chairman YOUNG and Ranking Member OBERSTAR understand that we need to keep our States working. They have understood it too well. Our committee to its credit always works in a bipartisan manner. At one point, 74 members of our committee supported a bill which actually provided the level of funding that our own Department of Transportation recommended. Imagine that, actually passing a bill based on need, not politics.

We need to keep up with aging roads and bridges and transit systems. Rather than sitting in traffic, we need to get parents home after work on time to take care of their families. But leadership has held down the investment and is holding back trust fund dollars which would alleviate congestion. Folks are paying gas taxes, user fees, and not spending that money as we should. 1998 was a long way off, the last time we passed this legislation. This is terrible. But we need to do this to keep the projects that are in the ground already working.

I welcome and congratulate the gentleman from Illinois (Mr. LIPINSKI) for the fantastic job that he has done, not on our side of the aisle but for the United States Congress, not only for the people in his district but for all Americans; and we thank him today.

Mr. LIPINSKI. I thank the gentleman from New Jersey very much.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

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

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

Here we are again doing an extension. In the famous words of President Reagan, there you go again, doing another extension. But, frankly, you might just call this a no-fault divorce. We tried. The other body tried. The two parties in the other body tried. They could not come to a meeting of the minds. They could not come to a meeting of the minds with the White House. The only body that has its act together is this body. The only group that has its act together is this Committee on Transportation and Infrastructure. We have worked shoulder to shoulder and, may I say, kneecap to kneecap across the table to fashion a bill that is good for America, to move transportation ahead, that would address congestion and safety and mobility of all things in America.

We introduced that bill a year ago at a time when gasoline prices were $1.34 a gallon. They are now consistently well over $2 a gallon all across the country and that 70-plus cents of increase in fuel price, about 60 percent of it, 70 percent of it, is going overseas to OPEC. We are not getting any transportation benefit of that increase in fuel price. Not a penny of that increase in fuel price is going to fill pot holes, build new bridges, improve safety on our highways, build more bicycle lanes.

Incidentally, I must say to the chairman of our committee and ranking member, I thank the ranking member of the subcommittee for managing this bill. It is his last hurrah, if you will, on the House floor in a management position. But I was out on my bicycle doing what I thought was going to be a 20-mile ride this morning, and I got the message that this bill was being called up. It seems the leadership over here just sort of all of a sudden decides in a big rush, this is the time to do this thing without any advance notice. That is not particularly useful. In fact, I was dodging pot holes, cursing the road conditions as most travelers are doing.

But we need to do this. I want to take this opportunity to express my great appreciation to the gentleman from Illinois for his 2-decade tenure in this House, for the partnership that we have had, on aviation, on surface transportation, on railroads, on water resource issues, everything that has affected this committee. He has really devoted his career to the work of this committee. The gentleman has absorbed the subject matter and made it a core of his service in the Congress. He has not only served his district well and his State well; he has served the Nation well. I salute the gentleman from Illinois on this, his last opportunity to manage a major transportation bill.

Perhaps there may be another opportunity. We never know. But it may be the last. One never knows what happens in this body. Winds blow. Conditions change. The barometer rises. The barometer falls. Something happens. It can all happen in the blink of an eye, and we could have a major bill back on the House floor yet before this Congress adjourns.

I regret, frankly, that we are here with an extension, that we are not here doing the TEA–LU bill that the chairman of the full committee and I and the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Illinois (Mr. LIPINSKI) and our committee staff and members have worked so hard to fashion, because we know that at $375 billion, that is the level of investment America needs to move this country ahead, at a time when global mobility at home is a cornerstone of our global presence in international competition in the marketplace.

About 6 months ago, I visited China to speak at an aviation conference and traveled to the city of Laiwu, which is the home of a steel mill which is a part owner in an iron ore mine in my district. I traveled from Jinan 2 hours to Laiwu. Jinan is a city of 6 million people. Laiwu is a city of 1.2 million people. They have a six-lane divided, controlled-access superhighway connecting these two cities, the vanguard of the equivalent of our interstate highway system which China is planning to build in the next 15 years to invest well over $200 billion in improving their mobility, their ability to move goods to market and people to their destinations; and they are doing it with the savings of the Chinese people who have a savings rate of over 60 percent.

They are investing $200 billion in modernizing their ports, they are halfway through a $100 billion airport modernization plan, and we are sitting here, standing here, advancing the cause of transportation by taking the 6-year-old TEA–21 and moving it incrementally forward and saying, sorry, folks, this is the best we can do. That is not right. This committee knows what is right.

Members of this committee have worked hard. They understand transportation problems. They understand what America needs. They understand the needs of mobility. They understand the needs of safety and investment in America. Yet because of ideological

hard-and-fast positions by the White House and divisiveness over in the other body, we cannot move the agenda ahead.

I say, let us pass this bill. Let us inch forward. Let us come back after this Congress has concluded its business and into the next Congress and do the right thing for America. Make the right investments. Let us move America ahead in the way we know it needs to move, keep our mobility, keep our marketplace production and productivity and reduce the cost of moving people and goods in America.

Exactly 1 year ago today we ended an era: The era in which our Nation's transportation policy was governed by legislation establishing a multiyear plan with the funding needed to implement the plan.

During the past year, our national transportation policy has gone forward in fits and starts, by extensions of a month or two.

Just over a year ago, on September 24, 2003, when this House was considering the first surface transportation extension bill, I stated: "I am afraid . . . we will be back here on this floor once again pleading for another extension of time to keep transportation programs from once again expiring. . . . I do not want to be back on this floor saying again what I said 6 years ago, time is running out." What I predicted then has repeatedly proven correct—we have had 5 additional extensions since that day. And here we are today pleading once again for a temporary extension of authorization for highway construction, highway safety, and public transportation funding.

Our inability to enact legislation to reauthorization surface transportation programs is caused by an administration guided by ideology rather than good transportation policy and by the unwillingness of the Republican leadership in Congress to let the people's branch of government work its will.

Analysis by the U.S. Department of Transportation shows that we need to invest $375 billion to maintain and improve our aging infrastructure. On November 19, 2003, the Committee on Transportation and Infrastructure introduced H.R. 3550, authorizing that same amount—$375 billion for the highway, transit, and transportation safety programs for the next 6 years. The T&L Committee marked up that legislation and unanimously voted it favorably to the House, but the Republican leadership blocked its consideration because of objections from the administration to the funding level. But that funding level was derived from the administration's own analysis, and the bill, included proposals to fully fund the investments. Nevertheless, our committee was prevented from moving the bill through the legislative process.

That 1-year delay has been costly to our Nation. AASHTO, the American Association of State Highway and Transportation Officials, estimated when the first extension was about to expire early this year that failure to enact a long-term reauthorization would mean a $2.1 billion increase in project costs and a loss of more than 90,000 jobs that could have been created a long-term authorization bill.

Today, we continue our muddling through, debating on a measure that would temporarily extend funding authorization for another 8 months before the current extension expires at midnight. This is no way to do business, especially when we are dealing with costly, multiyear transportation projects that require long-term certainty in planning, development, and financing. I can only imagine what further damage we have now done, and at what new financial cost due to another year of inadequate funding levels.

The extension bill now before us provides some modest increase in the investment levels of a number of the highway and transit programs, other programs are less fortunate. Their funding is held constant at the FY 2003 levels. Moreover, the insistence on passing "clean" extension bills, Congress has not been able to modify or update current surface transportation programs and policies that are in need of such adjustment.

Overall, this bill would provide $24.5 billion in contract authority for the 8 months ending on May 31, 2005, for highway programs. This is based on $36.76 billion for the entire fiscal year 2005. Of these amounts, $21.3 billion for 8 months is guaranteed. For transit programs, this bill would provide $5.17 billion guaranteed funding for 8 months.

Despite the fact that the funding levels included in our original bill were derived from the Department of Transportation's highway and transit needs report, the administration has strongly opposed additional infrastructure investment. The President's budget to Congress flat-lined the highway and transit programs. The President's bill did not include one additional dollar for highway and transit investment, nor would it produce one additional job in the transportation construction sector, over the next 6 years.

But what's worse is the mess we have created in the last year. The lack of vision, the lack of a clear plan, the continual struggle to give States scraps from the table. We should do better.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Minnesota for those words, particularly those kind words about myself.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, allow me to thank the great leadership we have on this committee and the diligence with which they have led us and with which we have worked. The gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Mr. PETRI), and the gentleman from Illinois (Mr. LIPINSKI), the members of the committee respect and honor their leadership. It makes for a very good committee.

Three in four Americans now believe that the Nation is facing a transportation capacity crisis. Our infrastructure desperately needs attention. There are 17 bridges in my district alone that are currently in critical condition. Yet in spite of this, we stand poised to shortchange the American people with another short-term highway extension.

If you poll any local, State, or transportation industry representatives, they will tell you that the transportation needs of this country will only be met by passing a fully funded 6-year bill, $376 billion, but no less than $319 billion. We did not pull these numbers out of the air. They are numbers from the administration's own Department of Transportation's research and assessment. Our leaders in this committee traveled this country looking at conditions to verify what we have been told by the administration.

It is ironic that the current argument is over funding levels. Yet the longer we delay in enacting a fully funded transportation bill, the costs associated with addressing our Nation's infrastructure will continue to rise. So just neglecting going through and doing what is right, we are going to cause ourselves to spend more money.

If the Republican administration can find time to place such a great emphasis on the reconstruction of other countries, surely priority should be given to our Nation's crumbling infrastructure and bringing the needed jobs. Our constituents are counting on us to do the right thing and we really should not let them down. We have cars collapsing on bridges. The highways are so bad until accidents are being caused. It is time for us to stand up and pass this bill and do something for our Nation and bring about good jobs.

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

First of all, I want to once again say that I appreciate the kind words the gentleman from Minnesota had to say about me. I would like to say that I learned a great deal from him over the course of my time here in the House of Representatives. Oftentimes I refer to him as Mr. Transportation, and I sincerely mean that. He probably knows more about transportation than anyone I have met in the 22 years I have been in the House of Representatives and he has certainly been enormously helpful to me in my career here. I also want to thank Chairman YOUNG and Chairman PETRI for including me as much as they have in the deliberations on this bill, through the subcommittee, the full committee, the House floor, and in the conference committee. I have really felt like a partner in this legislation. If I had been in the majority, I do not think that I could have been treated any better than I was by Chairman YOUNG and Chairman PETRI, and I sincerely appreciate that.

It has been very enjoyable working on this bill. I have been very pleased, as I say, with the participation that we have been given by the majority. There has been a lot of talk here today about this bill not becoming law and us not getting out of conference. I simply want to say, and I will preface this for the benefit of the few people who do not know, the Speaker of the House and I have a very good relationship and we have had for a long time. So I say that because I want to say that no one has worked harder to get this bill passed into law than DENNY HASTERT. I know that Chairman YOUNG has had many, many meetings with him.

□ 1145

I know that the Speaker has gone to the White House on countless occasions. I know he has talked to the Senators, the Senate conference committee members. I know that the gentleman from Alaska (Chairman YOUNG); the gentleman from Minnesota (Mr. OBERSTAR), ranking member; the gentleman from Wisconsin (Mr. PETRI) have worked very hard on this bill. But I do not think they worked any harder on getting this bill passed than the gentleman from Illinois (Speaker HASTERT) has, and I want to make sure everyone understands that in this body. Yes, we have problems. Yes, the Republicans control the White House, the Senate, and the House. But as I know from Illinois, where the Democrats control the governorship, the Senate, and the House, sometimes when one party controls everything, they do not quite get along as well as they would have if they were in the minority. So I appreciate that. I understand that.

I would also like to say in conclusion that there have been people who have helped our staff and helped the Democratic side considerably. That is, people from the House Legislative Counsel, Dave, Curt, and Rosemary; from DOT, Megan, Brigham, Jim, Gary; from NHTSA, Scott, Brian, Marlene; from FTA, William, Kris, Rita; from FHWA, Ross, Sue, Carolyn, and Susan. And certainly, David and Ward on our staff here have put an awful lot of work into this bill.

I am still hopeful that when we get back from our recess during the course of the election period of time that we will be able to pass this bill so that I will still be here in the House of Representatives when this bill becomes law. I am for the extension. Let us move on it. Let us get back to work trying to be bring this bill to conference.

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

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

In closing, this is a time that is always difficult for someone who has served with something for so long, but I will tell the gentleman from Illinois (Mr. LIPINSKI) we are going to miss him. We are going to probably see him. But as Members leave this body that have contributed to not only their districts but the Nation, it is a loss. We know that. I know he knows that. But I also respect his desire to go and do bigger and greater things. But I look forward to seeing him back on the Hill during this period of time in the near future so that we can communicate and work together on a cause that he has great feeling for, and that is transportation. And he can be assured that I will always be there to hear his wisdom, and he can be sure that I and the gentleman from Minnesota (Mr. OBERSTAR) are going to accomplish the goals along with our subcommittee chairman on this transportation bill, I hope in the near future. If we cannot, it will be, not in the far future, but in the close future. So, again, I wish him Godspeed and be well on his travels. We will miss him.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of the Surface Transportation Extension Act, which extends funding for vital highway and transit programs for eight months, through May 31, 2005. I want to thank Chairman YOUNG and Ranking Member OBERSTAR for working to pass an extension that is fair and equitable. They have had to deal with the truly difficult task of coming to agreement on a multi-year transportation agreement and I commend them on the job they have done so far.

I am pleased to hear that this current extension has been made much more fair and equitable to all states through the use of current gas tax contribution data instead of the proposed use of outdated data. The use of outdated data would have meant that a number of states led by Texas would not have received the proper amount of funding due to them. This extension is now in line with the funding formula structure of the Federal-Aid Highway program as stipulated by TEA 21's Minimum Guarantee program that provides all states at least a 90.5 percent rate of return from each state's federal gas tax contributions through the core highway formula programs and High Priority Projects.

Had the outdated gas tax contribution data been used Texas would have stood to lose $115.8 million in contract authority. Clearly, this simple issue of using current data could have been devastating to transportation projects in the state of Texas and would have been inequitable considering Texas's increased contribution to the federal Highway Trust Fund. Again, I commend Chairman YOUNG and Ranking Member OBERSTAR for having the foresight to correct this inequity and ensure that states that contribute to the federal Highway Trust Fund are given a proper rate of return.

This extension provides an advance of $21.3 billion in contract authority for federal-aid highway programs for the eight-month period. It also sets an obligation limit of 8/12 of the obligation limit in the FY 2005 Transportation-Treasury appropriations measure, which should provide about $24.5 billion over the eight-month period. This money is necessary as we continue vital highway construction projects that will benefit the American people.

This extension also suspends the Harry Byrd Rule, which prevents highway spending from exceeding gas-tax revenues. This year, the estimated receipts for the trust fund fell, which may have triggered a reduction in the apportionments to the states. By suspending the Harry Byrd Rule, the extension prevents states from receiving reduced allocations at a time when most states are in dire need of additional transportation funding.

As a body we must insist on a proper agreement for a long term transportation agreement because it is of such vital interest to our Nation. Investments in our Nation's surface transportation infrastructure create millions of family-wage jobs and billions of dollars of economic activity. Each $1 billion of Federal funds creates 47,500 jobs and $6.1 billion in economic activity. In addition, this investment in transportation infrastructure will increase business productivity by reducing the costs of producing goods in virtually all industrial sectors of the economy. Increased productivity results in increased demand for labor, capital, and raw materials and generally leads to lower product prices and increased sales.

Because so much is literally riding on a transportation agreement for the 21st Century we must insist on a balanced surface transportation program that serves the mobility needs of our country in a manner consistent with key Democratic principles, including: economic growth, intermodalism, security, safety, continuity, equal opportunity, protecting our human and natural environment, rebuilding our transit and highway systems, encouraging alternative transportation, encouraging smart growth, encouraging advanced technology solutions, and protecting the rights of workers in transportation industries. While I am satisfied with this current extension I look forward to the day when we can pass a comprehensive and equitable transportation agreement that serves the 21st Century transportation needs of the American people.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). All time for debate has expired.

Pursuant to House Resolution 811, the bill is considered read for the amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Speaker, I offer motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DEFAZIO. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DEFAZIO moves to recommit the bill H.R. 5183 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House promptly with an amendment increasing each number in the bill by 12.8485 percent.

Mr. DEFAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes in support to his motion.

Mr. DEFAZIO. Mr. Speaker, this is a straightforward motion within the parliamentary constraints of the House. Some might say, because we would ask the bill to be sent back promptly, that we are dooming it to death.

We have been waiting 11 months for a highway bill, 11 months since the last one expired. Give us 2 hours, and we will give them a lot more investment

and a lot more jobs. We can deliver this bill back within 2 hours. The House could pass a bill at the Senate levels this evening.

All across America that would make a big difference. Across the entire country, that would mean that we would have, if we adopted that level ultimately for 6 years, an increase of $37 billion in spending. That is 1.7 million jobs; 1.7 million jobs could be created. We could begin to deal with the 161,000 bridges in this country that are structurally deficient, one in four. My own little State has a $4.7 billion bridge problem.

We are trying to do our own part, as the chairman asked. We have raised registration and other fees. But we need a little bit of help because this is Interstate 5, the federal highway that goes between Canada, Mexico and includes Oregon, Washington, and California. There is some federal obligation, I believe, to help maintain that highway.

This has been a maddening process for those of us who care about transportation, who care about our failing bridges and the potholes and our congestion and the lack of new starts and mass transit, all those things. If we had our way, we would have significantly more investment, according to a unanimous vote of the committee on which I serve, bipartisan. We voted for the number which has been outlined by the President's own Department of Transportation, $375 billion over 6 years. And even that would not take care of all the problems, but it would sure be a lot more to address them. But the President has taken a hard line at $259 billion, far below the number passed by the House, way below the number passed by the Senate, and about one-third below the number recommended by his own experts. This is inexplicable. This is investment. This is paid for out of gas taxes, which each and every American pays every time they tank up their car. We owe them an obligation to make this investment, not to stick with the levels of that are now 6 years out of date under the old legislation but to look at something that will spend more, begin to deal more with the backlog, put more people to work. We could help the President deliver on his own promise. This would create 1.7 million jobs. The President could sign a bill which we could have back and have ready for consideration by five o'clock tonight. He could sign it tomorrow in the Rose Garden, and he could refute the claims of his opponent that he had lost 1.7 million jobs because he would just have signed a bill to create 1.7 million jobs.

For the life of me, I do not understand the reluctance at the White House to invest the people's tax dollars paid for every time they tank up their car in investment in the people's infrastructure, the infrastructure that will benefit not only individuals but businesses all across America who depend upon just-in-time delivery. Just-in-time delivery is pretty hard when they have got to detour a truck over the Cascade Mountains in Oregon, down the far side and then back down again to I–5 because of failed bridges. And that is unique. That kind of thing takes place all across America. Trucks are detouring hundreds of miles out of their way, wasting fuel, wasting time, making us less efficient because the Federal Government says we do not have the money to catch up with this backlog on bridges.

Well, we do have the money. We are taxing the people. We should adopt a more robust level. We should deal with some of the problems and the disparities among the States, the whole issue that States give a whole bunch more in than they get back. But we cannot do that unless we have higher levels of funding. It is impossible.

And that is what this amendment does, very simply. It would bring the bill back later this evening, spending at the levels of the Senate bill, which would put over 6 years, if finally adopted, 1.7 million people to work, 20,000 people in my State, and begin to defray that backlog.

I would hope that we will pass this motion unanimously and make the investment that we need. And I think the President will sign it. I doubt very much he will see fit to veto the bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I thank the chairman for yielding me this time.

I would hope that we not pass this motion immediately. I understand the point that is being made, and it is perfectly reasonable. But the fact is that we are currently operating under a continuing resolution. It expires at midnight tonight, and if we do not get this measure through the Senate and to the President, who is down in Florida on other business, before that time, some of the money that would otherwise be spent on transportation, some of the jobs that would otherwise exist in the transportation sector will be lost.

And the motion is very short. It simply changes the numbers in the bill by 12 and a fraction percent. But, in fact, trying to figure out how that would work in practice and the consequences of it, it would be anything but short. This would endanger the ability to continue our transportation programs.

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

Mr. PETRI. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding to me.

My staff says that they can do the computer runs and have the numbers within 2 hours, which would give us ample time to get the bill faxed before the President for signature before midnight tonight.

Mr. PETRI. Mr. Speaker, reclaiming my time, I am not talking about the mechanics of running the numbers. I am talking about the mechanics of operating the political machinery in order to get something that, in fact, would be passed by the Senate and signed by the President.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in opposition to the motion to recommit.

I know my good friend from Oregon is a good soldier, and I understand what he is trying to do, but I hope no one takes it too seriously because this would kill this legislation that we have today for an extension of our highway program which would cost us about 150,000 immediate jobs, disrupt all State programs, all projects in districts and, in fact, create chaos. And there is a time problem because the reality is that this has to be signed by the President tonight or it does come to a halt. And so what we have to do now is pass this legislation, vote against this motion to recommit, pass this legislation and send it over to the Senate. And I am not speaking too broadly about the Senate because we do not control it, and I know I am not supposed to mention it. But the other body must also act. And then it has to get on an airplane and be flown to Florida because there is the big debate tonight. And he has to sign it. I am sure it is not a big deal with the President, but it is necessary for highway projects.

And just tongue in cheek, to the gentleman from Oregon, the way his motion to recommit is that each number in the bill would have to be raised 12.84, 12.85 percent, and that means that H.R. 5183 would no longer be H.R. 5183, it would be, I guess, 52.6 or something, and all the numbers in the bill, instead of section 22, it would have to be section 22.8 and on down the line.

I understand the reasoning why, but I do urge my colleagues to think very seriously about it. Let us keep the course. Vote against the motion to recommit and then pass this legislation so we can continue our transportation needs in this country, not to the degree we want but what is necessary at this time.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 5183, if ordered; the motion to suspend the rules on H.R. 5149; and the motion to suspend the rules on H.R. 4231.

The vote was taken by electronic device, and there were—yeas 199, nays 218, not voting 15, as follows:

[Roll No. 480]

YEAS—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—218

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Boehlert
Brown, Corrine
Cannon
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Harman
Harris
Hastings (FL)
Meek (FL)
Meeks (NY)
Nethercutt
Ros-Lehtinen
Tauzin
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1223

Mr. MORAN of Virginia changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 8, not voting 15, as follows:

[Roll No. 481]

AYES—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)

Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—8

Flake
Franks (AZ)
Hensarling
Jones (NC)
Oxley
Paul
Stearns
Toomey

NOT VOTING—15

Boehlert
Brown, Corrine
Cannon
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Harman
Harris
Hastings (FL)
Meek (FL)
Meeks (NY)
Nethercutt
Ros-Lehtinen
Saxton
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1230

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5183.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will resume.

There was no objection.

WELFARE REFORM EXTENSION ACT, PART VIII

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5149.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 5149, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 482]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Boehlert
Brady (TX)
Brown, Corrine
Cannon
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Gephardt
Harman
Harris
Hastings (FL)
Meek (FL)
Meeks (NY)
Nethercutt
Ros-Lehtinen
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1239

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPARTMENT OF VETERANS AFFAIRS NURSE RECRUITMENT AND RETENTION ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4231, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4231, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 1, not voting 20, as follows:

[Roll No. 483]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Smith (MI)

NOT VOTING—20

Allen
Boehlert
Brown, Corrine
Cannon
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Eshoo
Gephardt
Harman
Harris
Hastings (FL)
Meek (FL)
Meeks (NY)
Moore
Nethercutt
Pence
Ros-Lehtinen
Tauzin
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1247

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. HARRIS. Mr. Speaker, due to unavoidable circumstances this morning, I was unable to participate in the first series of votes in the House of Representatives. Had I been present, the following affirms my voting intent: On rollcall vote No. 480: "No." On rollcall vote No. 481: "Aye." On rollcall vote No. 482: "Aye." On rollcall vote No. 483: "Aye."

□ 1245

PROVIDING FOR CONSIDERATION OF H.J. Res. 106, MARRIAGE PROTECTION AMENDMENT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 801 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 801

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) two hours and 30 minutes of debate on the joint resolution equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

SEC. 2. During consideration of H.J. Res. 106 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Tuesday, the Committee on Rules met and granted a closed rule for H.R. 106, the marriage protection amendment. The rule provides 2 hours and 30 minutes of debate, equally divided and controlled by the majority leader and the minority leader or their designees.

H.J. Res. 106 proposes an amendment to the Constitution of the United States relating to marriage. The amendment states that "Marriage in the United States shall consist solely of the union of a man and a woman. Neither this constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than a man and a woman."

The constitutional amendment process is the most democratic process in our Federal system, and it requires approval from two-thirds of each House of Congress and three-quarters of the States by votes of their State legislators.

This bill has come up because same-sex marriage advocates have been using the courts and even local officials who have intentionally violated the law to circumvent the democratic process. Passing a constitutional amendment will place the debate where it belongs, with the American people.

Forty-four States have already enacted laws that provide that marriage

shall consist only of the union of a man and a woman. Those forty-four States represent 88 percent of all the States and 86 percent of the population.

As President Bush said in his State of the Union address, if judges insist on forcing their arbitrary will upon the people, the only alternative left to the people would be the constitutional process. To that end, I urge my colleagues to support the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is another sad day for the House of Representatives and for the people that we serve. Once again, some in the leadership of this House, including and especially the majority leader, have brought a divisive, unnecessary, and just plain mean-spirited bill to the floor in order to advance their own partisan political interests.

Once again, they have decided to ignore unemployment, ignore the health care crisis, ignore record deficits, ignore national security, in short to ignore the real concerns of the American people. Why?

You can find the answer just by looking at the calendar. We are 5 weeks from an election and there are some, not all, but some Members on the other side of the aisle who have chosen to put aside the important work we need to do.

By today, the 13 appropriation bills should have been signed into law. So far, only one has the President's signature. Where is the Homeland Security appropriation bill? Can anyone really say with a straight face that a constitutional amendment beating up on gay people is more important than funding our Homeland Security needs? How about the recommendations of the bipartisan 9/11 Commission, or the transportation bill? How about funding for schools and hospitals and veterans? They are nowhere to be found. Instead, we get legislative gay bashing. Another sad day.

Today, we are being asked to consider H.J. Res. 106, which would amend the United States Constitution to ban gay marriage, to ban civil unions, and to abolish the ability of States to interpret their own State constitutions. So this is no small matter.

It is important to note at the outset that the Constitution clearly prohibits the government from interfering with the marriages performed by religious institutions. Our Founding Fathers were very clear about this. The government cannot force any church or synagogue or mosque to perform a religious marriage. That will not change, no matter what happens today.

Now, there are several fundamental problems with this amendment. First, it has long been the tradition in this country that States, not the Federal Government, have the right to regulate marriage and other issues of family law. And States are already addressing same-sex marriage. When the Hawaii Supreme Court held that denying same-sex couples the right to marriage violated the Hawaii constitution, the voters of Hawaii passed a constitutional amendment allowing the State legislature to limit marriage to different-sex couples.

The people of Alaska amended their constitution to define marriage as a union between one man and one woman after an Alaskan trial court held denying the right of marriage to same-sex couples violated the Alaskan constitution.

States all across the country are moving in similar directions, but that is not good enough for the supporters of this amendment. They believe that the only way to address this issue is to add discrimination to the United States Constitution.

Of course, the irony in all of this is that the Defense of Marriage Act, or DOMA, was signed by President Clinton and is already the law of the land. Under DOMA, States can already refuse to recognize marriages from States with different policies.

I guess that fact does not make for very good press releases or 30-second political attack ads.

Second, if this amendment becomes the law of the land, civil union and domestic partnership laws all across the country will be thrown out the window. Things like hospital visitation rights, family medical leave, and inheritance rights can be taken away.

According to the Coalition Against Discrimination in the Constitution, an organization of civil-rights groups, labor unions, and religious organizations, this constitutional amendment would likely prevent the civil unions enacted by the States of Vermont and California.

Now, we will hear a lot of talk from people on the other side of the debate today about Massachusetts, so let me talk about my home State. Our State Supreme Court decided in favor of same-sex marriage last year. And right now there is a legislative process underway in which the people of Massachusetts will have the opportunity to change our own State constitution to prohibit same-sex marriage, if they so choose.

The interesting thing is that I doubt that it will succeed in Massachusetts. Starting on May 17, 2004, gay men and women in Massachusetts got married, and guess what? The world kept spinning on its axis, the sun came up the next day, people went to work, sent their kids to school and cheered for the Red Sox. So we are doing just fine in Massachusetts, thank you very much. And we certainly do not need anyone from Colorado or Georgia or Texas telling us how to handle the marriage issue in our own State.

The impeccably conservative Vice President of the United States, DICK CHENEY, said it well in 2000, and I have his words right here, and I quote, ''The fact of the matter is that we live in a free society, and freedom means freedom for everybody. And I think that means that people should be free to enter into any kind of relationship they want to enter into. It's really no one else's business in terms of trying to regulate or prohibit behaviors in that regard. I think different States are likely to come to different conclusions, and that's appropriate. I don't think there should necessarily be a Federal policy in that area.''

And those are the words of the Vice President of the United States, DICK CHENEY. The Vice President speaks from very personal experience. He loves someone who is gay, not because she chose to be gay but because that is just who she is.

Mr. Speaker, if this amendment passes, discrimination against a group of people will be written into the Constitution of the United States. If this amendment passes, we will be taking a step backward in our march toward equal protection under the law. All of us take an oath to uphold and defend the Constitution not to use it as a political weapon.

There are some who say that this is about protecting future generations, our kids. Well, let me tell you in this chamber today, I have two beautiful children, a 6-year-old son and a 3-year-old daughter, who I love more than anything, and I do not want them to grow up in a country where an entire group of people is treated as second class citizens.

To those, like the gentlewoman from Colorado (Ms. MUSGRAVE), who say this is about protecting marriage, let me ask, just whose marriage are you trying to protect? I am happily married, and I do not need Members of Congress to protect my marriage. Please do not use my marriage to promote homophobia and discrimination.

Mr. Speaker, this amendment is wrong. And to those of my colleagues who support this amendment today, let me state clearly that you are on the wrong side of history. It is wrong to tarnish our most sacred document, our Constitution, with discrimination. It is wrong to take a beautiful institution like marriage and use it as an instrument of division and hostility.

Mr. Speaker, I urge my colleagues to do the right thing. Help secure the blessings of liberty for all Americans. Vote ''no'' on this amendment.

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

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume to say that the gentleman from Massachusetts is aware that the Homeland Security bill, a very complicated bill, is going through, I believe, five committees, and it is in that committee process this week and we are going to have it on the floor next week. So it is not that the Homeland Security bill is not going to be dealt with.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the rule before us and in support of the marriage protection amendment itself.

I am well aware that this is not a day many of us in this House relish. Many of us who support the marriage protection amendment are saddened that the need for this amendment exists at all. The definition of marriage seems to us, and the vast majority of the American people, as a matter of common sense and social reality. And many who oppose the amendment, most I would say, see the movement to protect marriage as mean spirited and unnecessary. In either case, most of us in this House would prefer not to have this debate. We would prefer to live in a society in which such debates were unnecessary, but, unfortunately, we do not.

The question of the future of marriage in America has been forced upon us by activist judges trying to legislate from the bench and forced upon us in such a way that the only remaining answer is to amend the Constitution of the United States. These are the facts, Mr. Speaker. The majority of the American people want to protect traditional marriage for reasons ranging from the political to the religious to the practical. But a minority of our citizens, a vocal and sincere minority, wish to alter the definition of marriage to include relationships outside the union of one man and one woman.

In response to this minority opinion, the American people asserted their consensus in 1996 when a Republican Congress and a Democrat President worked together to enact the Defense of Marriage Act. Its support was and remains bipartisan and overwhelming across the country.

DOMA says two things: First, that for the purposes of Federal law, the term marriage describes a union between one man and one woman. And, second, it says that no State, including Massachusetts, can force their will on the rest of us. And no State under its own laws can be required to recognize homosexual unions licensed in other States.

□ 1300

That is the law as it currently stands: fair, straightforward, and representative of an overwhelming consensus among the American people.

One would think this would be the end of the story, but it is not. DOMA is under an incessant and coordinated constitutional attack in the Federal courts. Despite DOMA's obvious constitutionality, those activist judges, who feel a greater responsibility to their own political ideology than the Constitution, seem not to care. Indeed, inventing rights out of whole cloth, in direct violation of the will of the people, too often seems to be the coin of the realm on the Federal bench these days.

In such an environment, it is no surprise to me that legal scholars on both sides of this issue, from Lawrence Tribe to Robert Bork, all but concede DOMA will eventually be struck down because it contradicts the tortured jurisprudence of activist judges.

Mr. Speaker, in other words, the definition of marriage will be a matter of constitutional law one day very soon. The question before us is whether that definition will be radical and arbitrary, or based on the experience of human civilization dating back to the origin of our species; whether that definition will be written by individual judges imposing their political biases on the Nation or written by the people of the United States through their elected Representatives in Congress and State legislatures.

DOMA passed with broad bipartisan support. To date, 44 States have defined marriage as the union between a man and a woman. Consensus exists today. And yet the runaway courts keep coming, bent on replacing Congress as the legislative authority of the United States. Let me be plain: The status quo is not an option. Avoiding this issue is not an option, not anymore, not since the Supreme Judicial Court of Massachusetts invented a right to homosexual marriage out of thin air, and not since a State court judge invented a similar right in Washington State, not since 11 States face court challenges to their marriage laws. This issue is not going away.

Those who know me know I am not a fan of constitutional amendments in general. And at first I resisted this amendment in particular. But the fact can no longer be denied. If marriage is to be protected in this country, it can only be protected by a constitutional amendment. The timing, substance and necessity of the marriage protection amendment have been forced by the courts and their refusal to be bound by the clear and absolute limits of their constitutional authority to interpret the law. This amendment is the only way marriage will be protected.

Now I know it is a difficult issue, and I know it is an emotional issue for people across the political spectrum and across this country, but it is an issue that has been forced. The people must be heard. Congress must assume its responsibility and must respond. This debate today will begin with that response, and, I hope, do so as it should, with civility, respect and sensitivity to all points of view.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, to begin as the majority leader leaves, I must say when he says that the timing of this, 1 month before an election when the issue has been pending all year, when he says the timing was forced upon him and is not effected by political considerations, he violates what I would recommend to the gentleman is an important rule of political debate: No matter how advantageous one thinks it is, try hard to believe something no one believes; it does not really help your cause.

Beyond that, we have the most seriously misdescribed constitutional amendment I have ever seen. Actually if the Republicans go forward with their proposal, having created the largest deficits in our history, to require a balanced budget some time in the far distant future, that may be an even greater one at variance with reality. But here is the problem: They describe an amendment very different than the one they bring forward.

We have heard the gentlewoman from North Carolina and the gentleman from Texas say this is aimed at preventing judges from forcing one State to do what another State does. It does far more than that. At its core what it does is say that no State, by whatever process it chooses, may find that two women being willing to commit themselves to each other legally as well as emotionally is a good thing and not a bad thing, because that is the core of the issue.

In the State of Massachusetts, it is true we began with a court decision. Since then, it has been debated in our legislature. The legislature of Massachusetts very narrowly approved an amendment that would have said no to same-sex marriages but would have mandated full civil unions, which may also be thrown out by this amendment. That amendment will now be debated next year.

An election is going on in Massachusetts today in which how people voted on this is a major issue. We just had a change in the leadership of the Massachusetts House. A speaker who opposed same-sex marriage has been replaced by a speaker elected by the House of Representatives of Massachusetts, in turn elected by the people, who support same-sex marriage.

I think the question is very much in doubt, but the point is undeniable; the political process in Massachusetts, the democratic process in Massachusetts, is now deciding whether or not to allow same-sex marriage.

Mr. Speaker, the other side comes with an amendment that would cancel any decision made on this that they do not like by the people of Massachusetts. This is not an amendment that says one State cannot do something to another State. There would be an amendment possible. I would not be for it, but if that is really what is meant, then we would have an amendment that took DOMA and made it a constitutional principle. Such an amendment would be possible. I think it would be a mistake. I do not think it would be a good idea to freeze that, because then we would have some real difficulties, but it would be at least in accordance with what the other side is saying because this amendment does far more than has been described.

It has been a rule that I have found when people in political debate will not

be completely open about what they are trying to do, it is because they really know it is not defensible. Why do you not acknowledge that this amendment would cancel a democratic decision by the people of Massachusetts? Indeed, if the legislature decides to get rid of this, there will be a referendum. If the legislature does not decide to get rid of it, then a fairly small number of people can force a referendum and we will have a referendum, very likely, in 2008.

We will have had by that time the benefit of 4 years in which same-sex marriages happened. I understand why the opponents of same-sex marriage are so upset. They have made a number of predictions about what will come after same-sex marriage, none of which will be proven true, so they are desperately trying to cut this off before it happens. We have already had nearly 5 months of same-sex marriage. None of their predictions were proven true, as none of their predictions were proven true when they talked about the chaos in Vermont.

But let us understand what the House is being asked to do. If the concern was to say judges could not decide this, if the concern was to say full faith and credit does not apply, there would be amendments that could be narrowly drafted to deal with that, although I would not support them. But that is not what is here. This amendment says no State, Vermont, Massachusetts, by whatever process, by referendum, by vote of the legislature, by whatever process, can decide that it would like to have same-sex marriage for its own citizens.

I will say that on behalf of the citizens of Massachusetts, who do not share the distaste for love that is expressed in a way in which you do not disapprove that Members of the majority have, please do not impose your views on the people of Massachusetts. If your concern is genuinely to prevent one State from forcing another, deal with that. But this is an undemocratic effort to say no State may differ in this intimate matter of public policy with your views.

Mrs. MYRICK. 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, I rise in strong support of the rule and of the underlying Marriage Protection Act, and consider this to be an extremely important day in the life of this institution and the life of this Nation.

Let me say to the gentleman from Massachusetts (Mr. FRANK) who just spoke, who I respect greatly as the national leader that he is, although I am a conservative and although I support a constitutional amendment to define marriage in the terms which the overwhelming majority of the American people wish to continue to define it, I have no distaste for love; and neither is it my desire to impose views or attack any individual or anyone in a relationship in America.

I am from south of Highway 40 in Indiana, but I do know the difference between defending and attacking. And the truth is, as legal scholars and millions of Americans know, the institution of marriage is under attack by activist judges; and it brings us, as the majority leader said so eloquently, to this place, by necessity, where a constitutional amendment is the only way we can express the will of 3 out of 4 or more Americans who desire to continue to have this fundamental institution of marriage defined as it has been throughout the millennia.

Activist judges have had successes since 1999 when they convinced the Vermont Supreme Court that they should order the State legislature to legalize same-sex marriage. A second major victory came when they convinced the Massachusetts Supreme Judicial Court to force that State to give full marriage licenses.

The activists have literally plotted a State-by-State strategy to increase the number of judicial decisions mandating same-sex marriage, and the U.S. Supreme Court provided potent ammunition to activists when they decided the Lawrence v. Texas case in June of last year. In that case dealing with same-sex sodomy, the court strongly signaled that a right to same-sex marriage could be found in the Constitution. Scholars ranging from Supreme Court Justice Scalia all the way to Harvard liberal scholar and author Lawrence Tribe agree that the Lawrence v. Texas case paves the way for this Supreme Court in this Nation's Capital to recognize same-sex marriage. Same-sex couples are now challenging marriage laws in States across the Union, including my own little State of Indiana.

So we come here not to attack but, rather, in a spirit of civility to defend an institution that is cherished and is so essential to the American people in the life of our Nation.

In closing, we are here today because marriage matters; because, like millions of Americans, I believe it was ordained by God, instituted in the law, it is the glue of the American people, and the safest harbor to raise children. Let us adopt the rule, defend the institution of marriage, and ensure that our society's most cherished social institution is defined by we the people and not unelected judges.

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

Mr. Speaker, before I yield to the next speaker, I would like to point out one thing which I find particularly interesting, and that is at the recent Republican National Convention in New York City, all of the featured prime-time speakers that the party decided to put on display for us, Rudy Giuliani and George Pataki and Arnold Schwarzenegger, all oppose what is trying to be done today. They all oppose this constitutional amendment.

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

Mr. MORAN of Virginia. Mr. Speaker, today we stand on the floor of the people's body, the United States House of Representatives, with the intention of writing discrimination into the U.S. Constitution for the first time in our Nation's history.

It is not so troubling that this is politically driven, what is so troubling is the mean-spirited nature of this legislation. The marriage protection amendment; what a cruel joke. It does not do anything to protect marriage in this country. It does not suggest to individuals the importance of communication in a successful relationship. It does not reduce promiscuity or stop unwanted pregnancies. It does not strengthen people's resolve to work through the difficulties that always come within a marriage. It does not do any of that.

□ 1315

What it does do is to single out one group of people for discrimination, declaring them forever unworthy of the same legal protection that all other Americans enjoy. Further, this amendment would usurp the will of the people in States that have used their traditional States rights authority to define civil marriage and civil union laws. State laws passed by elected representatives in places like Vermont will be wiped clean off the books. In situations where a loved one is sick in the hospital, same-sex couples will once again lose the right to sit bedside and help nurse their partner back to health. These couples' ability to plan their financial future together and to share health care benefits will also be forever taken away.

Mr. Speaker, we already have sufficient legislation to allow individual States the ability to retain and structure marriage laws the way they see fit. I opposed and continue to oppose the Defense of Marriage Act which passed the House back in 1996, but this law is still fully functional and in effect. No State in the Union has to accept any other State's laws with respect to same-sex marriage. Since the bill's enactment 8 years ago, it has not been successfully challenged in any court anywhere in the country.

Why, then, do we need to preemptively amend our Constitution? Our Constitution was meant to be a sacred document by which we protect and expand individual rights, not to take them away, not to restrict them. That is not what our country is about, and thus that is not what the Constitution is about. That is why we ought to stand in opposition to this crass attempt to politically divide the American public in an election year. We ought to vote against this. We ought to vote for the Constitution. We ought to uphold the vision of our forefathers and expand the Constitution, use it as a document to protect individual rights, not to restrict and destroy them.

Mrs. MYRICK. Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I am pleased to rise today in support of the Marriage Protection Amendment rule. We did not ask for this debate. It was brought on us by activist judges who have chosen to impose on the will of the people this redefinition of marriage.

Sociologists, psychologists, and other experts can give us all sorts of technical explanations, but we all know from experience that kids are best off when they have a mom and a dad. And kids are what this debate is all about. It is not about civil rights or the rights of same-sex couples. Same-sex couples are free to live as they choose. This amendment does not change that. Instead, this amendment simply defines what marriage is, the union of one man and one woman.

There are some here that would claim that traditional marriage is discriminating. But my question is this: Did 342 Members of this House and former President Clinton in their support of the Defense of Marriage Act discriminate when they voted that marriage is between one man and one woman? Are we saying that 70 percent of the voters of my State that just said that marriage is between one man and one woman, are they discriminating? How about 80 percent of the voters of Louisiana, are they discriminating? I do not think so.

Activist judges are trying to institutionalize a lie, that marriage is just about big people's relationships. But they forget the little people, about the children, the whole generation of kids who will struggle because of the terrible precedent set by changing the institution of marriage.

We do not have to look very far to see the results of family deterioration. Whole cities have suffered terrible poverty and crime because the model of traditional families has been weakened. Should we now stand idly by while a mere handful of activist judges seek to institutionalize the lie that marriage is disconnected from child rearing? Certainly the experience in the Netherlands would tell us that we should not. When they changed the definition of marriage, they had many more children born out of wedlock.

The other night I went to dinner, and there was a beautiful little 16-year-old girl there. She had never had a family. She said that there was one thing that she had wanted all of her life and there was only one thing she had ever wanted and that was she wanted a family. Her heart was telling her the truth. Think about what she had lost. Have you ever been completely lonely? No mom? No dad? Nobody to turn to? Think about what a family provides: the love, the affection, the security when you have a bad dream at night, self-discipline and obedience and the grace of forgiveness and sharing as opposed to selfishness.

I remember as a kid riding a bicycle. I was trying to learn. My dad ran along beside. He was so big and strong. I got it to go a ways and crashed into a bush. I came up all crying and scratched. He put me back on the bike and taught me something about persevering.

That is what this whole story is about. It is about little people and whether they are going to have a mother and a father. The real discrimination here is the activist judges who would deny children the rich advantages of a mom and a dad. If this Congress does not act to protect families, it is a gross dereliction of our duty.

Vote to protect our children and vote to protect marriage.

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

Let me first say to the gentleman who just spoke, I guess I must obviously have more confidence in our State legislatures across this country than he does because State legislatures all across this country are acting on this issue. I think they are closer to the people of the States than in many respects we are. It seems to me that this process is working. When he says that we are forced to be here, that we cannot talk about getting a real highway bill, that we cannot talk about health care, that we cannot talk about national security issues or veterans benefits or education, but we have to be here and debate this right now, the fact of the matter is this debate is going on all across this country, and we should let that process make its way through.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I rise in strong opposition to this rule and to the underlying amendment.

Mr. Speaker, soldiers and innocent civilians are dying every single day in Iraq, 45 million Americans are without health insurance, over 35 million Americans are living in poverty, and 8 million are unemployed and looking for work. Yet with only 10 days until recess, the leadership of this House wastes time on a constitutional amendment that does nothing to stop the deaths of our courageous young people in Iraq, nothing to implement the recommendations of the 9/11 Commission, nothing to address the health care crisis in this country, and nothing to create jobs for unemployed workers and our growing population.

Instead, they bring forward a constitutional amendment which, if ratified, would enshrine discrimination in the United States Constitution, this country's most treasured document. Our Constitution has never been amended to discriminate against a particular group of Americans.

Gay and lesbian Americans deserve the same rights, responsibilities, and protections as other citizens. This amendment would deny same-sex couples the right to make medical decisions for a sick spouse, to share health insurance, to collect Social Security death benefits, all rights that married couples take for granted. We all have family members or friends whose hopes and dreams this amendment would shatter, good people whose lives should not be used as an election-year tactic to distract attention from the incompetence of the Bush administration's planning for and the conduct of the dismal, dismal aftermath of President Bush's war on Iraq and to distract attention from 4 years of deteriorating fiscal stability here at home, with record yearly deficits, exploding national debt, and puny job growth.

Mr. Speaker, we should reject this rule and this divisive, discriminatory amendment.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentlewoman for yielding me this time.

Mr. Speaker, my comments would be generally around an article which appeared by one of my colleagues whom I greatly respect, the gentleman from California (Mr. COX), who spoke out against this amendment. I generally agree with the gentleman from California (Mr. COX), but I have to respectfully disagree with him on this particular item.

Traditional marriage, let us face it, is under attack for the very reasons that my colleague from California (Mr. COX) had cited in that article. We need a constitutional amendment to protect traditional marriage from the courts. For the reasons cited by the Massachusetts Supreme Court and the logic of the U.S. Supreme Court in Lawrence v. Texas, we cannot trust the courts to interpret the law as it was intended.

As the gentleman from California (Mr. COX) cited in the article: ''The judicial imagination continues to thrive.'' While I believe that rights under the 14th amendment should evolve, there must be checks. The Marriage Protection Amendment will check this imagination and protect marriage as it was intended.

The need for a Federal marriage amendment is simple. The traditional institution of marriage is under Federal constitutional attack in the courts. Legal experts across the political spectrum agree that the only way to guarantee and preserve the status quo, and the traditional institution of marriage, is a Federal constitutional amendment.

Immediately after the U.S. Supreme Court announced its decision in Lawrence v. Texas in June of 2003, legal experts predicted that courts would begin to strike down traditional marriage laws around the country. Indeed, one justice, Ruth Bader Ginsburg, has already written, while serving as general counsel to the American Civil Liberties Union, that traditional marriage laws such as anti-bigamy laws are unconstitutional and must be struck down by the courts.

A State constitutional amendment cannot solve this problem. Just ask Nebraska, whose State constitutional

amendment is currently under Federal constitutional attack. And as the gentleman from California (Mr. COX) had acknowledged, even the Massachusetts Supreme Judicial Court relied on the 14th amendment, a Federal constitutional provision, to invalidate traditional marriage laws in that State.

At least six Federal constitutional challenges to the Federal Defense of Marriage Act, DOMA, are now pending in four States: Florida, Minnesota, Washington, and California. A representative of the Lambda Legal organization, a champion of the nationwide litigation campaign to abolish traditional marriage laws in every State, recently stated, ''We won't stop until we have same-sex marriage nationwide.''

The only way to stop the lawsuits and to ensure the protection of traditional marriage is a constitutional amendment.

Mr. MCGOVERN. Mr. Speaker, the Log Cabin Republicans, which is a very well-known group to all of us here in the Congress, a group that voted to endorse Bob Dole in 1996 and George Bush again in 2000, has issued a statement entitled ''Log Cabin Republicans Vote to Withhold Their Endorsement from President Bush.''

The statement says that it is impossible to overstate the depth of anger and disappointment caused by the President's support for an anti-family constitutional amendment. It goes on to say that using gays and lesbians as wedge issues in an election year is unacceptable to Log Cabin, and they conclude by saying that this year they will withhold their endorsement of President Bush.

The text of the article is as follows:

LOG CABIN REPUBLICANS VOTE TO WITHHOLD ENDORSEMENT FROM PRESIDENT BUSH

WASHINGTON, Sept. 8.—Log Cabin Republicans are withholding their endorsement from President Bush for 2004. ''Log Cabin's National Board has voted to withhold a Presidential endorsement and shift our financial and political resources to defeating the radical right and supporting inclusive Republican candidates for the U.S. Senate and House of Representatives,'' said Log Cabin Board Chairman William Brownson of Ohio. The Log Cabin Board of Directors voted 22 to 2 not to endorse the President's re-election.

''Certain moments in history require that a belief in fairness and equality not be sacrificed in the name of partisan politics; this is one of those moments. The national board's vote empowers Log Cabin to maintain its integrity while furthering our goal of building a more inclusive Republican Party. Log Cabin is more committed than ever to its core mission to build a stronger and more inclusive Republican Party. There is a battle for the heart and soul of the Republican party, and that fight is bigger than one platform, one convention, or even one President,'' said Log Cabin Republicans Executive Director Patrick Guerriero.

The vote by Log Cabin's 25 member national board marks the first time since the organization opened a national office in Washington, DC in 1993 that the organization has not endorsed the Republican nominee for President. Log Cabin endorsed Bob Dole in 1996 and George W. Bush in 2000.

Log Cabin will devote its financial and political resources to elect fair-minded Republican allies to local, state and federal offices. Log Cabin will endorse more than 50 GOP candidates for the U.S. House and Senate. ''Every victory by fair-minded Republicans is a victory for the future of our party. We have made it clear that we can either be the party of Arnold Schwarzenegger and Rudy Giuliani or we can be the party of Alan Keyes and Rick Santorum,'' continued Guerriero.

''Log Cabin has proudly supported the President's firm leadership in the war on terror. As principled Republicans, we believe in our Party's commitment to a strong national defense and a confident foreign policy. We especially applaud the President's leadership in cutting taxes for American families and small businesses, his belief in free market principles and his compassionate and historic leadership in the global fight against HIV/AIDS,'' continued Guerriero.

''At the same time, it is impossible to overstate the depth of anger and disappointment caused by the President's support for an anti-family Constitutional Amendment. This amendment would not only ban gay marriage, it would also jeopardize civil unions and domestic partnerships. For six months, the President has made it clear what he opposes. He opposes civil marriage equality; however he has failed to articulate clearly what he supports. Does he support federal civil unions? Does he support domestic partnerships? Does he support tax fairness for gay and lesbian couples? Does he support employment non-discrimination? Does he support hate crimes legislation? Does he support allowing gay and lesbian service members to serve openly and honestly?'' asked Log Cabin Political Director Chris Barron. ''An organization's endorsement means nothing if it does not have to be earned.''

''Some will accuse us of being disloyal. However, it was actually the White House who was disloyal to the 1,000,000 gay and lesbian Americans who supported him four years ago. Log Cabin's decision was made in response to the White House's strategic political decision to pursue a re-election strategy catered to the radical right. The President's use of the bully pulpit, stump speeches and radio addresses to support a Constitutional amendment has encouraged the passage of discriminatory laws and state constitutional amendments across America. Using gays and lesbians as wedge issues in an election year is unacceptable to Log Cabin,'' continued Guerriero.

''At the same time that we saw record numbers of gay and lesbian delegates at the Republican National Convention, and at the same convention where we saw hundreds of fair-minded Republicans gather to support Log Cabin and our allies, our party's platform adopted vicious and mean-spirited language that marginalizes gay and lesbian Americans.''

Log Cabin's 2000 endorsement of the Bush/Cheney ticket came during an election where the Republican nominee ran a compassionate conservative campaign that avoided culture war issues. After meeting with gay Republicans in 2000, Mr. Bush declared ''I am a better man,'' and welcomed gays and lesbians as valued parts of the American family. The early days of the Bush administration were marked by significant victories—maintaining existing anti-discrimination protections for federal employees, appointing openly gay employees throughout the Administration, a continuing dialogue with our organization, and the extension of survivor benefits to gay and lesbian partners who lost loved ones on 9/11.

Unfortunately these early successes were short-lived. ''Last year, a dramatic and disappointing shift occurred rooted in Karl Rove's public acknowledgment that the 2004 re-election campaign would focus on turning out four million more evangelicals who he believed stayed home in 2000,'' said Guerriero. The President's initial reluctance to amend the Constitution became full-fledged support on February 24th of this year.

Log Cabin has spent most of the year fighting the anti-family Federal Marriage Amendment. This fight culminated with a July victory in the Senate when a growing chorus of Republican opposition of the amendment forced the pro-amendment faction to play procedural games to avoid an embarrassing loss. As many as a dozen or more Republican Senators were prepared to oppose the FMA on its merits.

''During the fight over the anti-family FMA, we sadly watched as the President and his Administration leaned on Republican members of the House and Senate to support this divisive and unnecessary amendment. We watched as the President's support for this anti-family amendment emboldened the forces of fear and exclusion to push anti-gay ballot initiatives and legislation on the state and local level. We watched as the radical right works to defeat fair-minded Republicans across the nation. We watched as the Republican Party Platform rejected our Party Unity Plan and included language opposing not only civil marriage but also civil unions, domestic partnerships or indeed any basic benefits for same-sex couples. At a time when courageous gay and lesbian military personnel are helping to win the war on terror, the platform outrageously claims 'homosexuality is incompatible with military service','' continued Guerriero. The GOP platform language continues to target gays and lesbians and fails to present a positive agenda to ensure basic fairness for millions of gay Americans, who pay taxes, serve in the military, enhance communities, and serve in government.

Throughout this challenging year Log Cabin has doubled in size and launched new chapters were none existed. Log Cabin successfully led the fight against the Federal Marriage Amendment with its first ever television advertising campaign, worked with 18 GOP lawmakers in passing hate crimes legislation in the Senate, and continued supporting and educating state and local officials. Log Cabin was proud to be the only gay and lesbian organization to endorse Arnold Schwarzenegger's campaign for Governor of California. Log Cabin also was proud to see many of its closest allies speaking in primetime at the Republican National Convention. ''It is not surprising to anyone at Log Cabin that the President's first real bounce in the polls came after a convention that highlighted inclusive Republicans and focused on unifying issues such as winning the war on terror. Log Cabin knows that the 2006 and 2008 elections will highlight a new generation of inclusive Republican leaders,'' said Guerriero.

Log Cabin calls on both major parties to return to the issues that unite the American family instead of fueling an unnecessary culture war. Log Cabin also denounces the continued flip-flops on gay and lesbian issues from Democratic nominee John Kerry. Senator Kerry has repeatedly made clear his opposition to civil marriage equality and has supported discriminatory constitutional amendments in Massachusetts and Missouri.

Log Cabin is firmly committed to seeing inclusive Republicans elected in 2004. Log Cabin will continue to oppose and expose any efforts to marginalize gays and lesbians. We also will continue to make it clear that the only way the GOP can continue as the majority party is to reach out to all Americans. Log Cabin also will continue to make it clear

that the gay and lesbian community can realize full equality only if it works on building new alliances with conservative and centrist Americans.

''The battle for the heart and soul of the Republican Party has just begun. We are confident that the politics of inclusion and hope will prevail over the politics of exclusion and fear. History, fairness and common decency are on our side,'' concluded Guerriero.

Last week, Log Cabin launched a new television advertising campaign to take this fight for the GOP's future directly to the American people. The ad makes it clear that the party has a choice. We can be the party of hope, in the best tradition of Ronald Reagan, by uniting around issues that bring Republicans together, like winning the war on terror; or the party can divide Americans with the politics of intolerance and fear that only lead to hate.

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

Mrs. MYRICK. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, there seems to be some confusion as to what constitutes marriage. In the Christian community, and we are a Christian Nation, you can affirm that by going back to our Founding Fathers and their belief in how we started, among Christians, marriage is generally recognized as having started in the Garden of Eden. You may go back to Genesis to find that and you will note there that God created Adam and Eve. He did not create Adam and Steve. A union between other than a man and a woman may be something legally, but it just cannot be a marriage, because marriage through 5,000 years of recorded history has always been a relationship between a man and a woman.

□ 1330

More than just Christian societies have marriage. And why would every recorded society through 5,000 years of recorded history, why would they all have marriage as a union between a man and a woman? It is because societies, one and all, have recognized that marriage is a very important institution. And why is it important? It is because the usual product of marriage is children. And the state, or the tribe or whatever the organization is, all through history recognized that there is a responsibility for the assurance that the children brought into the world as a result of marriage are going to be cared for, which is why all of these societies have recognized that children should not be born out of that relationship, and that relationship is fundamentally there to make sure that their society is going to be perpetuated because children are going to be cared for, if not by the parents, then by the society that has recognized this relationship.

I think that a society is at risk when the institution of marriage, so fundamental to the stability of society, is put at risk.

So I am in strong support of this rule and the bill that follows.

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

I would just point out to the gentleman who just spoke that there is no law in this country that forces any given religion to recognize any particular marriage. Religions are separate from what we are talking about here today. I just want to remind the gentleman that there are non-Christians who live in this Nation as well, and I would hope that he would believe that this country is equally theirs as well.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I would note that I had mentioned that not only Christian nations but every society through 5,000 years of recorded history has recognized the institution of marriage as being essential to the stability of their society. We are a Christian society, but I recognize that every other society, no matter what their origin, has certified that marriage is important to the stability of their society. It is to ours. It was to theirs.

I support the rule, and I support the bill.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY).

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

I have to tell the Members I cannot imagine a more important debate, sadly, that we must have. The question is whether or not the United States House of Representatives is going to sit idly by and be silent while activist radical judges unravel the very fabric of our society by undoing the basic building block that has made this and every civilization that has ever been successful a success.

What we have got to recognize is that we have an obligation as a Congress here. Yes, there are three separate and equal branches of government in the United States under our wonderful Constitution given to us from the Founders. However, it is unfortunate that all too often lately, the judicial branch has essentially forced legislature into drafting reactions to what they have invaded, which is the territory of the Congress in making laws for the country. And thus this constitutional amendment is absolutely necessary.

Of course, a healthy jealousy between the three branches is always a good thing. It was designed by Madison and the Framers in order to have a give and take between the three branches. But it is emphatically within the province of the Congress to make laws that affect the people of the United States of America, and all too often courts are trying to do that for us.

Today, we are here to protect the very definition of marriage. The American people have spoken very clearly time after time about the importance of defending the traditional view of marriage. This amendment does not prohibit any consensual behavior between any two American citizens. It does not prevent any two people from behaving however they would like. What it does do is to defend for our children, for our posterity, the traditional, historic definition of marriage.

It is unfortunate that the will of the people increasingly is being violated by activist judges so that they can impose like philosopher-kings their view of a better way to do things, and they have certainly come up with a better way to do traditional family life. And they are going to, as they did in Massachusetts, try to impose it on all Americans.

Thomas Jefferson, near the end of his life, wrote in a letter to Edward Livingston on March 25, 1825: ''One single object . . . will merit the endless gratitude of society: that of restraining the judges from usurping legislation.''

Mr. Speaker, with that, I beg Congress to protect marriage, protect our children, protect our future. Vote for this amendment.

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

I would like to read a Q and A between Vice President DICK CHENEY and a questioner in Davenport, Iowa, on August 24, 2004, because I think it helps to kind of put this in perspective, and maybe some of my colleagues should listen to this.

The question was: ''We have a battle here on this land as well. And I would like to know, sir, from your heart, I don't want to know what your advisors say or even what your top advisor thinks, but I need to know, what do you think about homosexual marriages?''

And the Vice President responded: ''Well, the question has come up obviously in the past with respect to the question of gay marriage. Lynn and I have a gay daughter, so it's an issue that our family is very familiar with. We have two daughters, and we have enormous pride in both of them. They're both fine young women. They do a superb job, frankly, of supporting us. And we are blessed with both our daughters.

''With respect to the question of relationships, my general view is that freedom means freedom for everyone. People ought to be able to be free, ought to be free to enter into any kind of relationship they want to. The question that comes up with respect to the issue of marriage is what kind of official sanction or approval is going to be granted by government, if you will, to particular relationships. Historically, that's been a relationship that has been handled by the States. The States have made that basic fundamental decision in terms of defining what constitutes a marriage. I made clear 4

years ago, when I ran and this question came up in the debate I had with JOE LIEBERMAN, that my view was that that's appropriately a matter for the States to decide and that's how it ought to be best handled.''

I very rarely agree with the Vice President of the United States, but I think he makes an awful lot of sense on this issue, and I think he makes a compelling case why we should not be moving forward with a constitutional amendment.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, this afternoon, we will debate and vote on the Marriage Protection Amendment. And let us be clear. This debate today is not about denying anyone rights. This is ensuring that the will of the people is protected.

My home State of South Carolina is one of 44 States that has already enacted laws defining marriage as a union between a man and a woman. They voted, and they decided how marriage should be defined. So I stand here today as their representative, wondering why that will and that the will of over 70 percent of Americans nationwide should be tossed aside because a few activist judges disagree.

Unfortunately, as we stand here today, we are faced with the fact that a handful of these judges have taken it upon themselves to hand down rulings that in effect amend the Constitution of the United States. They have circumvented the democratic process with their rulings. Therefore, the decision we are now left with is not whether the Constitution will be amended but who will amend it, activist judges or the American people.

Every American should have the opportunity to vote on this important issue. The institution of marriage deserves protection. It is our most basic social institution for protecting children. Preserving it sends a message to our children about marriage and traditional family life and values.

Mr. Speaker, I hope my colleagues will join me today in supporting the marriage protection amendment. It is time to get the debate back where it belongs, with the American people.

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

I would just like to read a couple of other quotes here which I think are enlightening. One from JOHN MCCAIN, Republican Senator from Arizona where he said: ''The constitutional amendment we're debating today strikes me as antithetical in every way to the core philosophy of Republicans.'' He added, the amendment ''usurps from the States a fundamental authority they have always possessed and imposes a federal remedy for a problem that most States do not believe confronts them.''

Let me read one other quote here. ''It seems to me that the power to regulate 'commerce' can by no means encompass authority over mere gun possession any more than it empowers the Federal Government to regulate marriage, littering, or cruelty to animals throughout the 50 States. Our Constitution quite properly leaves such matters to the individual States.'' And that is from the words of Supreme Court Justice Clarence Thomas in U.S. v. Lopez.

Mr. Speaker, today, we have the opportunity to do the right thing. We have the opportunity to reject the politics of division and discrimination. We have the opportunity to protect the Constitution of the United States, to stay on the path toward equal protection under the law for every single American. We have the opportunity to act in a way that reflects well on this institution and the people we are elected to serve.

I am encouraged, Mr. Speaker, by the number of Republicans who will vote ''no'' on this misguided constitutional amendment today. And I am proud to stand with them.

We will hear a lot about Massachusetts today. A son of our State named John F. Kennedy once said, ''The heart of the question is whether all Americans are to be afforded equal opportunities, whether we are going to treat our fellow Americans as we want to be treated.'' Mr. Speaker, that is indeed the heart of the question.

I urge my colleagues to seize this opportunity, vote ''no'' on this constitutional amendment.

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

Mrs. MYRICK. 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 resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 106.

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

There was no objection.

MARRIAGE PROTECTION AMENDMENT

Mr. DELAY. Mr. Speaker, pursuant to House Resolution 801, I call up the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 106 is as follows:

H.J. RES. 106

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE —

''SECTION 1. SHORT TITLE.

''This Article may be cited as the 'Marriage Protection Amendment'.

''SECTION 2. MARRIAGE AMENDMENT.

''Marriage in the United States shall consist solely of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.''.

The SPEAKER pro tempore. Pursuant to House Resolution 801, the Chair at any time may postpone further consideration of the joint resolution until a time designated by the Speaker.

The gentleman from Texas (Mr. DELAY) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour and 15 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I yield 7 minutes to the distinguished gentlewoman from Colorado (Mrs. MUSGRAVE), the author of this amendment.

Mrs. MUSGRAVE. Mr. Speaker, I rise to speak in favor of the proposed marriage protection amendment to the Constitution of the United States of America.

Before addressing the merits of the marriage protection amendment, I want to thank the gentleman from Illinois (Speaker HASTERT) and the gentleman from Texas (Mr. DELAY) for bringing this bill up.

I know there are some in Congress and the media who do not believe traditional marriage rises to the level of importance to be considered on the floor today.

The American people disagree with them. This bill is about protecting the institution of marriage, which, as the Supreme Court said many years ago, is ''the foundation of the family and of society, without which there would be neither civilization nor progress.''

□ 1345

Since Labor Day, this Congress has spent time renaming post offices and Federal buildings, Mr. Speaker. If we have enough time to rename post offices and Federal buildings, surely we have enough time to spend an afternoon considering whether the very foundation of traditional marriage will endure another 200 years.

On one matter, however, I do agree with the opponents of this bill: We should not lightly undertake to amend the Constitution. In the 213 years since

the Bill of Rights was adopted, the Constitution has been amended only 17 times, an average of once every 12½ years.

As a conservative I understand, perhaps better than most, the national consensus that the Constitution should be amended only rarely. Indeed, I wish we could leave the Constitution alone and this amendment was unnecessary, and if there was any other way to protect marriage, I would be the first to support it. Unfortunately, this is not the case. The matter has been forced upon us, and, whether we like it or not, the Constitution is about to be amended.

Let me say that again: The choice before us is not whether to amend the Constitution or leave it unamended. One way or another, the Constitution will be amended, and the only choice we have is whether to act now and accomplish the amendment through the procedures specified in the Constitution itself, or fail to act, in which case the amendment would be accomplished de facto by activist courts bent on imposing by judicial fiat a transformation of traditional marriage that is unsought and unwanted by the American people.

How do I know what the American people want? Simple. When the people are given a voice in this matter, they support traditional marriage by overwhelming margins. Last month, for example, the people of Missouri approved a marriage protection amendment to their State constitution by a margin of 70.8 percent, and 2 weeks ago the people of Louisiana approved a similar amendment by a margin of 78 percent. Yet the people's will does not seem to count with the courts.

Last year, Justice Scalia warned us in their Lawrence decision that the Supreme Court was paving the way for activist judges to redefine traditional marriage. Even after Justice Scalia's warning, few of us were prepared for the breathtaking speed with which events would overtake us. Only months later, the Massachusetts Supreme Judicial Court decreed that for the first time in the history of this Nation, a State would be required to issue marriage licenses to same-sex couples.

The Massachusetts courts are not alone. Only last month, courts in Washington struck down as unconstitutional that State's Defense of Marriage Act in cases concerning the recognition of same-sex marriages.

Even in the face of this judicial onslaught, some argue that we should wait to act until after the Supreme Court has ruled on the constitutionality of the Federal Defense of Marriage Act. Does anyone else see the irony here? Many of those who spoke the loudest that DOMA was unconstitutional when it was enacted in 1996 are the very same ones who now say we ought to presume DOMA is constitutional until the courts tell us otherwise.

I say if we could place our confidence in the Supreme Court, there would be no need for the marriage protection amendment in the first place. But in Lawrence, Justice O'Connor wrote a concurring opinion in which she specifically stated that she believed preserving the traditional institution of marriage would be a sufficient basis for upholding a State marriage law. The five members of the Lawrence majority had an obvious opportunity to join Justice O'Connor's position and thus reassure us on this issue. Instead, they chose to remain silent. Let me suggest their silence speaks volumes.

No, we must not wait. The trajectory of the courts' decisions is unmistakable, and we must act now to preserve traditional marriage. We have already seen that even one State's misadventure in this area has had egregious nationwide consequences, as activists file lawsuit after lawsuit seeking to export same-sex marriages to other States. Ironically, it will take an amendment to the Federal Constitution to force this issue out of the courts and back to State legislatures, where it has always been and where it properly should be.

Mr. Speaker, some people have opposed the marriage protection amendment on the grounds that it discriminates. But it is not the marriage protection amendment that discriminates against homosexuals. Rather, the institution of marriage, as it has been understood for millennia, by its very nature is reserved exclusively for persons of the opposite sex. Moreover, society has always limited the pool of persons available for marriage by age, blood ties, mental capacity, and other considerations.

The limitations of traditional marriage rest not on an intent to discriminate, but on what is most beneficial for society and children, as evidenced by volumes of social science research. Traditional marriage is worth preserving because the nuclear family is far and away the best environment in which to raise children. Every child deserves both a father and a mother.

Yes, traditional marriage has had its problems. The high divorce rate, infidelity, and domestic violence are a national scandal, but far from undermining my point, these trends reinforce it because we are dismayed by these trends for the very reason that they lead to the break-up of traditional families, which leads to more and more children being deprived of the tremendous benefit of having both their mom and dad around to raise them.

In conclusion, Mr. Speaker, let me say I wish traditional marriage was not under attack, but it is. I wish we did not have to deal with this problem now, but we do. Like it or not, the courts have thrust this burden on us and we must not fail to shoulder it.

We as Members of Congress have a responsibility to restrain activist judges who think they can, without devastating consequences to our society, simply jettison the collective wisdom of thousands of years without the input or consent of the American public or their elected Representatives.

Mr. Speaker, I encourage my colleagues to support the marriage protection amendment.

I submit the following letter for the RECORD.

Congresswoman MARILYN MUSGRAVE,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MUSGRAVE: The United States House of Representatives is considering whether or not to send a constitutional amendment protecting marriage to the States for their consideration. Contrary to recent arguments and assertions, I believe that this amendment is consistent with—and increasingly necessary to uphold—the principles of federalism so important to our constitutional government.

The Framers rightly left marriage policy, as so many other things, with the States. But the definition of marriage is not mere policy issue. It strikes at the very integrity and meaning of one of the primary elements of civil society.

In a free society, certain questions must be settled for the good of that society. States can't impair the obligation of contracts, or coin their own money, or experiment with forms of non-republican government. We learned the hard way that the nation could not endure half slave and half free.

As marriage is a fundamental social institution, it is not only reasonable but also obligatory that it be preferred and defended in the law. Activist judges forcing the redefinition of marriage make it necessary to protect the institution in the U.S. Constitution.

This doesn't mean that marriage must be completely nationalized or should become the regulatory responsibility of the federal government. Policy decisions concerning questions such as degrees of consanguinity, the age of consent, and the rules of divorce should remain with the States.

The wisdom of extending certain benefits that stop well short of marriage—that don't undermine the distinctive status of marriage—are policy questions that should be the responsibility of State legislatures.

A Constitutional amendment that defines marriage and blocks the actions of overzealous judges would protect the States's capacity to regulate marriage by protecting the integrity of the institution as such.

In order to guard the States' liberty to determine marriage policy in accord with the principles of federalism, society as a whole must prevent the institution itself from being judicially redefined out of existence.

The constitutional amendment process is neither an exclusively federal nor an exclusively State action: It is a shared responsibility of both Congress and the States representing the American people. By intention, it is a very difficult process.

Constitutional amendments ought to be rare and should be pursued only after careful and serious consideration, when it is necessary to address an issue of great national magnitude and when there is broad-based support among the American people throughout the States, as there is concerning marriage.

Is marriage sufficiently important to protect in the United States Constitution?

Despite our reluctance to amend our most sacred law—despite the significance of the endeavor and awesome task involved—recent and impending judicial activism justifies this course of action.

Thank you for considering and sharing these concerns with other Members of Congress.

Sincerely,

EDWIN MEESE, III,
Chairman, Center for Legal & Judicial Studies, The Heritage Foundation.

TESTIMONY OF REVEREND RICHARD RICHARDSON, ST. PAUL AFRICAN METHODIST EPISCOPAL (AME) CHURCH, THE BLACK MINISTERIAL ALLIANCE OF GREATER BOSTON, CHILDREN'S SERVICES OF ROXBURY, INC., BOSTON, MA

(Before the Senate Judiciary Constitution Subcommittee—March 3, 2004)

Chairman Cornyn, Ranking Member Feingold, and other distinguished members of the subcommittee, thank you for the opportunity to come before you today.

My name is Richard W. Richardson. I am an Ordained Minister in the African Methodist Episcopal Church in Boston, Massachusetts. I am also President and CEO of Children's Services of Roxbury, a child welfare agency. I've worked in the field of child welfare for almost 50 years. In addition, I have been a foster parent myself for 25 years.

Finally, I serve as chairman of the Political Affairs Committee of the Black Ministerial Alliance of Greater Boston. The BMA has a membership of 80 churches from within the greater Boston area, whose primary members are African American, and number over 30,000 individuals and families. I am here today to offer testimony on behalf of the BMA as well as myself.

The BMA strongly supports the traditional institution of marriage, as the union of one man and one woman. That institution plays a critical role in ensuring the progress and prosperity of the black family and the black community at large. That's why the BMA strongly supports a federal constitutional amendment defining marriage as the union of one man and one woman, and why the BMA is joined in that effort by the Cambridge Black Pastor's Conference and the Ten Point Coalition.

The BMA didn't come at this conclusion lightly. I never thought that I would be here in Washington, testifying before this distinguished subcommittee, on the subject of defending traditional marriage by a constitutional amendment. As members of the BMA, we are faced with many problems in our communities, and we want to be spending all of our energies working hard on those problems. We certainly didn't ask for a nationwide debate on whether the traditional institution of marriage should be invalidated by judges.

But the recent decision of four judges of the highest court in my state, threatening traditional marriage laws around the country, gives us no choice but to engage in this debate. The family and the traditional institution of marriage are fundamental to progress and hope for a better tomorrow for the African-American community. And so, much as we at the BMA would like to be focusing on other issues, we realize that traditional marriage—as well as our democratic system of government—is now under attack. Without traditional marriage, it is hard to see how our community will be able to thrive.

I would like to spend some time explaining why the definition of marriage as the union of one man and one woman is so important—not just to the African-American community, but to people of all religions and cultures around the world.

To put it simply: We firmly believe that children do best when raised by a mother and a father. My experience in the field of child welfare indicates that, when given a choice, children prefer a home that consists of their mother and father. Society has described the ''ideal'' family as being a mother, father, 2.5 children and a dog. Children are raised expecting to have a biological mother and father. It is not just society—it is biology, it is basic human instinct. We alter those expectations and basic human instincts at our peril, and at the peril of our communities.

The dilution of the ideal—of procreation and child-rearing within the marriage of one man and one woman—has already had a devastating effect on our community. We need to be strengthening the institution of marriage, not diluting it. Marriage is about children, not about adult love. As a minister to a large church with a diverse population, I can tell you that I love and respect all relationships. This discussion about marriage is not about adult love. It is about finding the best arrangement for raising children, and as history, tradition, biology, sociology, and just plain common sense tells us, children are raised best by their biological mother and father.

Let me be clear about something. As a reverend, I am not just a religious leader. I am also a family counselor. And I am deeply familiar with the fact that many children today are raised in nontraditional environments. Foster parents. Adoptive parents. Single parents. Children raised by grandparents, uncles, aunts. I don't disparage any of these arrangements. Of course I don't. People are working hard and doing the best job they can to raise children. That doesn't change the fact that there is an ideal. There is a dream that we have and should have for all children—and that is a mom and dad for every child, back or white.

I don't disparage other arrangements. I certainly don't disparage myself. As a foster parent to more than 50 children, a grandparent of seven adopted grandchildren, and almost 50 years of working with children who have been separated from their biological parent(s) and are living in a foster home, been adopted, or in any other type of nontraditional setting, I can attest that children will go to no end to seek out their biological family. It is instinct—it is a part of who we are as human beings, and no law can change that. As much as my wife and I shared our love with our foster children, and still have a lasting relationship with many of them, it did not fill that void that they experienced.

I want to spend my last few moments talking about discrimination. I want to state something very clearly, without equivocation, hesitation, or doubt. The defense of marriage is not about discrimination. As an African-American, I know something about discrimination. The institution of slavery was about the oppression of an entire people. The institution of segregation was about discrimination. The institution of Jim Crow laws, including laws against interracial marriage, was about discrimination.

The traditional institution of marriage is not discrimination. And I find it offensive to call it that. Marriage was not created to oppress people. It was created for children. It boggles my mind that people would compare the traditional institution of marriage to slavery. From what I can tell, every U.S. Senator—both Democrat and Republican—who has talked about marriage has said that they support traditional marriage laws and oppose what the Massachusetts court did. Are they all guilty of discrimination?

Finally, I want to mention something about the process. I know that the Massachusetts legislature is currently considering this issue, and I hope that they do. The court has told us that we cannot have traditional marriage and democracy until 2006 at the earliest. That is wrong, that is antidemocratic, that is offensive, and that is dangerous to black families and the black community.

But importantly, a state constitutional amendment will not be enough. I know that the Attorney General of Nebraska is here, and I am honored to share the panel with him. I am not a lawyer. But I know the lawyers who have been fighting to abolish traditional marriage laws in Massachusetts. I have been in the courtrooms and seen them argue. They are good people, and well meaning. But I can tell you this—they are tenacious, they are aggressive, and they will not stop until every marriage law in this nation is struck down under our U.S. Constitution. And every schoolchild learns in civics class knows that the only way to stop the courts from changing the U.S. Constitution is a federal constitutional amendment.

The defense of marriage should be a bipartisan effort. I am a proud member of the Democratic Party. And I am so pleased that the first constitutional amendment protecting marriage was introduced by a Democrat in the last Congress. I am honored to have been invited here to testify in front of this subcommittee of both Republicans and Democrats. I hope that each and everyone of you will keep the issue of defending the traditional institution of marriage as a bipartisan issue.

Mr. Chairman, thank you for giving me the opportunity to represent the Black Ministerial Alliance of Greater Boston, the Cambridge Black Pastor's Conference, and the Ten Point Coalition, in reaffirming our support for a Federal Constitutional Amendment to define marriage as the union between a man and a woman. I would be pleased to take any questions.

TESTIMONY OF PASTOR DANIEL DE LEON, SR., ALIANZA DE MINISTERIOS EVANGELICOS NACIONALES (AMEN), PASTOR, TEMPLO CALVARIO, SANTA ANA, CALIFORNIA, GENERAL PRESBYTER, ASSEMBLIES OF GOD

(Before the Senate Judiciary Constitution Subcommittee—March 3, 2004)

Thank you, Mr. Chairman, members of the committee, ladies and gentlemen.

My name is Pastor Daniel de Leon, and I am here to represent the largest Hispanic Evangelical organization in the country, AMEN (Association Evangelica de Ministerios Nacionales). AMEN is comprised of over 8,000,000 members, representing 27 denominations and 22 Latino nations. I am also the Pastor of the largest Hispanic Evangelical Church in America, Templo Calvario, in Santa Ana, California.

AMEN is a leading advocate on issues that concern the Hispanic community. On many issues, we work closely with our Catholic brethren. We are certainly working together on the issue we are discussing today—the institution of marriage, understood throughout history and across diverse religions and cultures as the union of one man and one woman. We have been a member of the Alliance for Marriage since its inception.

When I turned on my television a few weeks ago, and saw what was happening in San Francisco, I couldn't believe my eyes. As I sat there, several things came to mind.

First, I could not understand how an elected official could ignore and violate the laws of our state, and get away with it. I also could not understand why the courts would not stop this—why they would refuse to require an elected official to comply with the law of his state, and to respect the will of the people as expressed in our laws.

Second, it wasn't just that officials and judges were ignoring the law. It was much worse than that. They were ignoring a law that is so fundamental to society—and in particular, of great importance to my community, to the people who I counsel. They were ignoring the importance of the institution of marriage, as the union of one man and one woman.

Just a few years ago, Californians voted to reaffirm that marriage in the state of California is between a man and a woman only. Hispanics in particular voted overwhelmingly to uphold the traditional institution of

marriage. This is one institution, even though imperfect, that has withstood the test of time and has proven to bring a sense of stability to society for time immemorial.

The institution of marriage is designed for children, not for adult love. Adults can love in many ways—between brother and sister, between grandparents, uncles, aunts, between friends and loved ones. But marriage is for children. I am so saddened that we have forgotten that. And I am even more saddened that marriage is drifting further and further from what it is supposed to be all about—children. Adults seem to care more and more about one thing, themselves. This is one of the reasons why 50% of marriages wind up in divorce. We must strengthen marriage—not weaken it. And I fear that, if we start to abolish marriage laws in our nation, we will go further down the path of teaching people that marriage does not matter for the well-being of children, it only matters for the pleasure of adults.

I am not here because I want to be here. There are many problems in my community, and I should be there working on them, not here far away in Washington, D.C. But I have flown all the way here from California, because I need to be here, to defend the most basic institution of society for the good of all, on behalf of my community. Because without marriage, we have no hope of solving the other problems we are facing back home.

I live every day in the front-lines of Urban America, where the ills of society are magnified greatly. People like myself, who provide a service to our community, are often the ones that have to ''pick up the pieces'' when marriages and families fall. In my 30 years of counseling, I have often dealt with grown children that still harbor hurts and deep seated frustrations because they did not have a mother and a father.

I know that there are good people trying to raise children without a mother and a father. Perhaps it is the single parent. Or the grandparent or aunt and uncle. Or the foster parent. They do their best, and we admire and respect them for that. But at the same time, we want the very best for children—and that is a mother and father, and an institution that encourages people to give children both a mother and father.

I want to say something about civil rights and discrimination. My people know something about discrimination. The institution of marriage was not created to discriminate against people. It was created to protect children and to give them the best home possible—a home with a mother and father.

Some people talk about interracial marriage. Laws forbidding interracial marriage are about racism. Laws protecting traditional marriage are about children.

To us in the Hispanic community, marriage is more than a sexual relationship. It is a nurturing, caring and loving relationship between a man and a woman that is to remain intact ''until death do us part.'' Children are born into this loving relationship with a great sense of anticipation. We love our children and we love children as you can tell by the numbers!

Marriage between a man and a woman is the standard. A child is like a twig that is planted in the soil of our society that requires two poles to have the best chance of growing strong and healthy. Those two poles, if you will, are the parents, Dad and Mom. Very different and at a times even opposites but necessary for a balanced form of living.

Furthermore, marriage is a moral and spiritual incubator for future generations. Our children learn from their parents not only how to make a living but more importantly, how to live their life. This is not readily learned by a simple form of transference of knowledge but rather through the experience of daily living. Children learn from observation. As the home goes, so goes society.

I believe that we need to send a positive message to our children and their children. That we cared enough about the most basic institution of our society, marriage between a man and a woman, that we passed a Constitutional Amendment to preserve it for future generations. This is not, and must not be, about party politics. This must be seen as our struggle as a social family to bring stability to a divided house.

The President is right when he said that, ''On a matter of such importance, the voice of the people must be heard . . . if we are to prevent the meaning of marriage from being changed forever, our nation must enact a Constitutional Amendment to protect marriage in America.''

Thank you very much.

Mr. CONYERS. Mr. Speaker, I am very pleased to begin this discussion with the members of the Committee on the Judiciary and others that are joining us asking for time. Before I recognize the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary, I yield myself such time as I may consume.

Mr. Speaker, I merely want to begin our discussion by observing how unnecessary consideration of this matter is at this point. No one in the Chamber is unaware of the fact that the obvious ploy by some is to play upon the worst fears of our citizens, who are deep into an election year, to deal extensively with a subject, a constitutional amendment, which every Member on this floor knows is going nowhere. The reason? Because it has already been defeated by the other body. The only conceivable point of this amendment is to energize the conservative political base.

Well, we are not buying into that, Mr. Speaker. We know that this is the reason that it is being done, because our distinguished majority leader only recently told us that we could not take up the assault weapons ban because we did not have the votes to pass it.

Well, do we have the votes to pass this amendment, a two-thirds requirement, while we are here on the floor less than 45 days before the election? I think that we know the answer to that.

We know that the States are fully capable of dealing with the issue of the same-sex relationship on their own. Our Nation has a long tradition of leaving questions relating to civil marriage to the States, and for more than 228 years the States have dealt with these issues, with marriage age limits, with miscegenation and divorce. Let us leave it with the States.

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

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 801, further proceedings on H.J. Res. 106 will be postponed.

DIRECTING CLERK TO MAKE CHANGE IN ENGROSSMENT OF H.R. 5183, SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART V

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Clerk be directed to make the change in the engrossment of H.R. 5183 that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the change.

The Clerk read as follows:

In subsection (l)(1) that is proposed to be added at the end of section 1101 of the Transportation Act of the 21st Century by section 2(d) of the bill (H.R. 5183), strike ''$21,311,774,667'' and insert ''$22,685,936,000''.

The SPEAKER pro tempore. Without objection, the change is agreed to.

There was no objection.

MARRIAGE PROTECTION AMENDMENT

The SPEAKER pro tempore. Pursuant to House Resolution 801, proceedings will now resume on the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. When proceedings were postponed earlier today, the gentleman from Texas (Mr. DELAY) had 68 minutes remaining and the gentleman from Michigan (Mr. CONYERS) had 72 minutes remaining.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me time, and I want to thank the gentlewoman from Colorado (Mrs. MUSGRAVE) for having the courage to bring this forth.

Our Constitution is one of our country's most sacred documents. It is the fulfillment of the promises made in the Declaration of Independence, and it is the backbone of our system of government. It identifies our rights as citizens, the roles and responsibilities of each branch of government, and identifies the limits that prevent government overreaching. It also ensures that our system of government remains a democratic system, whereby the people, through their elected Representatives and officials, make laws. This means a form of government under which laws are passed by the duly elected Representatives of the people, not by judges.

Amending our Constitution is the most democratic process in our Federal system of government, requiring two-thirds of each House of Congress and three-quarters of the State legislatures in order to pass a constitutional amendment. But it has been done and should only be done when principles for governing and for existing in society need to be stated.

The best example of this is the Bill of Rights. The first ten amendments were added to the Constitution to ensure that principles that were so important, that were fundamental for governing and living, were explicitly referenced in the Constitution in advance of any adverse judicial ruling.

We find ourselves in a similar situation today. There should be no disagreement that traditional marriage, as defined throughout our history, is under attack by liberal activists and rogue judges. The only real question at hand is how to protect this important cornerstone of our society.

This issue was first raised with me when I became chairman of the Subcommittee on the Constitution in the 107th Congress. At that time I clearly stated my preference to consider all possible legislative options before pursuing a constitutional amendment. I also felt that we should wait to learn the results of ongoing litigation. My hope had been that the courts would not attempt to alter our social fabric and, instead, leave the issue where it belongs, before Congress and the State legislatures. Obviously, that has not been the case.

In response to judicial decisions and the attempt by elected officials in several communities to approve same-sex marriages in violation of their own State laws, I called for a series of hearings to consider different options for maintaining marriage as a union between a man and a woman. During those hearings, we heard from many experts that provided us with extensive information on legal and social issues. Perhaps most important to this debate we reviewed the status of DOMA, the Defense of Marriage Act, and the consequences that would result from a judge striking down that important legislation.

DOMA's status is at risk. Judge Robert Bork, for example, one of the witnesses, stated in testimony before the Subcommittee on the Constitution during the hearing on the amendment, ''I think DOMA is absolutely a dead letter constitutionally; not because it would be under the original Constitution, but because it is the way this Supreme Court is behaving.''

Professor Lawrence Tribe of Harvard Law School has stated, ''Same-sex marriage is bound to follow. It is only a question of time.''

□ 1400

As a result, our national definition of marriage and the important role that marriage plays in our society more than likely will be changed forever, and it will not be for the better. Once that change is made and forced on every State in our Union, it will be virtually impossible to reverse.

Mr. Speaker, marriage is an institution, not a right. The hearings confirm this. Congress is obligated to support the means that best protect this institution that has been a part of our history. The marriage protection amendment states as follows: ''Marriage in the United States shall consist solely of a union of a man and a woman. Neither this Constitution nor the Constitution of any State shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.'' That is what it states.

The first sentence of this amendment ensures that a common definition of marriage, that between a man and a woman, exists for the entire Nation. This will preclude attempts by the judiciary or State legislatures to determine otherwise.

The second sentence will prevent the courts from interpreting the Federal Constitution or State constitution to require a legislative body or an executive agency to enact or recognize marriage and its benefits on a civil union or domestic partnership. The second sentence also ensures that State legislatures are able to define for themselves the status of civil unions and domestic partnerships and the resulting benefits.

One way or another, we know that the Constitution will be amended. The question is, is it done the appropriate way, or is it done by unelected, activist judges?

Mr. CONYERS. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on the Constitution, who has in this Congress found himself busier than almost every other subcommittee that we have. We have a long history of court-stripping attempts, constitutional amendments that were of high dubious legal question, and he has worked tirelessly with a staff I think that is second to none on our committee.

Mr. NADLER. Mr. Speaker, I thank the distinguished ranking member for yielding me this time, and I thank him for those kind words.

Mr. Speaker, today the drumbeat of political demagoguery has reached its crescendo as the House prepared to consider an amendment to the U.S. Constitution banning marriage between persons of the same gender. This amendment does not belong in our Constitution. It is unworthy of this great Nation, and the Senate could not even muster a simple majority to consider it, much less the requisite two-thirds to adopt it.

We have amended the Constitution only 27 times in our history. Constitutional amendments have been used to enhance and expand the rights of citizens, not to take them away.

The Constitution was amended to add the Bill of Rights, protecting freedom of religion, freedom of speech, freedom of assembly, the right to be secure in our homes; 10 amendments for protection of individual rights and liberties. We amended the Constitution to wipe away permanently the stain of slavery, to expand the right to vote, to expand the right of citizenship, to allow for the direct election of Senators, and to allow for the income tax.

Now we are being asked to amend the Constitution again to single out a single unpopular group and say permanently, you cannot even attempt to convince the legislature of your State to give you the right to marry. We have certainly never amended the Constitution on the mere speculation that a court might rule a law unconstitutional. No court has struck down as unconstitutional the Defense of Marriage Act that we passed 8 years ago. There is not even a case pending before any appellate court in this country today. There has not been a single trial-level court decision holding the Defense of Marriage Act unconstitutional; and yet we are told this necessity is imposed upon us. We must protect marriage now. What an imaginary threat.

In fact, the amendment before us is a new version of the amendment. It was not introduced until the end of last week. Although this issue has been the subject of four hearings before the Committee on the Judiciary, this proposed amendment and its potential impact on State marriage laws, historically a right of the States, has not.

When the sponsor of the amendment appeared before the Subcommittee on the Constitution, she was not prepared to comment on a similar version or any version other than the one she had introduced, which is not the one today before us.

The Committee on the Judiciary has not marked up this amendment, either in subcommittee or full committee, although the designation of the oak tree as the national tree has merited such careful deliberation. That is a first. My Republican friends, as amendment-happy as they are, have never previously skipped over committee consideration to bring a just-introduced constitutional amendment to the floor. But I understand them. What is the Constitution between friends? Why should we consider it carefully?

As the ranking member of the Subcommittee on the Constitution, I am normally called upon to explain proposed constitutional amendments. Explaining this one requires some extra effort. From what, precisely, would the so-called marriage protection amendment protect marriage? From no-fault divorce? From legalized fornication? From the failure of States to incarcerate adulterers, perhaps? No. Evidently, the threat to marriage, so-called, is the fact that there are thousands of people in this country who very much believe in marriage, who very much want to marry, who may not marry under the laws of the various States of this country, but whose fellow citizens may conceivably one day permit them to do so; and that we must prevent.

I have been searching in vain for some indication of what might happen to my marriage or to the marriage of anyone in this room if loving couples,

including couples who have had children for years, are permitted to enjoy the blessings of matrimony. If there is a Member of this House who believes that his or her own marriage would be destabilized or destroyed by a same-sex marriage somewhere in America, I would welcome an explanation as to what you think would happen to your marriage and why. Any takers?

The overheated rhetoric we have been hearing is reminiscent of the bellicose fearmongering that followed the Supreme Court's 1967 Loving v. Virginia, which struck down State prohibitions against interracial marriage. The Supreme Court had overstepped its authority, we were told. The Supreme Court had overridden the democratic will of the majority. The Supreme Court had signed a death warrant for all that is good and pure in this Nation.

Fortunately, we have survived as a Nation; and we are the better for it.

In the not-too-distant future, people will look back on these debates with the same incredulity we now view the segregationist debates of years past.

This amendment does more than it purports to do. It would preempt any State law or legislature from passing a law allowing people of the same gender to marry, even if that law was approved by the legislature or, for that matter, by referendum of the people. This is not to protect the States; this is to protect a notion against the democratic will of the majority of the people in the States. Read the first sentence: any such marriage would be unconstitutional.

Proponents of this amendment have already tried to use a similar prohibition against same-sex marriage to attack domestic partner benefits in courts. So do not tell me this is only about marriage. I do not believe it. It says nothing in this amendment about recognition of marriages from one State to another. If you want to allow democratic majorities to have their way within their own borders, this amendment will do the exact opposite.

There are many loving families who deserve the benefits and protections of the law. They do not live just in New York or San Francisco or Boston. They live in every one of the 435 congressional districts in the United States. They are not from outer space, they are not a public menace, and they do not threaten anyone. They are our neighbors, our coworkers, our friends, our siblings, our parents, and our children. They deserve to be treated fairly. They deserve to have the rights of any other family.

I regret that this House is being so demeaned by this debate. It saddens me that this great institution would sink to these depths even on the eve of an election. We know this is not going anywhere. We know it is merely a political exercise. Shame on this House for playing politics with bigotry.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), a member of the Committee on the Judiciary.

Mr. FEENEY. Mr. Speaker, I thank the distinguished majority leader for his leadership on this issue, especially, along with the gentlewoman from Colorado (Mrs. MUSGRAVE) and her brave leadership.

Mr. Speaker, the fact of the matter is, the Constitution is going to be amended. Either radical, unelected judges are going to amend the Constitution from the bench to redefine the traditional view of marriage, or the people's Representatives here in this House and across in the other body are going to act to amend the Constitution to preserve the traditional, historic definition of marriage. I notice that none of the opponents yet of this amendment have said that he or she will do whatever it takes to defend marriage when the time comes, but the action is unnecessary. If they are willing to commit to do whatever it takes to defend marriage, that is another matter; but that is not what they are saying.

Mr. Speaker, we have already seen the Massachusetts Supreme Court undo over 400 years of history in Massachusetts, undo a Constitution which is older than the United States Constitution, and find some new right. In doing so, in establishing same-sex marriage, what the Massachusetts court did is to belittle the traditional definition of marriage and all of the States that actually believe that. They said that there was no logical reason to preserve the benefits of a marriage between a man and a woman.

Even the liberal Washington Post Editorial Board was shocked by the Massachusetts judge's decision, stating in their editorial, ''We are skeptical that American society will come to formally recognize gay relationships as a result of judicial fiats.'' That is exactly what we are here to prevent, the judicial fiat that will undo the traditional definition of marriage which has protected and been the building block of this country forever. None of the States, not one of the State legislatures has ever tried to redefine marriage, but we have had courts in Vermont, in Hawaii, and in Massachusetts now attempt to do that very thing.

What we are here to do is to remind people that under the fourth article to the United States Constitution full faith and credit clause, when one State establishes a marriage as something other than a man and a woman, eventually all other 49 States will be forced, despite DOMA, which we have heard is going to be struck as unconstitutional, both liberal and conservative scholars agree, 49 States will have the definition that Massachusetts has imposed by the bench on their people imposed on us unless we act today.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. KUCINICH), a gentleman who has followed the civil rights struggle and the struggle for women in this country for many years.

Mr. KUCINICH. Mr. Speaker, the 14th amendment of the U.S. Constitution guarantees the same rights to all people under the law, all people. It is what keeps us a United States. We call ourselves one Nation under God. Surely we know from the Bible that a city, a house, or a nation divided against itself cannot stand.

This amendment divides our Nation. This amendment creates two classes of people based on sexual orientation. It creates a second-class citizenship. In America, every individual is entitled to equal protection of the law. We could not remain a United States, half slave, half free. We could not remain a United States if a woman's right to vote or to choice were denied, and we cannot remain united if our brothers and sisters are denied equal protection of the law because of their sexual orientation.

In America, we work to eradicate discrimination. In America, we work to create a more just and equal society. In America, our Constitution should further that goal. In America, our Constitution should give rights, not take them away. In America, we must continue to fight for equality and justice. Here we must always be the land of the free, the home of the brave, where the rights of all people are protected, regardless of race, color, creed, or sexual orientation.

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

This is not about discrimination. It is about marriage and judicial activism, but the timing is really important. I would just quote, since we are doing a lot of quoting around here, Paul Kates, director of Public Education for the American Civil Liberties Union's Lesbian and Gay Rights project, who said, ''Once more States agree with Massachusetts. We think it is more likely that we will win in the Federal courts,'' in which case same-sex marriage policies can be imposed across multiple States and even nationwide. It is a concerted strategy to go this route.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Speaker, I rise in support of this amendment, and I would like to highlight two basic principles in support of the amendment.

The first is this, and everyone should understand this, including my friend, the gentleman from Ohio who preceded me in the well of this House. Same-sex couples have the right to live as they choose, but neither they nor a handful of activist judges have the right to redefine marriage for our entire Nation.

□ 1415

The second point again goes with what my friend from Ohio said and I take issue with. Marriage is not about

excluding a group of people. Marriage is about what is best for our children and our society.

To the first principle, I wish this were not an issue that needed at long last constitutional protection via an amendment, but unfortunately, activist lawyers and judges have been working across our Nation to undermine marriage and impose a new national marriage standard without a public debate. Thousands of same-sex couples from at least 46 States have received marriage licenses in California and Oregon, then return to their home States. This is a national issue, and regardless of the months on the calendar and the so-called political season, the American people have a right to know where their representatives stand.

Mr. Speaker, to those who believe that marriage protection and that this marriage protection amendment is discriminatory, I would ask them this: Do my colleagues truly believe that marriage, the traditional and foundational union between a man and a woman, is discrimination? Mr. Speaker, once we start treating a child's need for a mother and father as discrimination, it becomes impossible for the institution of marriage to do its work. If it is discriminatory to restrict marriage to a man and a woman, then why not have three parents or four or more? Even groups of single people are now protesting that their exclusion from the benefits of marriage is discriminatory.

Now to the second point. Marriage is not about exclusion. It is about inclusion and an inclusive foundation for children and society. Whether a couple is a man and a woman has everything to do with the meaning of marriage. Marriage encourages the men and women who together create life to unite in a bond for the protection of children. That is not discrimination. It is the building block on which our society is based.

Now, Mr. Speaker, failed marriages between individuals does not mean that the institution of marriage itself is failing, but Mr. Speaker, we will fail in our responsibilities to our Nation if we fail to neglect and fail to protect this basic institution in our society.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 7 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), from the Committee on the Judiciary, a very distinguished lawyer in her third term who has served with us from the time she arrived here.

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

Ms. BALDWIN. Mr. Speaker, amending the Constitution is a radical action which should only be undertaken when absolutely necessary. Preemptively amending the Constitution to prevent something that has yet to happen is a dangerous principle that this Congress should not endorse. We must always remember what President Calvin Coolidge once said, ''The Constitution is the sole source and guaranty of national freedom.''

Mr. Speaker, our Constitution has been amended only 17 times since the Bill of Rights, and with the exception of prohibition, which was promptly repealed, the amendments to our Constitution have always been used to secure greater rights and liberties for the American penal system. We have amended the Constitution to make our union more perfect, to ensure all Americans are free to secure the blessings of liberty, that all Americans may achieve the American dream of life, liberty and the pursuit of happiness. Never in our history have we used our most sacred governing document to deny the rights of any group of Americans, nor should we do so today.

This debate today is not simply a theoretical debate. It has a real impact on millions of Americans. I believe that the institution of marriage enhances our social fabric in many positive ways. I think we all agree that loving, supportive marriages provide strong environments for raising children.

Children with two-parent families who are actively engaged in their lives typically have greater financial and emotional stability during the time they grow up than those who are able to only rely on a single parent.

Marriage's role in protecting children is about providing sustenance. It is about teaching. It is about sharing cultures and beliefs. It is about transmitting a family's values. It is about providing love and emotional support. These are all important components of marriage, and none of them are exclusive to a couple consisting of a man and a woman.

Marriage laws in the United States provide important rights, responsibilities, privileges and obligations. In each State, literally thousands of rights, responsibilities, privileges and obligations are conferred upon the receipt of a State marriage license. Likewise, there are more than 1,000 Federal rights that benefit married persons, among them: the right to make decisions on a spouse's behalf in a medical emergency; the right to take the benefits of the Family Medical and Leave Act for an ill spouse or ill parent of a spouse; the right to petition for spouses to immigrate; the right to assume parenting rights for children who are brought in to a family through birth, adoption, surrogacy or other means; family-related Social Security benefits, income and estate tax benefits, disability benefits, family-related military and veterans benefits and other important benefits; the right to inherit property from a spouse in the absence of a will; the right to purchase continued health coverage for a spouse after the loss of a job.

When making this point, many times I have heard opponents say that these rights can be obtained in other ways besides marriage. Some of them can, at a cost, with enough legal help, but many cannot.

I want to return briefly to the role of marriage in protecting children because, contrary to the opponents of same-sex marriage and civil unions, I believe that this is a powerful argument in favor of marriage recognition for same-sex relationships. There are over 1 million children being raised in gay and lesbian families in the United States. These children do not have the same legal protections as children of opposite-sex married couples have, and their parents have significantly increased financial burdens in providing for them.

The rights of gay and lesbian and transgendered Americans have been at the center of a national debate for the past decade and more. Attitudes have changed dramatically, as more and more Americans have discovered that their friends, their neighbors, their coworkers, family members are gay or lesbian and that they are just like other Americans, with the same hopes, dreams, fears, the same challenges. I believe our country has taken major steps forward toward the American ideal that all people are created equal.

Mr. Speaker, change is never easy. Some people push for change with all their might, while others struggle to maintain the status quo. Most of the others are somewhere in between, trying to apply their competing values to assess the merits of change. Our political leaders can try to facilitate this debate and discussion and work towards consensus or they can exploit those tensions and fears to divide America.

I firmly believe that too many of our leaders have decided to use this issue to polarize Americans in order to win this election, and this is wrong. Today, we must reject this attempt to use the Constitution of the United States simply as a wedge issue to win an election.

Bringing this issue to the forefront now, five weeks before the election, with no chance to pass it in this House, accomplishes only one thing. It distracts the American people from the urgent issues and immediate policy decisions that are at the heart of this election.

Each hour this Congress spends on a constitutional amendment that will divide America, we are not working to help provide health care to the 45 million Americans who have no health insurance. Each hour this Congress spends on a constitutional amendment that will divide America, we are not working to help the millions of unemployed and underemployed Americans.

These must be our priorities, not writing discrimination into the Constitution of the United States.

I implore my colleagues to vote ''no.''

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I appreciate the opportunity to address this issue.

Is it a blatant attempt by Republicans to score political points in a political season? I am sorry, but it was

not the Republicans who brought up the Massachusetts Supreme Court decision on May 17. We have very little influence in that particular matter.

From my friends on the other side of the aisle who declare to us that amending the Constitution is just the extension of rights, I would remind them that the Dred Scott decision that said that slavery is correct and proper for these United States was, in fact, turned around in a very similar situation that we are facing today.

A Supreme Court is positioning itself to declare a certain thing which is in opposition to the will of the majority of the people, and we are simply going to turn that around with a constitutional amendment, the same as the Thirteenth Amendment turned around the Dred Scott decision of the Supreme Court.

Now for the discussion about what this is really about. Once we leave the discussion of what is right for children as the heart of the discussion, we begin to get confused about what is right. When we talk about the fact that there are loving, gay couples who would like to raise their children, we seem to depart from the facts because only one out of three lesbians living in the same household are actually raising children, and among gay men, only one out of five.

This issue is not about the right to raise children. This issue is about their rights to redefine marriage for the entire Nation, and I will disagree with my friends on the other side of the aisle that it is worth fighting for right now. It is worth fighting for in this House, and it is worth fighting for on the streets of America so that we have this national public discussion to determine what is most effective for our children.

If we want examples, we can look to Scandinavia where more than 60 percent now of the children are born out of wedlock, just a few short years after they have taken the same step that we are taking here.

This discussion is about what is right for children. It has nothing to do with what is right for adults. How can we say that the rights of adults to choose their desire is more important than what is necessary to correctly and properly raise our children? What is right for our children is a discussion.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. LOFGREN) who has been of immeasurable assistance on constitutional questions in our committee.

Ms. LOFGREN. Madam Speaker, the Republican leadership has put us on notice that Congress will probably adjourn next week until after the November elections. We should have done so much more this year. Yet, this week, Republican leaders have decided to bring to the floor a constitutional amendment banning gay marriage and a bill to repeal gun laws in the District of Columbia. Are these really the most important issues facing the Nation?

Earlier this month, the Republican leader, the gentleman from Texas (Mr. DELAY), said that he would not allow a vote to continue the assault weapons ban because it did not have the votes. When asked about scheduling a vote, he said the following, ''If the President asked me, it would still be no . . . because we don't have the votes to pass an assault weapons ban, and it will expire Monday and that's that.''

Despite the overwhelming support of Americans everywhere, he let the assault weapons ban expire.

Apparently, the gentleman from Texas (Mr. DELAY) only brings things to a vote when he has the votes. But wait, this week the gentleman from Texas (Mr. DELAY) has taken a different position on what he brings to the floor.

In Roll Call, he acknowledged he does not have the votes to pass the marriage amendment. This amendment will not pass the House, and it did not even a get a simple majority in the Senate earlier this year. This amendment is going nowhere.

Let us be clear. The only reason this bill is being considered today is to score political points a month before the election. I am not surprised in the least that the Republicans would put politics before solutions. What is shocking is that we would waste time on these political games when they have accomplished so very little this year.

Earlier this month, the CBO released its update and confirmed that the 2004 deficit will be the largest in history, $422 billion. This $818 billion deterioration from the $397 billion surplus that they inherited when President Bush took office is just a shame.

□ 1430

And what have the Republicans done to bring the deficit under control? Absolutely nothing. As a result of their policies, and for the third time in 3 years, Republicans need to increase the debt limit once again. What have Republicans done about this, the national debt? Nothing. The list goes on and on.

The Republicans never passed a 2004 budget. The fiscal year ends tomorrow, yet we have only done one of our 13 appropriation bills. The 9/11 Commission report was released in July. It has been 71 days, and the House and Senate have still not voted on its recommendations.

We have not passed a transportation reauthorization bill since January 2001. We have lost 1.7 million private-sector jobs. And for the third year in a row, the number of Americans without health insurance has gone up. Medicare premiums are as high as they have ever been. We have more people in poverty this year than we did when Bush assumed the Presidency.

The Republicans control the White House, they control the House of Representatives, and they control the Senate. They control everything in Washington. Despite all these advantages, all of this power, they have no accomplishments. All they can do is play political games to hide their truly abysmal record and hope that the American people do not notice.

The House Republicans have controlled Congress for a decade. On January 4, 1995, the day I was first sworn in, moments before being sworn in, then Speaker Newt Gingrich told the Members of the House that we were hired to do a job, and we have to start today to prove we will do it. Well, the Republicans have had 10 years, and just look at the dismal record. They have proven they just cannot do this job. It is time for a change. House Democrats are ready to get to work.

Mr. DELAY. Mr. Speaker, may I inquire as to the time on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. DELAY) has 55 minutes remaining and the gentleman from Michigan (Mr. CONYERS) has 53 minutes remaining.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CARTER), a former judge.

Mr. CARTER. Mr. Speaker, today, we gather in this honorable chamber, and as we gather, there is an attack taking place on the basic building blocks of our society, the traditional family. Since the dawn of civilization, a family has consisted of a union between a man and a woman. In a civilized society, that union has historically been joined through a legal process we call marriage.

Mr. Speaker, you can go anywhere on this earth or here in the United States and wake somebody up from a dead sleep and ask them to define marriage, and they will tell you that it is a union between a man and a woman. Yet, today, we are dealing with living with a court ruling by the Supreme Judicial Court of Massachusetts which tosses aside the history of traditional marriage.

This judicial activism, better called social engineering, flies in the face of legal precedent, and as The Washington Post shockingly stated, ''is done by judicial fiat.'' Not a single State of the 50 States in this union have any legislation or a constitutional amendment which changes the definition of marriage. This assault on traditional marriage continues as legal challenges are joined in most all the States of this Nation.

Mr. Speaker, I have had the dubious distinction of having presided over the dissolution of 20,000 marriages in my career of public service. I would venture to say that is more than anyone else in this House. I have listened to thousands of hours of testimony about the damage that can be done by the breakup of marriage to the children of our Nation. It is a shame that we have to go through this attack on marriage, but to add a further attack on marriage by redefining the definition of marriage would be an abomination to our children.

For those who say, let the States choose, I would point out that the

amendment will be required to pass three-fourths of the States, so it is up for debate in the States of this union. The Bill of Rights amendments were ratified precisely to make sure that fundamental principles were explicitly laid out in our constitution. The marriage protection amendment would explicitly protect the institution of marriage before the courts so that we will not be socially engineered out of our rights as American citizens and to destroy traditional marriage.

Mr. CONYERS. Mr. Speaker, 4½ minutes to the gentleman from New York (Mr. WEINER), the honorable Member who serves on the Committee on the Judiciary with great skill and distinction.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I wanted to ask the previous speaker, who said he had presided over the dissolution of 20,000 marriages, I just wonder, in how many of those was the cause of the dissolution some gay relationship?

I mean, I am prepared to own up when I am at fault. Am I responsible, as a gay man, for any of those 20,000 dissolutions? The gentleman said there were 20,000 dissolutions. Would he tell us in how many of those 20,000 dissolutions was the existence of a gay marriage or gay civil union the cause?

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

Mr. WEINER. I yield to the gentleman from Texas for a response.

Mr. CARTER. About a half a dozen. But that was not the issue I was talking about.

Mr. FRANK of Massachusetts. A half a dozen out of 20,000.

Mr. CARTER. If I have the floor, and I might speak, my point was the damage that the dissolution of marriage causes to the children of this marriage. I said nothing about gay marriages in my speech whatsoever.

Mr. FRANK of Massachusetts. I apologize. If the gentleman would continue to yield briefly.

Mr. WEINER. I continue to yield to the gentleman from Massachusetts, Mr. Speaker.

Mr. FRANK of Massachusetts. I apologize for assuming that the gentleman was referring to gay marriage. This is a debate about gay marriage. So when the gentleman talked about the dissolution of 20,000 marriages, I made, apparently, the incorrect inference that there was some relationship between what the gentleman was saying and the subject under suggestion. I withdraw the inference.

Mr. CARTER. Mr. Speaker, if the gentleman will continue to yield.

Mr. WEINER. Mr. Speaker, I am going to reclaim my time, since the gentleman is not referring to gay marriage, and that is what this very important debate is about.

Mr. Speaker, I have heard a great deal on this floor about the message we send our children, and we have different interpretations about what this debate means to our children. One thing I would urge my colleagues on the other side not to do is not to tell your children you are being conservative by supporting this. Conservative values, as I understand them, means not taking government and sticking it into every relationship and into every corner of someone's personal life, like you seek to do with a woman's right to reproductive freedom and like you seek to do with the most intimate of relationships today.

Certainly, do not tell them that you are passing laws in this body to protect them. That you should not tell the children when you have passed laws to weaken water standards, weaken clean-air standards and to underfund education. So when you are talking to your children, do not tell them that.

Certainly, do not tell them that you are being consistent, because many of the folks on the floor here are the strongest supporters of the Defense of Marriage Act, yet in the Committee on the Judiciary and on this floor over and over, when challenged as to its constitutionality, say, oh, absolutely; absolutely, it is constitutional. It has not even been struck down and already you are running away from your interpretation of DOMA. So do not tell them you are being consistent.

And certainly, do not tell them that you are being honest, because if you were being honest, you would not lie to them and tell them that you are doing anything to amend the Constitution today. The Senate has already defeated this. If you are going to be honest with them, you are going to have to tell them what you are doing is simply posturing. So, certainly, do not tell them you are being honest.

What you are doing is teaching them to hate. You are teaching them that the Constitution is the place you remove rights, not protect them. That, I think, has been a consistent theme of this year's session. So, perhaps, in that case, you are being consistent in using the Constitution that way.

And I have to tell my colleagues, there are so many people who hang their heads today when talking about their grandparents who served in this august body. They hang their heads when they talk about their grandfather who stood up on the floor of the well and argued in favor of slavery. They are embarrassed by that.

There are so many who hang their head when they talk about their grandfather who served in this august body and fought for denying the rights of women. They are embarrassed by that.

Why is it that you think your grandchildren will not some day grow up and be telling their children about granddad or grandmom and have to be embarrassed about this debate; have to be embarrassed and ashamed by the idea that you, their grandparents, God willing, they are able to tell the story and how embarrassed they will be? Will they be embarrassed like those who have to talk about their grandparents who voted to support slavery or voted in support of rounding up Americans and putting them in internment camps?

I hope that that is not the case. If you are concerned about what you will tell your grandkids, be more concerned about what they will tell their grandkids about you.

Mr. DELAY. Mr. Speaker, I yield myself such time as I may consume to just mention that we are talking about marriage. I know some think this is a debate or a constitutional amendment on gay marriage and same-sex marriage. No, we are talking about marriage and the definition of marriage. That is what this debate is about.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I am not embarrassed to say I stand here on behalf of tens of thousands of families in the Eighth Congressional District in strong support of the marriage protection amendment.

I believe the institution of marriage is a sacred union. It predates Congress and the constitution. Marriage is not simply a legal contract. For all its flaws, it is a covenant that truly binds individuals and families to each other and has, for centuries, provided social stability, not only for our country but for our culture.

Marriage matters. It matters to the American people. It matters to our children, and it matters to our Nation's future. Because strong families foster strong morals and a strong Nation to go with it.

As for those who say this is no business of Congress, I strongly disagree. Our Founding Fathers and mothers may never have imagined this debate today, but they created the thoughtful process for the American people to decide such matters of importance.

And make no mistake, the definition of marriage will be defined. The only question today we are debating is by whom, the unelected justices of the Federal courts or the American people? So you decide, who do you trust to decide this nation-changing decision? I have faith in the American people.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Oakland, California (Ms. LEE), who replaced our good colleague Ron Dellums, an activist in domestic and international matters.

Ms. LEE. Mr. Speaker, I want to thank the gentleman for yielding me this time and for his tireless efforts on behalf of civil liberties and civil rights for all Americans.

This is a very mean-spirited and divisive constitutional amendment, and it is just plain wrong. It would take everything this Nation stands for, as a beacon of hope, as a land of opportunity and a tolerant Democratic society, and really just turn it all on its head. Government should not be in the business of passing constitutional

amendments to discriminate against anyone.

In an election year, with so much at stake, this amendment is clearly a ploy to divide the country's focus from the real issues, and I say, do not be fooled. There are far more important issues facing our Nation this year that this administration and Republican-controlled Congress refuse to debate and which have far greater impact on our country than this issue of a constitutional amendment.

In my district, the Ninth Congressional District of California, six members of the clergy, six members of the African-American clergy, led by a great religious leader, the Reverend J. Alfred Smith, Sr., Senior Pastor of the Allen Temple Baptist Church, addressed this very issue. In this open letter, published in the Oakland Tribune, they characterized the intent of this amendment to disrupt the peace and good will of many in both the secular and religious communities.

They continued, ''whatever your personal opinion is regarding same-sex marriages, ask yourself this litany of questions.'' They said: ''Can America survive if she continues unilateral warmaking in a time that calls for international peace-seeking collaboration?'' ''Can the American common people, whom we serve as clergy, survive the diminishing resources for public education and health care?'' They ask the question: ''Can the American image survive the rejection of global treaties and environmental controls?'' They said: ''Is it liberty and justice for all Americans when preferential treatment is given to the wealthy and select corporations?''

Mr. Speaker, the answer to all of these questions is no. So I strongly urge my colleagues to vote ''no'' on this cynical and divisive attempt to legitimize discrimination in our most important secular, mind you, our most important secular, not religious, document, the Constitution.

Mr. Speaker, I submit for the RECORD the open letter published in the Oakland Tribune, which I earlier referred to:

HERE WE STAND

In a democracy each citizen is given freedom of speech. No one is to be condemned for being Democratic or Republican, conservative, moderate, or liberal. Most recently, twenty African American Clergy exercised freedom of speech at a press conference. These ministers stated that they were working to elect President George W. Bush for a second term of office as President. These Pastors spoke not for their Churches but they as individuals exercised their American privilege and democratic right as citizens.

As a result of their exercise of free speech, conflict and controversy have disrupted the peace and goodwill of many in both the secular and religious communities. There are those who believe that there would have been no hatred and hostility if those Ministers would have not stated that their reasons for supporting electing Mr. Bush to a second term was not tied to the divisive issue of same sex marriages. The AIDS activists responded to the press conference by saying the Ministers have harmed future funding for the fight against the spread of AIDS.

We are calling all of us to relate to each other with mutual respect for each other so as to allow us to differ logically and humanely on the issues. A Caring and compassionate number of African American clergy do not support President George W. Bush for re-election, but they support traditional family values while promoting ministries to decrease and spread of AIDS. These Pastors teach and preach against racism, sexism, ageism, classism, and homophobia. No one can place all African American Ministers into a single theological, ideological or political camp.

We encourage you to investigate the larger and more far reaching implications of the upcoming presidential race. In addition to whatever your personal opinion is regarding same sex marriages, ask yourself this litany of questions. Can America survive if she continues unilateral war making in a time that calls for international peace-seeking collaboration? Can the economic infrastructure of city, county, state and the nation survive continuous lavish investment in the military? Can the American common people whom we serve as clergy persons survive the diminishing of resources for public education and health care? Can the American image survive our rejection of global treaties and environmental controls? Is it liberty and justice for all Americans when preferential treatment is given to the wealthy and select corporations? Should not all Americans seek an administration that will protect our freedoms against punitive patriot legislation while defending America from our enemies? Last, but not least, we do not give our souls to any imperfect human made political system. When the Kingdom of God comes, we do not believe it will arrive on the wings of Air Force One. We are committed to the principles of compassion, courage, and critical thinking in leading a People whose purpose driven lives elevate principles of ethics far above the perils of political expediency.

Bishop Bob Jackson, Acts Full Gospel; Bishop Ernestine Reems, Center of Hope; Reverend Joseph Smith, Pastor, Good Hope Baptist Church and President, Bay Cities; Baptist Minister's Union; Reverend Lloyd Farr, Pastor, New Bethel Missionary Baptist Church, and President, Baptist Minister's Union; Dr. Frank Pinkard, Pastor, Evergreen Baptist Church; Dr. J. Alfred Smith, Sr., Senior Pastor, Allen Temple Baptist Church.

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I appreciate the opportunity to rise today in support of the marriage protection amendment, which is before the House today. Over the past several years, the traditional family has been under attack. The survival of the American family is of crucial importance because it serves as the backbone to our Nation as the primary protector and educator of our children.

Studies overwhelmingly suggest that children have a greater chance at success in life when a mother and a father are both present in the home. It is true that the recognition of the family unit has been traditionally a State issue. In fact, in my home State of Georgia, we will have a direct voice this November 2. In Georgia, we will vote yea or nay on a constitutional amendment banning so-called same-sex marriages.

□ 1445

However, with the recent onslaught against the traditional family in the courts, I believe it is now time for the Federal Government to act decisively as well.

Mr. Speaker, 44 out of 50 United States have already enacted laws that identify marriage as a union of a man and a woman, mother and father. Yet activist judges who look to enforce their own personal views continue to strike down laws passed by State legislatures and approved by our constituents. In fact, over 60 percent of the American people agree we need a Federal constitutional amendment. The citizens of the United States, our constituents, want us to support traditional marriage between one man and one woman. They do not want a court to decide the definition of marriage.

Therefore, if we do not pass a constitutional amendment on the Federal level, federally appointed judges will make their own definition without a single vote by the American people or their representatives. I believe this body has an important decision to make, a decision that is obviously a major concern to the majority of the American public.

To illustrate this, as of this morning, over 2,600 constituents from Georgia's 11th Congressional District have written to me in favor of this amendment. They have voiced their concerns to me, and I believe they are right, and I strongly urge Congress to pass the marriage protection amendment.

As far as the gentleman from the other side of the aisle who questioned what our grandchildren will think of their grandparents some day, my four grandchildren will say thank God their granddad stood up for their moms and dads for the passage of this constitutional amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would admonish guests in the gallery that they are here as guests of the House, and are not to show approval or disapproval for remarks on the floor.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) who has worked on civil rights and constitutional matters with great skill ever since she has come to this Congress

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for his continued service to America.

I thought I would take just a moment to move this debate to the document which we are attempting to amend, and that is the Constitution. As I arrived on the floor of the House, I was listening to one of the speakers mention that the concept of marriage is embedded in the Constitution of the United States. I took a moment, as I

listened and reflected on the various voices that have been raised, because this is a constitutional debate that heretofore would take numbers of days because we would be serious about amending the Constitution.

But I came upon article IV that talks about full faith and credit shall be given in each State by the public acts, records, and the judicial proceedings of every other State, and so I do not understand the argument that is being made by my friends on the other side of the aisle, and I take issue in that because there will be different voices raised from both sides of the aisle. This is a constitutional question. This is a debate for all America, no matter what political hat one may be wearing.

But I come upon the first amendment that clearly distinguishes and says that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

I stand before Members to respect and acknowledge the faith community and the definitions they may give to unions of human beings and people in the United States. But I again remind my colleagues that this again is a secular Nation. Embedded in the Constitution is our right to freedom of religion, but it indicates very specifically that we are to designate no particular religion for this Nation.

As a southerner coming from the State of Texas, I stand before you with great jeopardy because the predominant individuals in my community do speak as others have already spoken; however, I would be incensed if anyone was to define the gentlewoman from Texas (Ms. JACKSON-LEE) or any of us who hold this Constitution dear, as someone who would fall over to the comfort zone where you would be patted on the back and praised and given all kinds of accolades because you decided to stand against a justice system that allows people to be human and dignified and equal in this country. I refuse to do that.

I might offer to Members that I spent some time finding myself on the wrong side of the majority of the people of the United States of America. The good news is that those of us who have done that wake up every morning feeling good because we have slept well. The impeachment we went through in 1998, I am reminded of that room when everybody thought this was the way we should go, and I frankly believed, as many of my colleagues who joined us believed, that the Constitution at the time must prevail.

So let me share some words during a very difficult time in America, and that was the civil rights movement first, but the Civil War in the 1800s when this country was divided both in terms of individual family members and States. It was a time when people were trying to find some way to preserve the Union. Daniel Webster stood on the floor of the United States Senate and stated, ''Mr. President, I wish to speak today not as a Massachusetts man, not as a northern man, but as an American and a Member of the Senate of the United States. I speak today for the preservation of the Union.''

So I speak today for the preservation of the Constitution of the United States of America. It troubles me that even though we can find ways to divide over many, many issues, it troubles me that we do not embrace the respect and the understanding of the freedom of the religion.

I also offer to say that Daniel Webster made it very clear that we must work in order to preserve not only this Union, and he said ''Instead of dwelling in those caverns of darkness, let us enjoy the fresh air of liberty and union.''

Let us enjoy the fresh air of liberty and the understanding that this constitutional document would protect any American who would fall on the minority side of a cause. If it is not you today, it may be you tomorrow.

For us to have a constitutional amendment that takes this document and make mockery of it, it has served us well. There is not a page or line or sentence in this document that undermines the human dignity of anyone. I welcome the clergy, and I would go to pray and sit with them and discuss with them their beliefs as I respect them, as I respect all of our beliefs. But who are we as a Nation if we are promoting democracy in the very bottom of the insurgency of Iraq and Baghdad, and we would stand today to deny the constitutional understanding that says we all are created equal. This document stands to the living testament that whoever you are in this Nation, you have freedom under this Constitution.

Mr. Speaker, I ask my colleagues to defeat this amendment because it is unjust and it is not befitting of these United States of America and those of us who desire to preserve the Union and the Constitution, realize that this amendment does not promote freedom of religion or the sanctity of our Constitution.

Mr. Speaker, this resolution is the symbol of misplaced priorities. As my colleague from California eloquently enunciated during a Judiciary Committee markup of the ''9/11 Recommendations Implementation Act,'' H.R. 10 yesterday, it is unfathomable that we rushed through the consideration of that very important legislation so that we could debate this unnecessary proposal. Whether same-sex unions negatively affect our traditional notions of marriage will not make a difference to the families of 9/11 victims. Our first responders will not get the needed funding to prepare for imminent attacks as a result of swift passage of the Federal Marriage Amendment. This debate is ridiculous and will not help the American people.

I oppose this bill. H.J. Res. 106, the ''Federal Marriage Amendment,'' proposes to assert Congress' opinion on the lives of all Americans on matters that concern their personal lives, their family relations, and their very identity.

This Constitutional amendment is not necessary and therefore should not be transmitted to the Committee of the Whole with a rule that restricts the voices of the members who function as one of the few voices that the Nation will have on its future.

TENTH AMENDMENT

The 10th Amendment states: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' This amendment was the basis of the doctrine of states' rights that became the antebellum rallying cry of the southern states, which sought to restrict the ever-growing powers of the federal government. The principle of states' rights and state sovereignty eventually led the southern states to secede from the central government that they believed had failed to honor the covenant that had originally bound the states together.

In this case, the individual states need to have the ability to differ with the federal government in an area that relates to what goes on in the homes of individuals.

FULL FAITH AND CREDIT

In 1887 the court told us that ''Without doubt the constitutional requirement, Art. IV, § 1, that 'full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State,' implies that the public acts of every State shall be given the same effect by the courts of another State that they have by law and usage at home.'' *Chicago & Alton R.R.* v. *Wiggins Ferry Co.,* 119 U.S. 615, 622 (1887).

The proposal in H.J. Res. 106 will overturn Wiggins Ferry, and all other supreme court jurisprudence that have pronounced what the Framers of the U.S. Constitution intended in drafting Article IV, § 1.

EQUAL PROTECTION OF THE LAW

Gay and lesbian Americans are American citizens who pay taxes and protect our communities as fire fighters, police officers, and by serving in the military, and therefore desire the same rights and protections as other Americans.

Denying gay and lesbian couples the right to engage in a union equals a federal taking—legal rights in pensions, health insurance, hospital visitations, and inheritance that other long-term committed couples enjoy.

As Members of Congress with the authorities vested in us as a body, we have a responsibility to deal with issues that need attention. There is no emergent need relating to individual well-being, national security, or any other government interest that warrants a constitutional amendment for this purpose. This is a waste of the taxpayer's dollars. This amendment takes away existing legal protections, under State and local laws, for committed, long-term couples, such as hospital visitation rights, inheritance rights, pension benefits, and health insurance coverage among others.

Under current law, marriage is a decision of the State. As marriage was initially tied to property rights, this has historically always been a local issue. The State gives us a marriage license, determines a couples' tax bracket and authorizes its divorce. It does not need additional control over the situation. Religious conceptions of marriage are sacrosanct and should remain so, but how a State decides to dole out hospital visitation rights or insurance benefits should be a matter of State law. As legal relationships change, laws adapt accordingly.

Matters of great importance, such as marriage, need to reflect the will of the people and be resolved within the democratic process. By having Congress give the States restrictions initially, we are denying them the chance to let their constituents decide what is best for them. We cannot use the Constitution as a bullhorn to dictate social policy from Washington.

We are fighting global war on terrorism, we are still recovering from the greatest attack on American soil and we are working to create alliances around the world. We have men and women overseas who are giving their lives to see freedom in Iraq. We have troops in Afghanistan that are still trying to set up a functioning democracy in Kabul. Why are we wasting time on the house floor, in our legislative offices and with our valuable staff to handle this ludicrous amendment?

This proposed amendment will forever write discrimination into the U.S. Constitution rather than focusing on the crucial problems and challenges that affect the lives of all of us. At a time of record high unemployment, diminishing job prospects, a ballooning budget deficit that is choking our economy and crucial social service programs, a public school system that is in great need of attention and a health care system that is failing over 43 million Americans that remain uninsured over the past 3 years. This discriminatory constitutional amendment is nothing more than a political distraction for the country to divert attention from the overabundance of real problems and our tremendous lack of effective solutions.

VIOLATION OF PRIVACY

Our civil liberties are based upon the fundamental premise that each individual has a right to privacy, to be free from governmental interference in the most personal, private areas of one's life. Deciding when and whether to have children is one of those areas. Marriage is another.

In 1965 the Supreme Court ruled in Griswold v. Connecticut that a married couple had the right to use birth control. In doing so, the Court recognized a "zone of privacy" implicit in various provisions of the Constitution. Most recently, the Supreme Court struck down a law criminalizing sex between same-sex couples in Lawrence v. Texas based upon these same principles.

Indeed, Lawrence relied principally on Griswold, Eisenstadt and Roe v. Wade. Collectively, these decisions recognize the fundamental principle that the Constitution protects individuals' decisions about marriage, procreation, contraception and family relationships. The issues are inextricably linked—in law as well as policy.

THERE IS NO VALID NEED TO AMEND THE CONSTITUTION

Amending the Constitution is a radical act that should only be undertaken to address great public-policy needs. Since the adoption of the Bill of Rights in 1791, the Constitution has been amended only 17 times. Moreover, the Constitution should be amended only to protect and expand, not limit, individual freedoms. By contrast, the Federal Marriage Amendment is an attempt to restrict liberties, and on a discriminatory basis.

DEFENSE OF MARRIAGE ACT ALREADY EXISTS

The Defense of Marriage Act, which President Bill Clinton signed into law in 1996, already exists and recognizes marriage as a heterosexual union for purposes of federal law only. DOMA was designed to provide individual states individual autonomy in deciding how to recognize marriage and other unions within their borders. This allowed legislators the latitude to decide how to deal with marriage rights themselves, while simultaneously stating that no state could force another to recognize marriage of same sex couples. For those who want to take a stance on marriage alone, DOMA should quell their fears. We do not need additional, far reaching legislation.

FMA WILL NOT CHANGE VIEWS ON SAME SEX MARRIAGE

The Federal government cannot use its influence to change people's minds about a social issue. it did not work in the 1920s with the 18th amendment declared alcohol to be illegal and it did not work in the 1960s when interracial marriage was still considered a crime. This amendment will not change the lives of those who want to live as a married couple, all it will do is take away their license to do so.

THIS WILL CLOG THE JUDICIAL SYSTEM

The FMA is a lawyer's dream and a judge's nightmare. The number of cases that will flood the system will be outlandish. Does the FMA retroactively invalidate all marriages that have occurred in the interim? If a spouse has died, how does the retroactive annulment affect custody of the children, or property rights? There will be a litany of case law brought to deal with these questions, and our judicial system will be filled with cases trying to sort out the lasting effects of the FMA.

THIS IS LIKELY TO FAIL

Amending the constitution is not a simple thing, and should be done with care and caution over a long period of time. Our haste in this matter will be the tragic flaw of FMA's journey. Recent polls show that a majority of people who oppose gay marriage also oppose amending the constitution to ban them. Even if the Bush administration can whip enough votes to pass this through both chambers, it is highly unlikely that 35 states would approve it.

FMA DOES NOT HELP FAMILIES

Many of my colleagues are arguing that FMA is here to protect the family. Spending time and resources to amend the constitution to prevent gay marriages is not helping a single family. Divorce, abuse, unwed motherhood and unemployment are doing far more harm to millions of families everywhere. To those who are taking up the cause to protect American families, perhaps your attention could be focused elsewhere on the problems which are truly plaguing them.

The vocal proponents of the FMA show their strong and willful hatred of the gay and lesbian community. This egregious amendment would enshrine discrimination against a specific group of citizens and intolerance of specific religious beliefs into our Nation's most sacred document. The fight for equality is uniquely woven into our Nation's history. From the suffrage movement, to the civil rights movement, to the gay rights movement, minorities in this country have worked tirelessly to achieve the equal rights guaranteed.

THE LEGAL INCIDENT OF MARRIAGE WARRANTS A LICENSE

There are a multitude of critical protections needed for same sex couples and their children. These legal incidents include rights related to group insurance, victim's compensation, worker's compensation, durable powers of attorney, family leave benefits and a joint tax return. These benefits are necessary for families to function. Legal status is truly a license that extends rights, it should not be denied to one group of people—otherwise, this body will be guilty of legislating in violation of the Equal Protections Clause of the Constitution.

Mr. Speaker, again, I urge my colleagues to defeat this resolution, and I urge this body to preserve the Constitution for the document of equality that it is—vote "no."

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today in strong support of the marriage protection amendment. This bill could also be called the family protection amendment. It could be called the child protection amendment because it is the best environment for our children's future. It is one that arises out of a marriage between one man and one woman.

It is unfortunate that we have come to this point where Congress must step up and amend the United States Constitution in order to protect marriage in our country. However, the circumstances presented to us today leave us no choice but to do so. I want to ensure that the citizens of our Nation make this decision directly through their elected officials and their vote, and not by unelected Federal judges. I want my fellow Texans, not a Federal court, to decide what marriage is in our State.

In 2003, the Texas legislature passed a law defining marriage as a union between a man and a woman. The 1996 Defense of Marriage Act does not compel Texas to recognize same-sex marriages authorized by other States, and I support that law. However, the law does not keep same-sex couples with marriage licenses issued in other States from moving to Texas and suing to have their union recognized as a marriage in Texas.

Would a Federal court or a Supreme Court uphold DOMA in this case? We do not know that. But what we do know based on recent history, the indication is that it is a safe bet that appointed judges and not the American people may make that decision. The situation I just described is not an imagined one. It is a reality in 11 States that are currently facing legal challenges in their States. Judges in these cases, not the people, will be able to define marriage. Mr. Speaker, this is not how our system of government was designed to work.

To date, people across 44 States have spoken. They have sent the message that they believe marriage should consist of a union of a man and a woman. This represents 88 percent of our States.

Mr. Speaker, in closing, it is not just what I am saying, but the children also know what the definition of marriage is.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), a longtime civil rights and human rights advocate.

Mr. HOYER. Mr. Speaker, let me say that I support the traditional definition of marriage as a union between a man and a woman. I voted for the Defense of Marriage Act in 1996, but I believe, like Vice President CHENEY, that this is an issue that should be regulated by the States, as it has been throughout the history of this great Nation.

In fact, Mr. Speaker, the chair of the House Republican Policy Committee, the gentleman from California (Mr. COX) stated on Tuesday in the Wall Street Journal and I quote, ''The Federal marriage amendment would do more harm than good were it to be enshrined in our charter.'' That is the statement of the chairman of their policy committee.

Through their legislatures and courts, the States have proven quite capable of determining the legal definition of marriage. I believe the proper venue to consider decisions affecting this issue is in State courts and legislatures, and yes, with the people of the individual States. Thus, I oppose this constitutional amendment which is, at its core, based on intolerance and is a patently obvious effort to energize a part of the Republican Party's base and inflame the passions of others.

None of us should ignore the Republican majority's real intent here today. This constitutional amendment represents the perfect marriage of raw political cynicism and distraction. Everyone in this Chamber understands that this amendment is not going to pass. In fact, the gentleman from California (Mr. COX) said again in the Wall Street Journal, ''The Federal marriage amendment is more symbol than substance given the near impossibility of a two-thirds vote.''

Even the majority leader himself acknowledged as much this week, telling Congress Daily, ''I think it is really important to put Members on the record, particularly before an election.'' Orval Faubus would have agreed with that; George Wallace would have agreed with that; Lester Maddox would have agreed with that.

The majority leader's decision to move this amendment to the floor just 7 months after stating that it was unlikely to be considered this year is more than ironic, it is patently political. The purpose in bringing this amendment to the floor today, just 4 weeks before the election, is to create the fodder for a demagogic political ad that appeals to voters' worst fears and prejudices rather than, as we should do, to their best instincts.

Finally, Mr. Speaker, given that this amendment is not going to pass, it is nothing short of amazing and irresponsible that we are spending time debating this issue on the floor today.

□ 1500

Again as our colleague from California (Mr. COX) pointed out, there have been more than 130 amendments to the Constitution proposed in our history regarding marriage. The gentleman from California pointed out not one of those amendments has ever been voted on in either House because the leadership in those houses over those years thought those 130 amendments did not belong on the floor. How sad it is that we do not have that kind of leadership today.

At midnight tonight, my colleagues, the new fiscal year begins. How many of 13 must-pass appropriation bills have passed? One. Mr. Speaker, the Republican majority's legislative malfeasance is on full display today. The appropriations process is in meltdown. This Republican Congress has failed to enact a budget, failed to enact intelligence reform, failed to enact energy reform, failed to enact the reauthorization of the highway bill, failed to enact the reauthorization of the Higher Education Act. The list goes on and on. Yet with all that outstanding legislation, with all of America's business bottled up and pending, we consider a constitutional amendment that the chairman of the policy committee on the Republican side says will not pass. How patently political today is.

Mr. Speaker, this Republican majority has failed. The American people deserve better. I urge my colleagues to vote against this amendment.

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I want to thank our majority leader for his leadership on this issue. It is an honor for me to stand here with my colleagues today to protect marriage. To my colleagues who oppose this amendment, they want to argue that marriage is a right that should be extended to relationships beyond those of one man and one woman. They want to claim that the effort to protect marriage is about discrimination.

Mr. Speaker, I have a statement I want to enter into the RECORD. It is from one of Boston's most respected African American leaders, Reverend Richard Richardson of the St. Paul African Methodist Episcopal Church, standing in support of marriage, working to help protect marriage.

The statement is as follows:

''As an African-American, I know something about discrimination. . . . The traditional institution of marriage is not discrimination. And I find it offensive to call it that. Marriage was not created to oppress people. It was created for children. It boggles my mind that people would compare the traditional institution of marriage to slavery. From what I can tell, every U.S. Senator—both Democrat and Republican—who has talked about marriage has said that they support traditional marriage laws and oppose what the Massachusetts court did. Are they all guilty of discrimination?''

Mr. Speaker, there is an emotional appeal to their arguments, but we are not here to legislate on emotion, and this is not comparable to the civil rights movement. We are here today, Mr. Speaker, because logic, because reason, because experience tell us that marriage is something that is worth preserving and protecting. Despite what some of my colleagues will say, we are not here for malicious purposes. We are here to ensure that our marriage laws protect an institution that is part of the bedrock fiber of our society.

To determine whether or not a law is discriminatory, you have got to have an understanding about something of the purposes of that law. Is Social Security age discrimination because only people of retirement age are affected by that? Of course not. Similarly, common sense, experience, and social science will tell us that the purposes of our marriage laws are neither ugly nor invidious.

Marriage is a social institution. Individuals freely decide to enter marriage, but they do not have a right to redefine its basic nature because they disagree with our shared American understanding of what marriage is. They do not have that right any more than an individual can privately redefine the meaning of other basic social terms like ''property'' or ''democracy'' or ''church'' or ''corporation.''

A vote for this amendment is a vote to preserve and protect an institution that is critical to the well-being of American families and children. Mr. Speaker, today we are going to stand with a basic element of our society. We have an obligation to preserve it.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK), a distinguished member of the Committee on the Judiciary now on leave.

Mr. FRANK of Massachusetts. Mr. Speaker, consistently proponents of this amendment have tried to hide what it does. Yes, there is a question about what one State could be compelled to do by the Federal courts to respect another. If that were the problem, an amendment could come forward aimed narrowly at that. I would not support it. But an amendment that said the full faith and credit clause does not apply could have come forward. This amendment goes far beyond that. But the proponents of it apparently understand how indefensible it is in the very democratic terms which they use, and therefore they conceal it from the people, speaker after speaker after speaker.

I hope the majority leader will tell us why he will not be straightforward about this element of it and here is what it is: this does not simply say that judges cannot decide the question. And it does not say that one State cannot compel another. It also says, and its major impact, if it were to pass, would be to say to the voters of Massachusetts, no matter what you say in a referendum, no matter how you, the democratic electorate of Massachusetts, choose to define marriage, we the Federal Government overrule you.

What justification have you for that? You say the people of Texas, the people

of Tennessee want to decide. Why not the people of Massachusetts? Why did you not draft an amendment that would have honored the right of a State's electorate to make a decision? Our legislature is now in charge of this issue. The legislature will decide and the referendum will decide; and this amendment undeniably, but silently, says that no matter what any State does, it will be overruled. Vermont's civil union law originally came from the courts, but it has since been accepted by the political electorate. There have been votes in Vermont over this. Elections. This would also be overturned.

But now let me turn to the merits. We heard one gentleman say that he was not talking about same-sex marriage. He just noted that he had presided over the dissolution of 20,000 marriages. I am a gay man and I have presided over the dissolution of none. So I guess I do not feel quite as guilty about assaulting marriage as some of you would like me to feel. I am sorry Rush Limbaugh has been divorced three times, but it ain't my fault; and it is not the fault of any of my friends. That is the issue.

We are not assaulting marriage. Since when is it an assault on something for people to say, you know what, we have been excluded from this institution. We are also human beings and we feel love. We feel it in a way different than you. We feel it for someone of the same sex, male or female. And we look at your institution of marriage, and we see the joy it brings. We see the stability it brings to society. How does it hurt you if we share in it? That is the core issue I have not heard understood. What is it about the fact that two women in love in Massachusetts want to be legally as well as morally responsible for each other and live together and keep their home? Why is that an assault on you?

What a case of blaming the victim. You are defending yourselves against two loving people whose failure is to love each other and to want not simply to be free floating but to be committed? What is it you are protecting yourselves against? How do we threaten you? What about the love of two men so disturbs you that it would dissolve marriages? There are apparently, what, men and women happily married all over the country and they will learn that in Massachusetts the legislature allowed same-sex marriage to continue and they will get a divorce, they will call the gentleman from Texas and he can make it 20,001.

The gentleman from Texas, the majority leader, says this is not about gay marriage. Yes. And God didn't make little green apples and it don't rain in Indianapolis in the summertime. This is a political effort and it comes up a month before the election when it has been an issue since May of this year at least and before, a month before the election, an amendment that has no chance to pass, demonizes same-sex couples.

I say demonize for this reason. You say, we do not have anything against these people. Then why do you change my love into a weapon? Why if I have the same feelings that you do towards another human being does that somehow become the only weapon of mass destruction you have ever been able to find?

I urge the House to turn this down, let the people of Massachusetts make their own choices, and let loving men and loving women live in peace.

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

I have the utmost respect for the gentleman from Massachusetts. I respect his feelings. No one is attacking his feelings or his relationships. There are many loving relationships between adults. But, Mr. Speaker, what we are saying and what this amendment is about is children, having children, raising children, and the ideal of marriage between one man and one woman raising those children.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, one thing that both sides of the aisle, I think, can agree on today is that we should not be here today debating this amendment. I was thinking as I was sitting here, if we could go back in time to the days when they were laying the very foundation of this building that we are in today and we could ask the individuals laying that foundation, people walking the streets in D.C., what is the definition in America of marriage, they would have looked at us in bewilderment and they would have said without question, it is the relationship between one man and one woman.

Mr. Speaker, if I had dared to tell them that there would come a day when I would stand in this Chamber and people would point their finger at me and they would yell and they would scream and they would call me names because I dared to stand up here to defend that definition of marriage, they would have been just awestruck.

Mr. Speaker, our friends on the other side of the aisle always talk about representing the people in this country; but when their definition of marriage was challenged, 78 percent of them in Louisiana stood up and said that they believed that marriage should be between a man and a woman; 71 percent of them stood up in Missouri; 70 percent in Nebraska; 69 percent in Hawaii; 61 percent in California.

Mr. Speaker, what we are facing today is an assault by a few individuals on that basic traditional definition of marriage between a man and a woman. The problem we had is that when this Congress stood up with the people in this country and said we want to protect that definition for you and they passed the Defense of Marriage Act, they realized that that act is currently under attack in Nebraska alone where 70 percent of the voters amended the Nebraska constitution to define marriage as the union of one man and one woman, that is being attacked and trying to be overturned now.

Mr. Speaker, before our subcommittees we have heard testimony after testimony by leading scholars of the courts that tell us that when that act comes before the courts, it will be declared unconstitutional, not because that was the original Constitution but because of the way a few handful of judges are interpreting that Constitution today.

Mr. Speaker, the question for us is very simple. There are some of our friends who say that the protection of marriage is not worth amending the Constitution. I think it is worth that, Mr. Speaker; and I hope we will pass this amendment so we can stand with all the people across this country who believe very strongly that marriage should be between a man and a woman for the protection of the children in that marriage.

Mr. CONYERS. Mr. Speaker, I am pleased now to reach across the aisle and yield 3½ minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

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

Mr. KOLBE. I yield to the gentleman from New York.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, the distinguished majority leader said that this amendment is about protecting children. With all due respect, it has nothing to do with protecting children. Gay people, lesbian people raise children today. They have children. They raise them. The laws of many States permit them to adopt children and they do. What this amendment is aimed at doing is aimed at preventing any State from bringing some stability to the lives of those children by allowing their lesbian or gay couples who have legal custody of those children, who are raising those children, to be able to get married. And this amendment says never mind what the electorate says, never mind what the legislature says, we do no want those parents to be able to be married.

So do not tell us this is about protecting children. Whatever it is about, it is not about that.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for his comments. I thank the gentleman from Michigan for yielding me this time. I wish I could seek time from my side of the aisle to speak today for basic human rights.

□ 1515

Unfortunately, the misguided effort to enshrine family law into the Constitution of the United States comes from this side of the aisle. So I am grateful to the minority for yielding me this time.

Mr. Speaker, the very process by which this bill is brought before us today is an affront to this institution. It was not considered by any committee of the House. It is not brought to the floor by the chairman of that

committee. Rather, it is brought by the Republican leadership, who decided to take upon themselves to do the work of the committees and their chairmen. Moreover, this very same legislation was considered in the Senate and did not even achieve a majority vote, much less the required two-thirds for a constitutional amendment. Why then are we rushing to judgment here today? What is the compelling reason to consider this now?

Eleven States have proposed constitutional amendments on the ballot this November which would define marriage in their own States as being between a man and a woman. While I might disagree with the actions of the voters in my State or any State considering such an amendment to their constitution, that is their prerogative. For better than 200 years, family law has exclusively been the domain of the States. And that is where it should remain. Vice President CHENEY said exactly this, and I agree with him. The chief crafter of the Defense of Marriage Act in 1996, former Representative Bob Barr, has said as much. And I agree with him. Marriage and divorce, inheritance and adoption, child custody, these are matters which correctly belong with our States. It certainly does not belong in the Constitution of the United States.

Many of the States considering amendments to their own constitutions would permit their legislatures to enact provisions for civil unions between two people of the same sex. This amendment would prohibit that. But that is the genius of our federal system. To allow States to find solutions to issues such as family law which work uniquely for them.

Amending the Constitution is, thankfully, a difficult task. That cumbersome process has saved us from making ill-advised changes during these past 215 years. It will save us from ourselves again this day.

Never in our history have we used the amending process to limit the rights of citizens. From the first amendment to the fourteenth, the framers and the Congresses which followed have sought to expand and protect the rights of citizens. This would be a unique amendment in that it takes away rights from one group while specifically conferring it upon another. Try to find another provision in the Constitution that does this. They will look in vain.

Mr. Speaker, this Congress and those before it should be about protecting rights and expanding rights. This proposed amendment to our Constitution is about discrimination. It is unnecessary. It is unwarranted. It should be soundly defeated.

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

Mr. Speaker, we have been here before. Abortion was up to the States, and it was supposed to be up to the States. Unfortunately, those who wanted more abortions in the States and the States were not doing what they wanted had a concerted strategy to use the courts to get abortion. And they worked over the years, went to the Supreme Court, and they got their abortions. And we have abortions.

The same thing is happening now on marriage. They are trying to get marriage redefined in this country, so we know that we will end up in the Supreme Court.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Mr. Speaker, I am glad that Congress has moved this important legislation to the floor of the House for a vote today. My office has received literally thousands of letters and e-mails, personal visits and phone calls from constituents urging me to support the institution of traditional marriage. And I want them to know today that I have heard them.

I realize that reasonable men can differ on whether to allow nontraditional marriages in the United States. But I am clear on this issue because the values I share with the people of the Second Congressional District of Georgia are deeply held for God, country, work, and family. Moreover, these families' values are those of the traditional family based in our Judeo-Christian principles. That is why I have cosponsored and will vote for this important constitutional amendment, H.J. Res. 106, in order to protect the institution of marriage by defining marriage in the United States as the union between a man and a woman.

I also voted for the Defense of Marriage Act in 1996, which prohibits federal recognition of same-sex marriages and allows individual States to refuse to recognize such marriages.

Mr. Speaker, only by having a uniform definition of marriage established in the Constitution and interpreted by the federal courts can this most basic unit of society be protected.

God, country, work, family, marriage between one man and one woman, to these we must pledge our sacred honor.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), who has worked with us on civil rights, human rights and international issues throughout her career.

Ms. WOOLSEY. Mr. Speaker, here we go again. With all the important legislation we should be working on with just 1 week left in our session, we are writing discrimination into the Constitution for the first time in our country's history.

Whether one supports or opposes gay marriages, there is no reason to threaten the democratic values set forth in our Constitution. Not now, not ever.

Of course, Republicans are getting a lot of political mileage out of this debate today from their right-wing fundamental supporters. And they get a lot of mileage out of being on the side of what we they call ''family values.'' They have offered programs like their Marriage Initiative, where $1.5 billion has been funded to help the poor acquire interpersonal and conflict management skills to promote and strengthen marriage.

The people I talk with, however, do not want the government to be their family therapist. They do not want the government to be in their bedroom. They want a government that helps create good jobs with good benefits, flexible workplaces, universal health coverage, affordable child care, safe after-school programs and much more. They know what real family values are.

And let me read a letter I just received from a family that knows about family values. The woman writing, her name is Casey. She is from Santa Rosa, California. She writes: ''I was in a very long relationship with my partner until her death on April 17, 2000. Although I wanted very badly to, we could not legally marry, and my partner refused to marry me until our marriage would be legal. Hence, we were never able to marry even though we raised two children, who, by the way, are both heterosexual.

''Shortly after her terminal diagnosis after 18 months of a valiant fight against cancer, she asked me to marry her brother. This would accomplish three goals: I would be afforded health insurance through his work. As I have several debilitating chronic conditions, it is vital that I have health coverage.'' Second, ''if and when he becomes ill from his HIV or Hepatitis C, he will have someone to care for him.'' And, third, ''our youngest child would have two parents for the rest of her childhood, another 3 years.

''Three weeks to the day after her brother and I were married, the love of my life died in my arms at the age of 37. If we had been allowed to marry, we would have felt that we were full citizens in our State and in our country. As it was, she died a second-class citizen. Please do not let any more Americans die as second-class citizens. Sincerely Casey McChesney.''

Mr. CONYERS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. BERMAN).

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

Mr. BERMAN. Mr. Speaker, I rise in opposition to the so-called Marriage Protection Amendment.

During the Civil Rights movement there was great public turmoil over whether or not white and black children should go to the same schools; whether people of different races should eat in the same areas of restaurants, drink from the same water fountains, sleep in the same hotels; even whether consenting adults of different races should be allowed to marry each other. After years of struggle and public discourse, the minority went to our country's highest court and to its elected representatives in Congress, and at long last, in their quest for equality, our government realized that Black Americans are Americans.

Today, only 40 years later, these questions seem preposterous. To children learning about

that time in school, it seem unreal. Listening to the debate today, I have to wonder if we will ever learn from the lessons of our history. Today we're talking about an amendment to the Constitution—the document that assures all Americans that they are equal. We're asked to amend the Constitution in a way that will say all Americans are equal, except for this one group. What we're really talking about today is one question. Are Gay and Lesbian Americans, Americans?

I hear those who support this amendment saying we have to amend the Constitution to protect us from activist judges who are not upholding the notions of family that existed when the country was founded. If the authors of this amendment had served in Congress during the Civil Rights movement, we could have heard them argue to defend segregation with an ''Education Protection Amendment'' after the Supreme Court's activist decision in the Brown v. Board decision. After the Loving v. Virginia decision they would have reacted to the judicial activism with a ''Racial Purity Protection Amendment.''

I don't believe that the proponents of this amendment, or for that matter the majority of the American people, truly believe that a gay couple living down the street in a committed relationship is a threat to their own marriages or to other marriages in their community. I don't think they really believe it because such a belief would be completely nonsensical.

The proponents of this amendment argue that two women who fall in love and want to marry will eventually be the downfall of all families in the United States. They say it will lead to the breakdown of the family. I want the people in favor of this amendment to look at the more than one million children of gay and lesbian parents in this country today one million children of gay and lesbian parents in this country today and tell them that you're here fighting to protect the rest of the country from their family.

The Members who support this amendment claim they want to protect marriage. Open your eyes and look around. There are plenty of threats to marriages today—adultery, divorce, just the challenge of two adults making it through life's struggle together. Two people falling in love is not a threat to marriage—it's the basis of marriage.

If the other side were sincere about wanting to protect marriage, we'd have an amendment on the floor today constitutionally banning divorce. If they really wanted to protect children from the dangers of being raised without a father and mother, we'd be banning single parenthood. But we aren't.

Each Member of this Congress took a vow to defend the Constitution when we took office. The Marriage Protection Act would defile our Constitution, and we should uphold our duty today by opposing it.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Committee on the Judiciary.

Mr. KING of Iowa. Mr. Speaker, I thank the majority leader for yielding me this time.

A lot has been said about this Constitution. I will just take my colleagues to article I, section 1. It says ''All legislative powers herein granted shall be vested in a Congress.'' That is what the courts have taken over from us, legislative powers.

So I want to say this about families: There is only one institution that is as old as humanity itself. There is only one institution that we know is right for raising children. There is only one institution that we know is best to teach our children our values of faith, our moral values; only one proven institution to transfer our work ethic to the next generation. There is only one institution that transfers all that we are as a people to our children and grandchildren and only one relationship between people that ensures the survival of the human race.

All of human history, all that we were, all that we are and all that we are ever going to be is built upon one institution, the cornerstone of civilization. And that institution, Mr. Speaker, is marriage.

Mr. Speaker, we owe too much to our Creator, too much to posterity and too much to our children to throw away marriage, redefine marriage for no more reason than to demonstrate tolerance.

The active effort on the part of four unelected Massachusetts judges to impose same-sex marriage on all of America without the consent of the people is judicial tyranny. And if we believe in ourselves, and we do, and if we believe the Constitution is a sacred covenant that provides the best hope for all of humanity, then we have no other alternative but to amend the Constitution to protect our posterity from those who would forever alter or abolish our way of life and to do so without thought given to the price that would be paid by all future generations.

We cannot put the Genie or the Gina or the Jimmy or the Joey back in the bottle. If same-sex marriage were something that was an experiment that, if it did not pan out, we could simply change it back, I would not be so emphatic here today. Mr. Speaker, we will not get a ''do-over'' on marriage. We will not get a second chance to get it right again; not in this country, not in this civilization and not in this generation of man.

I support the constitutional amendment.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), a member of the Committee on the Judiciary and subcommittee chairman.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Texas, majority leader, for yielding me this time.

Mr. Speaker, however we feel about the subject of marriage, we can still support the Marriage Protection Amendment. That is because judicial activism in America has reached a crisis.

Judges routinely overrule the will of the people, invent so-called rights and ignore traditional values. Recently, judges have even changed the definition of marriage. Most Americans simply do not want judges to dictate a new kind of marriage that is so different from the one that has served so many so well for so long. They want to protect marriage as we know it.

Eleven States have proposed to alter their constitutions or statutes to protect traditional marriage through ballot initiatives. Five States have already done so, with an average of over 70 percent of the voters wanting to protect marriage.

To prevent judges from overruling these popular initiatives, we must pass the Marriage Protection Amendment. Either we act in Congress or a few judges will redefine marriage and impose their personal views on the country.

The constitutional amendment process is an integral part of our democratic system, requiring approval from two-thirds of each House of Congress and three-quarters of the States by votes of their State legislatures. Passing a constitutional amendment places this debate back where it belongs, and that is with the American people. It is the American people and their representatives who should determine how marriage is defined. That is why we should support the Marriage Protection Amendment.

Finally, Mr. Speaker, I want to say, we have heard two arguments time and time again today by the opposition that they have used to cite to oppose the Marriage Protection Amendment. The first is some variation of ''all people are created equal,'' that somehow this is about equal rights. But, Mr. Speaker, just because all people are created equal does not mean that all kinds of marriages are equal, just like it does not mean that all kinds of flags are equal or all kinds of governments are equal.

The second argument we have heard today over and over again is that somehow this is a political issue being used to win elections. I do not mind that argument, Mr. Speaker, because that concedes that a majority of the American people agree with us that we want to protect marriage as we know it.

□ 1530

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I am pleased to rise today in support of the Marriage Protection Amendment.

There have been references to the Constitution. Mine starts out ''we the people,'' not ''we the judges.'' We did not ask for this debate. It has been brought on us by activist judges who have chosen to ignore the will of the people and instead redefine marriage for all Americans.

Sociologists, psychologists, and other experts can give us all sorts of technical explanations, but we all know from experience that kids are best off when they have a mom and a dad.

And kids is what this debate is all about. It is not about civil rights or the rights of same-sex couples. Same-sex couples are free to live as they choose. This amendment does not

change that. Instead, this amendment simply defines what marriage is, the union of one man and one woman.

Now, some have used the word ''discrimination'' or ''discriminating.'' You know, 342 Members of this House, along with the President, signed the Defense of Marriage Act. Does that mean they were discriminating? How about the 70 percent of the voters in of my State of Missouri or 80 percent in the State of Louisiana? Are they discriminating? I think not.

Activist judges are trying to institutionalize a lie that marriage is just about big people relationships, but they forget the little people, the whole generation of kids who will struggle with this terrible precedent.

We do not have to look very far to see the results of family deterioration. Whole cities have suffered terrible poverty and crime because the model of traditional families has been weakened. Should we now stand idly by while a mere handful of activist judges seek to institutionalize the lie that marriage is disconnected from child rearing?

It has been tried before. It has been tried in the Netherlands, and the result is a tremendous increase in the number of little children who are born without any families.

The other night I went to a dinner, there was a 16-year-old little girl, and she said that ever since she could remember being alive she had only one wish: She wished that she had a family.

Do you know what it is like to be lonely, to be really lonely, to have no mom and to have no dad? Do you realize what you miss when you do not have a family, about the love and the affection? When you wake up in a bed and dream at night and there is someone there to give you a hug? The self-sacrifice and self-discipline and grace, forgiveness, all these things that families teach us?

I remember when I was a little kid trying to learn to ride a bicycle. I finally got it going and ran it smack into a bush. I was all bruised and scratched and in tears; and my dad, my big strong dad, came over and he picked it up and he said to me, ''It is time to get back and try again.'' See, those are the kinds of things that moms and dads provide.

So this thing is about the little people. It is whether kids are going to have a mom and a dad. The real discrimination here is by activist judges who are trying to deny children the advantages of a simple family. If this Congress does not act, then it is a gross dereliction of duty if we do not protect our children and protect our marriages.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the majority leader for yielding me time.

Mr. Speaker, I rise in strong support of the Marriage Protection Amendment. This amendment is about recognizing a simple, important, and fundamental truth, and that is just that the marriage of one man and one woman is a unique, special and, in fact, an indispensable relationship that deserves the special recognition we have given it for millennia.

We have got many kinds of important relationships in life. We all know those. Siblings, friends, cousins, in-laws, neighbors, there are lots of important relationships. But only one relationship, the marriage of one man and one woman, can provide the optimal environment for raising children. And that is why the family with a married husband and wife at the center has always been the most important building block of society. And that is why we are here today, to ensure that that unique and vital and important relationship be recognized, preserved, and protected.

Let me reaffirm something that the majority leader said earlier. The fact is the definition of marriage is going to be written at the Federal level. The question here today is whether that is going to be done by nine men and women wearing black robes or whether it is going to be done by the American people through their elected Representatives in Congress and the 50 States through a very democratic process. Put me squarely on the side of those who believe that the American people should make this decision.

We in Congress have stood by and watched the courts usurp more and more power from the American people for decades, and I think we have abrogated our responsibility to the American people by tolerating judicial activists for too long. It is finally time to draw the line and let the American people affirm the definition of marriage by passing this amendment.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

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

Mr. Speaker, I rise today in strong support of the Marriage Protection Amendment. I am proud to be counted among the cosponsors of this constitutional amendment this afternoon.

In the history of our country, I do not believe anyone has ever said that our system of democracy would be easy. Our Constitution was designed to set us on a path, but it also gave us the ability to change that path when it became necessary. Our Founding Fathers wanted to ensure that we took that process very seriously. They set the bar very high.

Today, many of us here in this body believe that the time has come to change paths, and many people in our country agree. It is time that their voices are heard in this debate.

Today on the floor we have heard a litany of questions about why we are considering this issue. Yes, there are important bills that need to be considered: health care, homeland security, education, jobs. All of them need to be addressed, and no one would argue with that.

But how could anyone say that protecting marriage and the future of the American family is not a top priority? Marriage and the family is the very foundation of our society. It is the activist judges in Massachusetts and Oregon that have compelled the Congress to act, not the other way around.

Mr. Speaker, I urge my colleagues to support this legislation this afternoon as we support the marriage between a man and a woman.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ENGEL).

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

Mr. Speaker, why are we standing here today, wasting taxpayer dollars in an attempt to, for the first time in our history, amend our Constitution to deny a specific group equal rights? Why do we not leave it to the States, as our Constitution provides?

Frankly, I fail to understand why gay marriage threatens my wife's and my 24 years of marriage, or anybody else's marriage, or why it would undermine the Republic.

Gay and lesbian Americans want their secular government to legally recognize their committed relationships. They want their secular government to provide equal benefits in tax law, access to health care, Social Security, and death benefits. They want the same benefits as other Americans.

Some of my friends on the other side of the aisle are being disingenuous by saying they simply only want to define the institution of marriage. If that is their only motive, then why do they also oppose domestic partnerships and civil unions, which would give gays and lesbians the same rights as other Americans?

Why are we even dealing with this now? The Senate has defeated it. Could it be an attempt to divert attention from the failings of the Congress to do its work on appropriations and transportation; to divert attention from the war in Iraq, from a poor economy or from skyrocketing deficits; to force a blatantly political vote in this House; to whip up a frenzy in a specific group of voters one month before an election?

Let us stop playing political games. Vote down this amendment. We should not be dealing with something that is best being left to the States.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, marriage is a universal human institution. It always has been in all societies. But marriage in the United States has been under attack in recent years. And the future of marriage really does matter.

Regardless of where we look, we have seen a gradual weakening of the institution of family that historically we have relied on to raise kids. And while marriage has taken a beating from divorce and other factors, the statistics

still show that the best home for kids is still with a mom and a dad who are married.

This debate is really about what is best for our children. Children living with their mom and dad are safer, children living with their mom and dad are less likely to be abused or neglected, and children living with their mom and dad have fewer health problems and engage in fewer risky behaviors than their peers. These children are more likely to do well in school. They are better off economically and display increased ability to adapt to changing circumstances than peers not living with their mom and dad.

Data shows children who do not have the benefit of mom and dad have unique challenges they would not face if their parents were married and living at home.

And do not try to tell me that people who believe children need moms and dads are bigots. Do not try to tell me that people who believe in moral absolutes are guilty of moral bigotry. We are here to protect our kids. We are here because marriage is healthy for our children.

When marriage ceases to be seen as a means to bring people together for the sake of children, marriage suffers; and when marriage suffers, children pay the price.

Marriage is important because kids need a mom and a dad. History shows that when one aspect of marriage is damaged, the entire institution suffers.

We need to protect marriage by passing this amendment.

Mr. CONYERS. Mr. Speaker, I am proud to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), the leader of the equal rights amendment.

Mrs. MALONEY. Mr. Speaker, the Constitution of the United States is the single greatest foundation of law in history. It serves as a model for democracies around the world. Therefore, we should approach amending it with great caution and reverence.

For 215 years the U.S. Constitution has protected the rights of the American people; the right to assemble, the right to worship, the right to speak freely, and we ought to pass a constitutional amendment that gives equal rights to women. Instead, today we are debating a constitutional amendment that would curtail a right. Our predecessors tried this once in the 20th century. Fourteen years later they had to unamend the Constitution by rolling back prohibition.

Our Constitution is silent on marriage, and that is good, because the American people's definition of what is an acceptable marriage has evolved over the years. A marriage once signified that a woman had no legal identity apart from her husband. Within the last 100 years, over a dozen States prohibited marriages between those of a European and Asian decent, and the Supreme Court overruled laws barring interracial marriage less than four decades ago.

No constitutional amendment stood in the way of those changes. Laws governing families and marriage have always been determined by State governments. Dozens of States are already dealing with this issue. It is federalism in action. Many of this constitutional amendment's supporters have preached the virtues of federalism on other issues. You cannot be a federalist except when federalism is inconvenient.

This is not governing on principle, it is practicing the politics of expedience and divisiveness right before a major election, and we should know better than to play politics with the United States Constitution.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time. More to the point, I thank the majority leader, the gentleman from Texas (Mr. DELAY), for his extraordinary moral courage in leading this critical issue to the floor of this Congress and leading the debate today.

I also congratulate the original author of this legislation (Mrs. MUSGRAVE), who even as a freshman has left already an indelible imprint on the national debate in this legislation.

I rise today in support of the Marriage Protection Act because I believe, as the overwhelming majority of the American people have ever believed, that marriage matters; that it was ordained by God, established in the law; that it is the glue of the American family and the safest harbor to raise children.

We have heard again and again throughout this afternoon that marriage is under attack by judicial advocates. But I rise today to say that marriage matters to children. And we need not look to the theoretical. Marriage in Scandinavia and in Holland is dying since the advent of same-sex marriage over the last decade in those countries.

□ 1545

As a result, a majority of children in Sweden and Norway are now born out of wedlock. In some parts of Norway, as many as 80 percent of first-born children and two-thirds of subsequent children are now born out of wedlock. And we know ever since my colleague from Indiana, Dan Quayle, first said it, marriage matters to children. Children born out of wedlock have statistically been proven to be more than twice as likely to be poor, to give birth outside of marriage themselves, to have behavioral or psychological problems, and fall into every form of social malady that besets our children.

Marriage matters to children.

I rise today to say against this extraordinary phalanx of legal attacks in virtually every jurisdiction of the country that I commend the leadership of this Congress and, to no less extent, the President of the United States of America for saying that marriage matters enough to find space in the Supreme Court of our land to defend it.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE), a distinguished lawyer in her own right.

Ms. DEGETTE. Mr. Speaker, one of the most glaringly absurd aspects of this debate is that marriage has never been and should not be now a Federal issue. Marriage is quintessentially a State issue. States have always had the ability to determine what constitutes marriage and the protections that it affords the will of the citizens.

Not only does this proposed amendment turn the notion of Federalism on its head, though. It is antithetical to the spirit of our Constitution. This amendment would enshrine discrimination in our Constitution and be the only amendment that actually takes away a group's rights. It would not only take away the right to marriage, but also the right to provide basic fundamental rights, such as the right to visit a partner or child in the hospital.

And to those who say it will help children, I have this question: Why should we not instead ban divorce? Approximately 1 million children, the product of heterosexual marriages, are living in single-parent homes in this country. Fifty percent of heterosexual marriages will end in divorce. If a State allowed same-sex marriage, I do not think it would affect my own heterosexual marriage. We are proud of the fact that this body represents America.

So I would ask those who are divorced or those who have committed adultery, search in your soul and ask yourself, are you really ready to stand here today, today in this body, and cast the first stone?

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I want everyone to keep in mind in the midst of this debate that a primary benefit of marriage is that it provides children with a mother and father from whom they can learn and be protected. What we are talking about today is whether or not we as a Nation will work to reaffirm an institution that provides profound benefits for children.

It is correct that there are millions of men and women in this country who bravely raise children as single parents, and I applaud them for that. But there is an ideal for our children. Social science and everyday experiences teach us that children raised without the presence of both a mother and a father experience more poverty, more substance abuse, a higher rate of educational failure, and much more. Given the importance of marriage in the presence of a mother and father for our children's general welfare, this institution must remain strong.

As a wife and a mother of two sons, I know the importance of children having both a mother and father. When our boys were growing up, my presence was important and irreplaceable. Studies have shown that young men raised by both a mother and father have more positive attitudes toward women, children, and family life. This is exceedingly important, as our society benefits when boys grow up to be men who take raising children seriously. My husband also played an equally important role in the lives of our boys, the role of father, a role that I could never play.

It is true the future of marriage as a strong institution goes far beyond whether or not the Constitution is amended to reaffirm the definition of marriage as the union of one man and one woman. This does not mean that the Marriage Protection Amendment is unimportant. As a society, we will have no hope of strengthening the bonds of marriage without a unified, national definition of marriage that promotes the ideal for our children, that of being raised by both a mother and a father.

As an original cosponsor of this amendment for the last 3 years, I stand in strong support of the Marriage Protection Amendment, and I urge its passage.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. FRANK) for the purpose of making a unanimousconsent request.

(Mr. FRANK of Massachusetts asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. FRANK of Massachusetts. Mr. Speaker, I insert into the RECORD answers I gave to the Committee on the Judiciary and some further material which rebut the preposterous conclusion of Stanley Krutz, which was quoted here, that somehow, same-sex marriage resulted in a decline in heterosexual marriages elsewhere.

JUDICIARY COMMITTEE, CONSTITUTION SUBCOMMITTEE,
Rayburn House Office Building,
Washington, DC.

Answers to the questions from Jerrold Nadler:

When I was asked about Stanley Kurtz's research by Congresswoman Hart at the hearing, I had not read any of his work. I now have and I can say that I believe his interpretation is entirely without intellectual merit.

As I recall Ms. Hart's question, she asked me to accept Mr. Kurtz's factual assertion that a recognition of same-sex marriage had been followed in various European countries by a decline in heterosexual marriage, and asked if I could think of any possible explanation other than that the former had caused the latter.

I was reluctant to answer the question before reading the data lest I be validating premises and assumptions which I would later find to be invalid. This turns out to be the case. In fact, Mr. Kurtz does not himself argue that same-sex marriage recognition preceded a decline in heterosexual marriage. In every country he discusses, and his selection is surprisingly sparse, a point to which I'll return, a decline in heterosexual marriage and childrearing in heterosexual marriages preceded by a significant period of years any recognition of same-sex marriages.

But even on the narrow—and inaccurate—statement of Mr. Kurtz's position that Ms. Hart put forward, the alternative explanation to the assertion that same-sex marriage causes a deterioration in heterosexual marriage is a simple one: They may both be effects of the same or similar social causes. Indeed, as Ms. Hart put the question to me, it can serve as a dictionary example of the logical fallacy known as ''post hoc ergo propterhoc.'' That is, the fallacy that believes that if something happened after something else, it must necessarily have been caused by it.

The key point again to stress is that Mr. Kurtz himself does not argue that same-sex marriage recognition preceded the deterioration in opposite-sex marriage.

In fact, Mr. Kurtz himself argues essentially that the primary relationship of same-sex marriage and a decline in heterosexual marriage is that they are both cause by the same set of social phenomena. A fundamental flaw in his reasoning of course is that he does virtually no analysis of any of the European countries in which there has not been some form of recognition of same-sex relationships. In other words, there is zero comparative analysis in his work. Have significant deteriorations in the incidence of heterosexual marriages happened in other European countries which have not in fact recognized same-sex relationships. The answer is almost certainly yes but we will never know that from reading Mr. Kurtz, who carefully avoids even posing that question, obviously lest his hypothesis be endangered. He does refer to England as a country where there has been a significant deterioration in the number of heterosexual marriages, but fails to note that this undercuts his argument about the relationship between this and recognizing same-sex relationships since England had not done that at the time of his analysis.

The second point to be stressed is that Mr. Kurtz is not talking about same-sex marriage in most cases, but rather of various forms of recognition of same-sex relationships, akin to domestic partnerships or civil unions. This is relevant because some of those who questioned me who are supporters of a Constitutional amendment asserted that they were talking only about the unique nature of marriage, and seemed to think that Mr. Kurtz supported them. Of course he does not since he conflates marriage and other forms of recognition throughout his analysis. Thus, the distinction that one Constitutional amendment draws between marriage and other forms of same-sex relationships does not appear to be at all supported by Mr. Kurtz's analysis.

I have read both his testimony and his article in the Weekly Standard carefully and I am unable to find any coherent argument that says that recognizing same-sex relationships reinforced—he does not claim that they are the primary cause—a decline in heterosexual marriage. His exact statement is ''there is good reason to believe that same-sex marriage and marriage-like same-sex registered partnerships are both an effect and a reinforcing cause of the Scandinavian trend towards unmarried parenthood.'' The primary cause of the ''marital decline in Scandinavia'' according to Mr. Kurtz, incidentally, are ''contraception, abortion, women in the workforce, cultural individualism, secularism and the welfare state.'' That is, all of these have by Mr. Kurtz's own analysis more of a responsibility for the decline of heterosexual marriage and same-sex-marriage. This of course reinforces my earlier point—namely that Mr. Kurtz scrupulously in his analysis avoids looking at the statistics in countries which have not recognized same-sex marriage, since virtually all of them in Western Europe are affected by these other factors. And it does appear that to Mr. Kurtz, even if we abolish same-sex relationship recognition, we would have to ban or severely restrict contraception, abortion, women in the workforce, cultural individualism, secularism and the welfare state if we were to save marriage. I recognize that there are members of the Judiciary Committee who are attracted by the notion of restricting some or all of these, and I commend their discretion in not being more explicit about this wish.

When it comes to causality, the only effort to establish a causal relationship-between recognizing same-sex unions and the decline in heterosexual marriage comes in his testimony when Mr. Kurtz says that ''same-sex partnerships in Scandinavia have furthered the cultural separation of marriage and parenthood in at least two ways.'' He then says that ''first, the debate over same-sex partnerships has split the Norwegian Church,'' and he argues that this weakening of the traditionals within the Norwegian Lutheran Church is a cause of an increase in same-sex relationships. I have tried very hard to find the second causal factor but a very close reading of the text produces no second. So we are left with one assertion of causality—namely that the fact that ''clergy who preach against homosexual behavior are banned'' from preaching in parts of Norway means that their advocacy of heterosexual marriage is no longer heard. This reinforces my view that whatever is or is not happening in Scandinavia in this regard has virtually no relevance to the United States.

I am aware of no religious denomination that has banned clergy from the pulpit if they are against same-sex marriages. There are some denominations that allow this to be performed, but there should be no analogy between the United States, where the great majority of religious groups do not recognize same-sex marriages, and Mr. Kurtz's view of parts of Norway where virtually all clergy who oppose same-sex marriage are banned. To be explicit, if the causality that links a recognition of same-sex relationships to a decline in heterosexual marriage rests entirely on the fact that anti-same-sex relationship clergy are being marginalized and in some cases silenced, it has no relevance to the United States where nothing of that sort has happened or is likely to happen.

This leads me to my final point—namely that reading Mr. Kurtz makes it even clearer than it was to me before that the most relevant experience to draw on in predicting what impact recognizing same-sex relationships will have on American society comes from Vermont. Some have argued that the Vermont experience is not relevant because it has only been in effect for four years or so. But Mr. Kurtz himself has an important section in his testimony on the Netherlands, where ''formal same-sex marriage . . . took effect in 2001,'' and ''marriage-like registered partnerships'' dates from 1998. In other words, the Vermont experience is roughly comparable in time to that of the Netherlands, and if Mr. Kurtz is right in judging an impact based on the Netherlands, Vermont should be equally relevant from the chronological standpoint—and, as a part of the United States, far more relevant culturally.

We have one set of experiences with legal recognition of same-sex relationships in the United States—that of Vermont. It shows none of the negative effects that opponents of same-sex marriage have predicted. Mr. Kurtz advances a correlation in the contin-

ued decline of marriage in various European countries—where that decline long predated any recognition of same-sex relationships—and the recognition of same-sex relationships. But he carefully confines his analysis only to those countries where same-sex relationships have been recognized, so we have no way of telling whether or not the decline in marriage that he attributes to same-sex relationships has been equally great in countries where there is no such recognition. And the only specific causal point he advances is that this silencing or intimidation of Norwegian Lutheran clergy who oppose same-sex marriage has diminished their ability to preach in favor of heterosexual marriage. I am very certain in my view that the experience in Vermont is far more relevant to gauging the impact of a recognition of same-sex relationships in the United States than is the experience in a couple of Norwegian counties where the clergy opposed to same-sex relationships have been silenced.

BARNEY FRANK.

WILL PROVIDING MARRIAGE RIGHTS TO SAME-SEX COUPLES UNDERMINE HETEROSEXUAL MARRIAGE?

Since the November 2003 court ruling allowing same-sex couples to marry in Massachusetts, a new debate on expanding the right to marry has exploded across the United States. While the debate involves many issues, one particularly controversial question is whether heterosexual people would change their marriage behavior if same-sex couples were given the same marital rights and obligations.

As a way to understand what might happen, some writers have looked to the experience of those Scandinavian countries that have pioneered giving a marriage-like status to gay and lesbian couples. Denmark adopted such a ''registered partnership'' law in 1989, Norway in 1993, Sweden in 1994, and Iceland in 1996. Same-sex couples who register as partners in those countries receive most of the rights and responsibilities of marriage. Since then, three other countries (France, Germany, and Finland) have also created a new status for same-sex couples, and two (the Netherlands and Belgium) opened marriage to same-sex couples.

What can we learn from the experience of these countries about how giving gay couples the right to marry affects heterosexual marriage patterns? On the one hand, the fact that Danish marriage rates increased slightly after the passage of partner recognition laws has led some observers to conclude that gay couples are saving the institution of marriage.

On the other hand, Stanley Kurtz of the Hoover Institution claims that allowing gay couples to marry or have marital rights has undermined the institution of marriage in Scandinavia and the Netherlands. This second argument has been widely reprinted and quoted around the country. However, the claim that giving marital rights to gay couples will undermine heterosexual marriage is based on the consistent misuse and misinterpretation of data.

The argument that same-sex partnerships undermine heterosexual marriage rests on four claims:

1. In the European countries that allow same-sex couples to register as partners, marriage and parenthood have become separated, and married parenthood has become a minority occurrence.

2. The separation of marriage and parenthood in those countries is disastrous for children because of higher rates of break-up among cohabitors.

3. Allowing gay marriage accelerates the separation of parenthood and marriage.

4. If the U.S. allows gay couples to marry, heterosexual people in the U.S. will adopt European-style family dynamics.

In fact, none of these claims fits the actual evidence of the Scandinavian and Dutch experience and the U.S. context. A closer look at the data reveals a very different picture:

Divorce rates have not risen since the passage of partnership laws, and marriage rates have remained stable or actually increased.

The majority of parents are married. The average Scandinavian child spends more than 80% of his or her youth living with both parents—more time than the average American child.

Non-marital birth rates have not risen faster in Scandinavia or the Netherlands since the passage of partnership laws. Although there has been a long-term trend toward the separation of sex, reproduction, and marriage in the industrialized west, this trend is unrelated to the legal recognition of same-sex couples. Non-marital birth rates changed just as much in countries without partnership laws as in countries that legally recognize same-sex couples' partnerships.

MARRIED PARENTS ARE STILL THE MAJORITY IN SCANDINAVIA

Marriage and child-bearing have become less directly connected over time in many European countries, including Scandinavia. But as we shall see, this separation hardly qualifies as the death of marriage, and it cannot be blamed on the passage of same-sex partner laws.

In fact, Denmark's longterm decline in marriage rates turned around in the early 1980's, and the upward trend has continued since the 1989 passage of the registered partner law. Now the Danish heterosexual marriage rates are now the highest they have been since the early 1970's. The most recent marriage rates in Sweden, Norway, and Iceland are also higher today than they were in the years before the partnership laws were passed. The slight dip in marriage rates in the Netherlands since 2001 is the result of a recession-induced cutback on weddings, according to Dutch demographers, and the actual number of marriages has gone up and down in the last few years, even before the legalization of same-sex marriage.

No research suggests that recognizing same-sex couples' relationships caused the increase in marriage rates. But heterosexual couples in those countries were clearly not deterred from marrying by the legalization of same-sex couples' rights.

Divorce rates also show no evidence of harm to heterosexual marriage from partnership laws. Scandinavian divorce rates have not changed much in Scandinavia in the last two decades. Danish demographers have even found that marriages in the early 1990's appear to be more stable than those in the 1980's.

Cohabitation rates are indeed on the rise, though, as is the likelihood that an unmarried cohabiting couple will have children. In Denmark, the number of cohabiting couples with children rose by 25% in the 1990s. Roughly half of all births in Norway, Sweden, and Denmark, and almost 2/3 in Iceland, are to parents who are not married. From these figures, Kurtz concludes that ''married parenthood has become a minority phenomenon.''

In fact, however, the majority of families with children in Scandinavia and the Netherlands are still headed by married parents. In 2000, for instance, 78% of Danish couples with children were married couples. If we also include single parent families in the calculation, almost two-thirds of families with children were headed by a married couple. In Norway, 77% of couples with children are married, and 61% of all families with children are headed by married parents. And 75% of Dutch families with children include married couples. By comparison, 72% of families with children are headed by married couples in the United States.

How can this fact coexist with high non-marital birth rates and cohabitation rates? The main reason is that in Scandinavia and the Netherlands most cohabiting couples marry after they start having children. In Sweden, for instance, 70% of cohabiters marry after the birth of the first child, most of them within five years. In the Netherlands, while 30% of children are born outside of marriage, only 21% of children under one live with unmarried parents, and by age five, only 11% live with unmarried parents. As a result, high rates of married couple parenting and rising marriage rates in Scandinavia are not incompatible with high non-marital birth rates.

THE IMPACT ON CHILDREN

Kurtz claims that the rise in nonmarital births will hurt children since unmarried couples are more likely to break-up than married couples. And it is true that unmarried cohabiters' unions are more likely to dissolve in Scandinavia than are marriages, even when children are present. But when cohabiting parents marry in Scandinavian countries, as most eventually do, they are not more likely to divorce than are couples who were married when they had their children.

As a result, children in Scandinavian countries still spend most of their lives with their parents living together. In fact, they spend more time than kids in the U.S. do! Gunnar Andersson has calculated how much time the average child spent living with both parents in the same household in the 1980's, the most recent period that allows comparisons across countries. Of the countries he examines, the lowest average is in the United States, where the time spent with both parents is 67%. The highest is in Italy, where it is 97%. In Sweden the average is 81%, in Norway it is 89%, and in Finland it is 88%. In other words, combining the time that parents are cohabiting and married demonstrates that children are spending the vast majority of their young lives with their parents in the Scandinavian countries.

DID GAY MARRIAGE WIDEN THE SPLIT BETWEEN PARENTHOOD AND MARRIAGE?

No one would argue that marriage plays the same role in Scandinavia and in other parts of Europe that it once did. And to his credit, Kurtz himself recognizes that changes in marriage in Scandinavia were in many ways cause rather than effect of the legal recognition extended to gay couples. Kurtz acknowledges that high rates of cohabitation and the changing role of marriage in Scandinavia probably made it more likely that those countries would be the innovators in giving marriage-like rights to gay people. The decline of religious practice and belief, the rise of the welfare state, advances in contraception and abortion, and the improving economic status of women—all long-term trends in Scandinavia and the Netherlands—probably contributed both to the rise in cohabitation and to the equalizing of rights for gay and lesbian people.

In a recent study, I compared the cohabitation rates (and other variables) in the nine countries that recognize same-sex partners with other European and North American countries that do not. Cohabitation rates were higher in the partner recognition countries before the passage of same-sex partner

laws. Since higher cohabitation rates came first, it would be inappropriate to blame partnership laws for more cohabitation.

But Kurtz also makes the subtler claim that registered partnerships ''further undermined the institution'' (his emphasis) and that ''gay marriage has widened the separation'' between marriage and parenthood. In other words, things were already bad but gay marriage made it worse.

However, this argument does not hold up, either, since the nonmarital birth rate began rising in the 1970's, long before any legal recognition of same-sex couples, and it has actually slowed down in Scandinavia in recent years. From 1970 to 1980, the Danish nonmarital birth rate tripled, rising from 11% to 33%. It rose again in the following decade, but by a much smaller amount, to 46% in 1990, before ending its climb. Denmark's nonmarital birth rate did not increase at all when the Danish partnership law was passed in 1989. In fact, it actually decreased a bit after that date!

Norway's big surge in non-marital births also occurred well before the passage of its registered partnership law in 1993. In the 1980's, the percentage of births to unmarried parents rose from 16% to 39%. In first half of the 1990's, the nonmarital birth rate rose more slowly, leveling off at 50% in the mid-1990s.

Kurtz argues that the main impact of partner registration laws in Norway was to discourage couples from marrying after the birth of their first child. But the data on second, third, and later babies born to unmarried parents tell the same story as the overall trend. In 1985, 10% of second and later babies had unmarried parents, a number that tripled to 31% by 1993. From 1994 to 2003, though, the number only rose to 41% where it appears to be leveling off. If the partnership law had ''further'' encouraged nonmarital births of first or later children, these rates should have increased faster after 1993, but in fact the increase slowed down (for second and later births) or stopped (for first births).

The Netherlands show a slightly different pattern, but here, too, there is no correlation between recognition of same-sex partnerships and rising rates of non-marital births. Despite high rates of cohabitation, the Dutch have traditionally been much less likely than Scandinavians to have babies before marriage, with fewer than one in ten births to unmarried parents until 1988. Kurtz argues that legal recognition for same-sex couples kicked Holland into the Scandinavian league with respect to nonmarital parenting. It is true that the Dutch nonmarital birth rate has been rising steadily since the 1980's, and sometime in the early 1990's the nonmarital birth rate started increasing at a somewhat faster rate. But that acceleration began well before the Netherlands implemented registered partnerships in 1998 and gave same-sex couples the right to marry in 2001.

Another helpful perspective is to compare the trends of countries that have a partner registration law with those that do not. I recognizing gay couples contributed to the increase in nonmarital births, then we should see a bigger change in countries with those laws than in countries without them. Data from Eurostat shows that in the 1990's, the eight countries that recognized registered partners at some point in that decade saw an increase in the average nonmarital birth rate from 36% in 1991 to 44% in 2000, for an eight percentage point increase. In the EU countries (plus Switzerland) that didn't recognize partners, the average rate rose from 15% to 23%—also an eight percentage point increase. The change in rates was exactly the same, demonstrating that partner registration laws did not cause the nonmarital birth rate trends.

Even if we distinguish two kinds of countries—separating out those like the Netherlands with traditionally low nonmarital birth rates from those like Norway with traditionally high rates—we see that there is no connection between partnership recognition and the growth in nonmarital births. The same rapid rise in nonmarital births that that we see in the Netherlands in the 1990s also occurred in other European countries that initially had low nonmarital birth rates. Nonmarital birth rates have soared in in Ireland, Luxembourg, Hungary, Lithuania, and several other eastern European countries—all countries that do not allow same-sex couples to marry or register.

Only one piece of evidence supports Kurtz's argument that partnership created a new wedge between parenthood and marriage, and that piece of evidence directly contradicts Kurtz's ideas about the cause of such a separation. Contrary to what many observers believe, Scandinavian parliaments did not give same-sex couples the exact same rights as heterosexual couples. Quite deliberately, the various Scandinavian parliaments chose to provide legal ties for same-sex couples through a special new legal relationship, not by the simpler path of extending the right to marry to same-sex couples. And the parliaments denied same-sex couples the right to adopt children (including their nonbiological children raised from birth) or to gain access to reproductive technologies. Thus Scandinavian governments did create a wedge between marriage and reproduction, but they did so by design and they did so only for same-sex couples. Despite some loosening of those prohibitions over time, registered partners who want to have children still face legal hurdles that heterosexual married couples do not.

THE IMPACT OF GAY MARRIAGE IN THE U.S.

In the end, the Scandinavian and Dutch experience suggests that there is little reason to worry that heterosexual people will flee marriage if gay and lesbian couples get the same rights. This conclusion is even stronger when looking at the United States, where couples have many more tangible incentives to marry. Scholars of social welfare programs have noted that the U.S. relies heavily on the labor market and families to provide income and support for individuals. In the United States, unlike Scandinavia, marriage is often the only route to survivor coverage in pensions and social security, and many people have access to health care only through their spouse's employment. Scandinavian states, on the other hand, are much more financially supportive of families and individuals, regardless of their family or marital status.

The lack of support alternatives plus the tangible benefits of marriage all lead to one conclusion: if and when same-sex couples are allowed to marry, heterosexual couples will continue to marry in the United States.

CONCLUSION

Overall, there is no evidence that giving partnership rights to same-sex couples had any impact on heterosexual marriage in Scandinavian countries and the Netherlands. Marriage rates, divorce rates, and nonmarital birth rates have been changing in Scandinavia, Europe, and the United States for the past thirty years. But those changes have occurred in all countries, regardless of whether or not they adopted same-sex partnership laws, and these trends were underway well before the passage of laws that gave same-sex couples rights.

Furthermore, the legal and cultural context in the United States gives many more incentives for heterosexual couples to marry than in Europe, and those incentives will still exist even if same-sex couples can marry. Giving same-sex couples marriage or marriage-like rights has not undermined heterosexual marriage in Europe, and it is not likely to do so in the United States.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank our ranking member for yielding me this time.

Mr. Speaker, I oppose this constitutional amendment because it would write discrimination against gays and lesbians into our Nation's Constitution. This amendment not only prevents gays and lesbians from marrying; it also restricts civil unions. Over the last couple of years, polls in New Jersey have shown the majority of the State's residents strongly support civil unions.

This amendment is nothing more than red meat for the conservative right 1 month before an election. They know it is not going anywhere. The Senate could not even get a simple majority to bring an amendment to the floor. Here in the House, the majority leader, the gentleman from Texas (Mr. DELAY), recently admitted that he did not believe the amendment would pass. Yet here we are today spending 2½ hours debating an amendment that we all know is going nowhere.

There was a lot of talk on the Republican side today about the Founding Fathers. Well, since our Nation's infancy, family law has been left to the States. It was our Founding Fathers' belief that issues of intense local concern should be debated and resolved at the local level. We should keep it that way and defeat this amendment.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I am here to speak in favor of the Marriage Protection Amendment, in favor of limiting marriage to the union of a man and a woman, in favor of the overwhelming opinion of the American people, and against the unelected judges that want to reshape our country, even if they destroy democracy in the process.

Families and children deserve the protection of the Marriage Protection Amendment; the best home for kids is one with a mom and a dad. Single parents work valiantly to raise their children, but it is a struggle whenever a child does not have both a mom and a dad at home.

Our laws should recognize and promote stability in our homes.

But when judges usurp the work of legislators, when they twist State and Federal constitutions, as they have on this issue, then they are attacking more than marriage. They are attacking the principles of democracy and undermining our republican form of government. They are attacking the people's ability to govern ourselves. No wonder it is hard to raise children to

respect and obey the law when our judges do not.

Those who do not respect the law should never be appointed as judges, and judges who do not respect the law should be impeached.

But today, we have the opportunity to stand up, both for marriage and for the people's right to govern themselves. It is sad that a constitutional amendment is necessary; but without it, we will be under endless assault by those who want to destroy traditional marriage even if they destroy the rule of law in the process.

Even if you do not respect the institution of marriage, I hope the Members of this body will respect the principle of government of the people, for the people, and by the people. This amendment preserves what has always been the law of this land, and it preserves the principle of government by elected representatives, not by unelected activist judges. I urge every Member to vote for the Marriage Protection Amendment.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, as some of my colleagues have said, this is about protecting our children.

Do my colleagues know what I want my children to be protected from? From Osama bin Laden. We still do not know whether he is dead or alive. From the anthrax mailer, whom we still have not found. From the 6 million containers that come into our country every year, of which only 5 percent are inspected. From missiles that are being developed in Iran. From missiles that are being developed in North Korea. I want to protect children of parents who today are fighting in Iraq and Afghanistan, some of whom still do not have the protective gear that they need.

Mr. Speaker, I will go home tonight and say to my two children, thank God, we have kept you safe from same-sex marriages; but we have not kept you safe from other threats in the world.

Mr. Speaker, some of us want to make the world safe for democracy; others want to make this world safe for hypocrisy. This resolution is not an act of Congress. It is an act of hypocrisy. It is divisive and should be defeated.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in full support of this body's effort to preserve the sacred institution of marriage.

Children are best served when they are raised and influenced by a mom and a dad, and marriage must continue to be the institution to best raise children and not simply for the desires of adults.

Mr. Speaker, I am the youngest of four boys who feel we were blessed to have a mom that we could look to for her loving and nurturing ways, and a dad to be there, well, when boys will be boys, to know that we had a dad.

And now I am a dad today with a wife and two young girls of my own, two young girls who are blessed to know that they can look to their mom when they need a mom, and they know that they can look to have a dad there when they need a male influence in their lives.

Marriage exists for the well-being of children. It is the only institution that gives kids a mom and a dad. Where do grownups get the right to give their own desires higher priority?

If we redefine marriage, it will harm everyone, especially the children. It will legally repudiate the idea that marriage has anything to do with a family, and will legally embrace the idea that marriage is just an arrangement for the convenience of the grownups.

Now, I am here today to support what is best for the kids. The ideal situation for a child is to grow up with a mom and a dad in a loving, committed marriage. Mothers are better able to provide certain lessons than fathers can, and fathers in turn can provide role models in ways that moms simply cannot.

I think it is time that we rip away all the rhetoric that we have heard and know that this debate comes down to this: it is a choice of being what is in the best interests of our children over the choice of what is in the best interests of a select few adults. The choice is clear. I urge all Members to support our children by supporting the Marriage Protection Amendment.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. INSLEE), a very distinguished supporter of civil rights and human rights.

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

Mr. INSLEE. Mr. Speaker, have my colleagues ever noticed how reverential, how worshipful people are when they go over to the archives and they file in front of the Constitution? Have my colleagues seen what is in their eyes? Absolute worship of the U.S. Constitution. I think there is one reason for that, because they understand the Constitution does not belong just to us; it belongs to the ages. They realize for that reason they want us to be cautious and conservative about locking into the Constitution something for a fluid America. There are some lessons in history that show that is the right attitude.

In 1912, Jack Johnson, an African American heavyweight boxing champion, had the temerity to marry a white woman. That offended the vast majority of Americans at the time. And as a result, a Congressman came down to this Chamber, and he introduced a constitutional amendment to make it illegal for States to allow an African American to marry a white person. And Congressman Seaborn Anderson Roddenbery stood where I am standing and said in 1912: ''Intermarriage between whites and blacks is repulsive and averse to every sentiment of pure American spirit. It is abhorrent and repugnant to the very principles of a pure Saxon government.''

Now that statement seems a bit unbelievable in 2004, but it was the majority opinion in 1912.

Now, I am not suggesting that these issues are equivalent, but I am suggesting that we ought to be real slow before we put discrimination to prevent States to make their own decisions about employment and retirement benefits for themselves into the Constitution. Where would this country have been if majority sentiment had prevailed in 1912 and discrimination had been put permanently in the United States Constitution?

But there is a more commonsense reason for rejecting this amendment. Anybody who is thinking about voting for this amendment, I would ask you to come down to the well and look at the five words that are carved on the rostrum of the House of Representatives.

□ 1600

There are five words that are carved here, and of all the words that we could have chosen to carve on to the rostrum, do my colleagues know what those five words are? Union, liberty, peace, justice, and the fifth one may surprise some of my colleagues.

The fifth value is tolerance. Tolerance is the value that was selected to put on here, and tolerance is as American as apple pie. Tolerance is carved into the rostrum of the U.S. House of Representatives and intolerance should not be carved into the U.S. Constitution.

Reject this injury to the Constitution. Reject this amendment.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in strong support of the marriage protection amendment. It is sad even having this debate. Amending the Constitution, we all agree, should only be considered in the rarest of circumstances. However, we are being forced to.

What makes America strong is the American family. What makes American families strong is marriage.

This bill reinforces what marriage has meant since our country's founding. Simply stated, marriage consists of one man and one woman.

The primary responsibility of marriage in the family is parenting. Children need a father. They need a mother for healthy and proper development. Men and women were created to complement each other, and that is most obvious in successful parenting.

Congress cannot allow unelected judges to redefine marriage and the American family, and that is why we

are here today. We have got to put the decision about marriage back into the hands of the American people.

The people of Texas have spoken loud and clear. Texas passed a law which recognizes marriage between a man and a woman, regardless of what the other States might do. Citizens of the Lone Star State do not want people from other States telling them how to live, and they definitely do not want some judge telling them what marriage is.

Back home, we have a popular slogan, ''Don't mess with Texas.'' Well, I have got one for this debate, ''Don't mess with marriage.''

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise in strong opposition to this proposed constitutional amendment. As lawmakers, our responsibility is to preserve the rights and dignity of all Americans. That leaves me to oppose this constitutional amendment that would ban gay marriage.

I support the right of a State or local jurisdiction to give gay and lesbian couples equal marriage rights under the law. This proposal is an unnecessary and divisive attack on the gay and lesbian community. It would dictate that communities deny the equal provision of rights, benefits and responsibilities of partnership for gay and lesbian couples.

This is an unparalleled attempt to force discrimination against a group of Americans. It is antithetical to other constitutional amendments that expand rights for women and African-Americans.

Mr. Speaker, the Constitution exists to protect our rights, not to take them away. This amendment would be the first, and only, amendment to set aside one group of Americans, giving them fewer rights than other Americans. Additionally, it would strip them of rights currently given them by several States.

Gay and lesbian couples deserve to have their commitment honored with the same rights to insurance, health care authority and visitation, adoption and other benefits granted to committed couples.

I thought the days of enshrining discrimination in our laws were long behind us. A century ago, women were unable to file for divorce and could not have owned property. What if we had enshrined that discrimination for all time? Within the last 40 years, interracial marriages were outlawed. Imagine if that had been formalized in the Constitution.

This complete disregard for human rights is not necessary to protect religious freedom in our country either. No church or other house of worship is required to marry couples of the same gender.

The role of the Federal Government in defining the institution of marriage has historically been a limited one, deferring to States and religious organizations. So this is a cruel and callous attempt to disenfranchise a group of Americans for political gain. It calls for the discrimination of a group in a document almost exclusively devoted to protecting and expanding the rights of Americans.

I urge my colleagues to reject this amendment and this attempt to insert bigotry into our Constitution.

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

I would just point out that I have here hundreds of letters from Hispanic pastors, churches, leaders, civil rights leaders; African-Americans, civil rights leaders, pastors, from all over the country. They do not say that the marriage protection amendment is discrimination. In fact, they say just the opposite: It is discriminating to undermine the definition of marriage by judicial fiat.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the majority leader for the time.

Mr. Speaker, I rise today because my constituents are fearful that appointed judges will destroy the institution of marriage. I share their fear and speak with them today in strong support of H.J. Res. 106, the Marriage Protection Amendment, and I thank my friend the gentlewoman from Colorado (Mrs. MUSGRAVE) for her outstanding leadership on this critical issue.

Marriage has always been and will always be a covenant between one man and one woman. Marriage is a fundamental building block of society, and it is special. It has been from the beginning of time about procreation and the rearing of children.

I wish that this fight here today was not necessary, and we did not ask for it, but because a handful of activist judges launched an all-out attack on the bedrock of Western civilization, the people of the eighth district of North Carolina, in a completely bipartisan way, have overwhelmingly asked me to stand here today and defend our Constitution and to protect marriage.

Mr. Speaker, I believe in the Constitution. I have read it and studied it. We do not amend this lightly, but with activist judges writing law from the bench with their so-called interpretations, I can think of no better reason nor venue for the American people to be heard on whether the institution of marriage will stand or fall.

Do not be fooled. Same-sex marriage and this debate is not about hospital visitation rights, joint bank accounts or inheritance rights. It is about marriage and children.

Marriage between one man and one woman is associated with a broad array of positive outcomes.

Americans have spoken clearly, and it is not about politics. It is about their desire to protect marriage from unelected judges who are appointed for life. I urge my colleagues to stand with nearly 2,000 of my constituents who have contacted my office over the past few months and protect the institution of marriage.

Mr. Speaker, I represent folks from both sides of the aisle in the eighth district of North Carolina. They do not see it as an issue for one political party. They want to defend our institution of marriage.

Mr. Speaker, I appreciate the time. I urge my colleagues to stand and protect marriage today.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for the time.

I am standing here as living proof. I live in a district. I have been married for 30 years. I have two wonderful children. I now have the honor of representing, I do not know how many, married gay couples, and not once, not once has my wife and I had a discussion now that we have to split up because we have gay couples living near us. Not once have I had a single discussion by a single constituent who said, you know what, I am not going to get married because we can have gay marriage. Not once have I had a single child come to see me and say, oh, my God, save me, save me from having gay couples next door.

Yet I have had people, heterosexual couples, come to me and try to help them bring children from around the world so that they can enjoy the company and the love that they can share with children. I know gay couples, both married and not married gay couples, who are raising children. Some of those children are theirs. Some of those children are adopted. Some of those children are the children of their family members who have passed away.

I am not aware of any that are somehow being twisted; society is coming to an end. I am living proof; you will be okay. We will survive this, and all that will happen is that a few people, a few of all of our constituents, will have some joy in their life.

I am not threatened. My wife is not threatened. My children are not threatened. My world is not threatened, and it will not be. It is not threatened in Canada.

As a few points of information, these judicial activists, these terrible, horrendous people who have the audacity to interpret the Constitution of Massachusetts, happen to be appointed by Republican governors. Terrible.

As a final point of information, the people of Massachusetts will most likely have the opportunity to vote on this in a few years. Let them speak as well.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I thank the gentleman for the time and rise in support of the Marriage Protection Amendment.

There, again, needs to be the general statement that gays and lesbians have a right to live as they choose, and I will work to support that right, but they do not have the right to define marriage for all of us.

As far as the question of bigotry and civil rights, 60 percent of African-Americans oppose same-sex marriage. Are they bigots? I do not think so.

Shelby Steele, an African-American scholar, said properly, ''Gay marriage is simply not a civil rights issue. It is not a struggle for freedom. It is a struggle of already free people for complete social acceptance. Black leaders . . . have distanced themselves from the gay marriage issue.''

We have had a little lecture on tolerance, and yet it is the side of the people who are arguing against this marriage act who have called death threats in to the original sponsor. It is those people who e-mail daily hateful comments. I wonder where the question of tolerance is at this point when someone dares to differ with them.

There is a question of, who gets harmed from same-sex marriage? When we approve same-sex marriage, we are going to be required to teach that it is okay. In fact, it is going to be wrong to teach against it. If we think that that is not going to happen, look at what has happened to the Boy Scouts of America who dared to take a stance. The all-out assault on the institution of the Boy Scouts of America has been unending, trying to get them to change their stance, simply saying, we want to teach our values.

Religious groups like Catholic Charities or Salvation Army may lose their non-profit status and other facilities unless they endorse gay marriage. Is that what we want? Do we want common, decent, God-fearing people to be declared as bigots, to be declared as speakers of hate speech?

That is where this discussion is going, Mr. Speaker. I urge my colleagues to support this amendment.

Mr. CONYERS. Mr. Speaker, no one has been closer in this Congress to Dr. Martin Luther King than he has, and I proudly yield 2½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague for yielding me the time.

Ms. WOOLSEY. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from Georgia for yielding.

For those of my colleagues who are so worried about unelected judges making the decision of marriage, I want to remind them; it was unelected judges that picked their President.

Mr. LEWIS of Georgia. Mr. Speaker, over the years, this Nation has worked hard to take discrimination out of the Constitution, and today, we want to put it back in.

I can recall just a few short years ago that there were laws inscribed in some State constitutions saying that blacks and whites could not marry. We changed that.

Today, we look back on those days, and we laugh. There will come a time when generations yet unborn will look back on this Congress, look back on this debate, and laugh at us. This is not a good day in America. This is a sad day in the House of the people.

For one who faced death, who was beaten and left bloody and unconscious at the Greyhound bus station in Montgomery, Alabama, in May of 1961; for one who had a concussion at the bridge in Selma on March 7, 1965, demonstrating, trying to end discrimination, segregation and separation, this is not the way.

This is unbelievable. It is unreal. I thought as a Nation and as a people we had moved so far down the road toward one family, one House, one America. To pass this legislation would be a step backward.

The institution of marriage is not begging this Congress for protection. No one is running through the halls of Congress. No one is running around this building saying protect us.

□ 1615

Whose marriage is threatened? Whose marriage is in danger if two people, in the privacy of their own hearts, decide they want to be committed to each other? Whose marriage is threatened? Whose marriage is in danger if we decide to recognize the dignity, the worth and humanity of all human beings?

The Constitution is a sacred document. It defines who we are as a Nation and as a people. Over the years, we have tried to make it more and more inclusive. We cannot turn back. We do not want to go back. We want to go forward. Today it is gay marriage; tomorrow it will be something else.

Forget about the politics; vote your conscience. Vote with your heart, vote with your soul, vote with your gut. Do what is right and defeat this amendment.

Mr. DELAY. Mr. Speaker, I yield myself such time as I may consume to say that there were people running around the halls screaming ''protect marriage.'' In fact, there were 50 African American pastors trying to meet with the Congressional Black Caucus, who refused to meet with them. So I am going to bring up one letter out of hundreds of thousands of letters that I have from particular pastors.

From this particular pastor, Dr. Creflo A. Dollar of the World Changes Ministries at College Park, Georgia, and I will not read the letter, but I will quote him, because he says that this is not a civil rights issue. This is an African American pastor from an African American church. Dr. Dollar says, ''This is not a civil rights issue, as many would have you believe, and attempts to frame it as such are an insult to the millions of Americans who have been the victims of actual discrimination in the past.''

Mr. Speaker, I submit for the RECORD Dr. Dollar's letter.

It is a privilege for me to voice my enthusiastic support for the Federal Marriage Protection Amendment currently pending before Congress. The institution of marriage is a fundamental building block of the American way of life, and we are here today to say that it must not be allowed to be redefined or reconstituted. The American family is under attack—we are in the middle of a character crisis that threatens the very foundations of our society—and our message this morning is clear. There is only one kind of marriage, and that is between a man and a woman. Any attempt to deviate from that standard by any means—be it legislative, judicial or executive—is equivalent to spiritual treason. The sacred covenant of marriage was created by God Himself and is not subject to interpretation by anyone.

Our support for this amendment should not be viewed as homophobic, exclusionary or discriminatory. The ministries represented here today extend the love of God to all people, including those who exemplify lifestyles that we don't agree with, and our doors are open to everyone. To attempt to categorize our collective stance in any other way is both irresponsible and inaccurate. This is not a Civil rights issue, as many would have you believe, and attempts to frame it as such are an insult to the millions of Americans who have been the victims of actual discrimination in the past. Part of what makes America the greatest country in the world is the freedoms that our citizens enjoy to make whatever religious, social, professional and lifestyle choices they desire, within the reasonable boundaries of a civil society. However, for America to redefine herself for every movement that comes along would weaken who we are as a nation, not to mention the profound negative impact such a change would have on our children. We speak as one voice for the millions of Americans in our congregations and all over the country who can all be heard making the same plea today—please don't begin a process of de-stabilizing the United States of America by changing the rules for all of us in order to accommodate a few of us. For mainstream Americans, this issue is not negotiable.

We urge the members of Congress to approve this amendment and to do it swiftly. Part of the responsibility of an elected official is to represent the best interests of his or her constituency, and we affirm today that the Federal Marriage Protection Amendment is the right thing to do for America. We wholeheartedly support President Bush and his stance on this vital issue. We must seize this opportunity to make a lasting statement to all who would alter the fundamental institution on which our society is based. I shudder to think about the America my grandchildren will inherit tomorrow, if we don't take decisive action to protect our heritage today. We are confident that the members of Congress will stand up for what is right, and not allow themselves to be bullied by a noisy minority. Our future as a nation hangs in the balance. Thank you and God bless you . . .

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I stand before you today on behalf of the over 100,000 married couples in Wyoming in defense of traditional marriage. I do not judge those who have chosen a different life-style than I have chosen, but marriage is an institution cherished by the American people, as shown by the 44 States that have enacted laws defining marriage as between a man and a

woman. This same institution is now under attack in our courtrooms, an assault we can defend only by passing the Marriage Protection Amendment.

In the marriage debate, we have a case of political correctness going too far and costing too much. As we all work to be an inclusive society, we simply cannot forget the time-honored family values, the bedrock of our culture that have made America what it is today. These are the values that gave the early homesteaders in Wyoming the strength to brave the vast plains and the harsh winters. And these same values help today's families face newfound challenges in a modern society.

Tradition gives our children roots, a base of strength from which to operate when facing politically correct pressures to abandon their values, whether it be God, their country, or, yes, even marriage.

We know in our hearts what is right. We know logically and we know personally that marriage is a union between a man and a woman, and we need to protect the traditional family structure.

Mr. Speaker, I ask everyone's support in favor of the Marriage Protection Amendment.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to set the record straight here. Some of these so-called black ministers and so-called civil rights leaders never supported civil rights. They never marched for one day. They never put their bodies on the line for the cause of civil rights.

Coretta Scott King, the widow of Martin Luther King, Jr. is opposed to this amendment.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the very courageous gentleman from Connecticut (Mr. SHAYS), a distinguished member of this body.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time. Today, we are debating a constitutional amendment drafted not to protect my marriage or my family, I see no reasonable way to argue it would, but rather to explicitly deny a portion of our society the right to marry and the benefits that accompany that kind of partnership.

I do not advocate the legalization of gay marriage, but our constitution is simply not the proper place to set this kind of social policy. I believed back in 1996, when I voted for the Defense of Marriage Act, and I still believe today, the decision about whether to recognize gay marriage should be left to the States.

I cannot help but wonder why are we doing this. What are we so afraid of? Gay men and women pass through our lives every day. They are wonderful teachers and leaders and role models who happen to be gay. And sometimes we do not even know they are gay.

I would not be a Member of Congress today if it were not for an extraordinary teacher I had in high school, 40 years ago. I learned years later he was gay and that he had commuted from Connecticut to Washington, D.C., every weekend in part to protect his privacy and his job.

When I went to college, my understanding of gay people was impacted again by my wife's best friend. One day she told us she too had found the love of her life. We were eager to meet the boyfriend she was so madly in love with, but we soon learned her love was not a ''he'' but a ''she.'' Once we got over our surprise and our way of thinking about relationships, we were able to sincerely rejoice in the joy they brought each other because we knew what a dear and good person our friend is.

My perception of gay people evolved further during my first campaign for Congress, when I worked with a magnificent young man named Carl Brown. He became my friend, and he gave me another gay face to know. Carl has since passed away, but I remember him as a person of exceptional dignity and grace.

My teacher, my wife's best friend, and Carl helped me understand their lives and I think helped make me a better person in the process.

The Constitution of the United States, which established our government, grants us free speech, and gives all citizens the right to vote, should not be dishonored by this effort to write into the Constitution discrimination.

I am sensitive to some of my colleagues' concerns about potential biblical and social implications of legalizing same-sex marriage, but I oppose this proposed amendment because I believe the Constitution is not the proper instrument to set or reject such policy. That debate should happen in our State legislatures.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE) to answer the gentleman from Connecticut's question about what is the harm, and his other question being why the harm of redefining marriage to include other lifestyles.

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

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in the wake of, I think, a very important question by my friend and colleague, the gentleman from Connecticut (Mr. SHAYS): What are we afraid of? And the gentleman from Connecticut knows that I admire him and have great affection for him and the integrity with which he does his work, but I would like to answer that.

My colleague, we are afraid of the decline of marriage. We are afraid that what has happened in the last 15 years in the Netherlands since the advent of same-sex marriage is going to happen in America, and that our children and our society will be harmed as a result. As Dan Quayle first said on the national stage some 14 years ago, we know that marriage matters to children. Children born outside of wedlock are more than two times more likely to fall into every form of social malady that besets our kids.

The experience in the Netherlands is undeniable. Since the advent of same-sex marriage in the Netherlands and in Holland, the decline of marriage has been from 95,000 to 82,000. As Dutch academics wrote in their newspapers there recently: ''Over the past 15 years, the number of marriages has declined substantially. The same period also witnessed a spectacular rise in the number of out-of-wedlock births. In 1989, one in 10 children were born out of wedlock, roughly 11 percent; by 2003 that number had risen to almost one in three children.''

That is what we are afraid of, Mr. Speaker. We are afraid of the decline of marriage and the attendant harm to the American family that will undeniably follow. Marriage matters. And we come into this hallowed place today to stand by that institution knowing that we are informed by our core values that it matters and that it is central to our society, but also knowing the experience of our neighbors in Europe has been that when we change the definition of marriage, we begin the decline and ultimately the abolition of marriage as we know it.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, the previous remarks are drawn from the research of a man named Stanley Kurtz, research that is of a very low level of intellectual activity. It would make some of the debate here today seem scintillating.

In fact, I have submitted information that makes it very clear that as far as the Netherlands are concerned, the trends involved predate same-sex marriage. As a matter of fact, there were same-sex civil unions first, then same-sex marriage. What has happened in the Netherlands predates that. The main author himself states that these are probably effects of the same cause.

Now, let us look to the United States. Vermont has had full civil unions, which most of the Members over there disagree with, since 2001, with zero, no negative effects, the same period of time as the Netherlands has had.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, the men and women targeted by this constitutional amendment are Americans, loved and respected by their parents, grandparents, sisters, brothers, children and grandchildren, neighbors, friends, coworkers, and this Member of Congress. Collectively, we believe in

equal justice and strive to defeat discrimination and absolutely reject the State-sponsored hatred before the Congress today.

The Constitution belongs to all Americans to protect and extend equality and justice for all. Our constitution must never be soiled by this type of bigotry and hate-filled amendment.

My faith teaches me to believe in a loving God, and it is in this spirit that I proudly stand with millions of Americans, and especially with my gay and lesbian friends, neighbors, colleagues, constituents, and coworkers to oppose this constitutional amendment.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the majority leader for yielding me this time, and I want to make a correction for the record.

The gentleman from Massachusetts was talking about the predating the same-sex marriage. Well, in fact, when same-sex marriage was approved in the Netherlands, the rate of births out of wedlock doubled. So that information was incorrect.

Mr. Speaker, I rise in support of the Marriage Protection Amendment. It is becoming increasingly common to see activist judges legislating from the bench on this important issue. Today, a handful of judges are poised to destroy the traditional marriage definition, which is the cornerstone of civilization itself.

The institution of a husband and wife, of mother and father, have served our society well; and it is this foundation that makes our families and communities strong. Passage of this amendment today is overwhelmingly supported by the citizens of this country. Nearly three-fourths of Americans believe that marriage should be a union between one man and one woman.

Today, 44 States have enacted laws that define marriage as between a man and a woman; and without action today, the will of the American people will be ignored with the strike of a gavel by a few activist judges.

To ensure the will of the American people is done today, I urge my colleagues to vote ''yes'' on this amendment.

Mr. CONYERS. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I would just ask the gentleman from Pennsylvania, before he leaves, because he is so certain about the Netherlands, and I will yield him my remaining time, when does he believe that same-sex marriages began in the Netherlands and what was the rate? What is the date?

Would the gentleman from Pennsylvania answer me? When did the same-sex marriages start in the Netherlands?

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentleman from Massachusetts has expired.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield to the gentleman from Indiana.

Mr. FRANK of Massachusetts. Well, you made the statement. You do not know?

Mr. SHUSTER. 1989.

Mr. FRANK of Massachusetts. No, they started in 2001.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SHUSTER. That is what the facts show.

The SPEAKER pro tempore. The gentlemen will suspend.

Mr. CONYERS. Mr. Speaker, I yield 5 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. The gentleman gets the date wrong. He said since 1989. Same-sex marriage started in the Netherlands in 2001.

When Members are giving statistics, they ought to know what they mean.

□ 1630

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, when the other body defeated this amendment early this summer, someone one of the Senators on the majority, said gay marriage is ''the greatest threat to America as we know it.'' Coming from New York City, I think America saw what the greatest threat to this country is on September 11, 2001. But instead of capturing those responsible for that event, Osama bin Laden, Mullah Omar, and the al Qaeda network, instead of passing a homeland security bill here in the House, instead of reforming our national intelligence system to prevent another 9/11, we are here talking about an issue that the Senate has already defeated; and because they have defeated it, it will not come up again. This is purely political machinations.

This Congress and this President are pushing for a constitutional amendment to limit the rights of particular Americans. Why are they doing that? The answer is easy but it is still awful; because today in America, it is still okay to hate gays and lesbians in this country. Gays and lesbians represent the last minority group in this country that it is still publicly acceptable to hate. This legislation has no place in this body. It demeans the body, our Constitution, and the values of this country.

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

Mr. Speaker, the gentleman obviously has not been watching the debate because no one has said anything about hate or the quotes the gentleman stated in this body. This is about marriage.

Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, the gentleman from Georgia said what he wanted to do, he wanted to establish a homosexual marriage as a fundamental constitutional right that the Federal Government would have to not only secure but to protect. That is what he wants to do. When he does that, here is why we are opposed to that. When he does that, he undermines, he not just expands marriage, he alters it to the core. He totally severs it from its whole purpose, and that is the relationship between a man, a woman, and a child.

Marriage is one of the most fundamental institutions of a civil society. That would simply cripple it. We are not talking about expanding a right, extending rights or benefits. We are talking about destroying an institution which has preserved and protected us.

Our decision today will define us as a Nation. It will define us as a people. It will be a predictor of our future and where our future would be. The only responsible thing for us to do today is to defend the institution of marriage and send this amendment to the States for ratification.

A concerted legal and political effort, lead by activist judges, is attempting to affirm homosexual marriage as a fundamental civil right that the Federal Government has a constitutional obligation to secure and protect.

In doing so, they are undermining one of the most basic and sacred institutions that exist in an orderly, stable civil society—marriage.

What is happening is not a slight change in degree that merely extends benefit or rights to a larger class, but a substantive change in the essence of the institution. It does not expand marriage; it alters its core meaning, for to redefine marriage so that it is not intrinsically related to the relationship between fathers, mothers, and children would sever the institution from its nature and its purposes.

In response, the most important and responsible step Congress can take to reserve marriage is to send a constitutional amendment that protects the institution of marriage to the States for ratification.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, we have heard this afternoon about children and activist judges, because that is how the focus groups suggest this debate should be framed.

My children have been raised around people in committed same-sex marriages, relationships in some cases which have included children. They, and most of us, have seen neighbors, relatives, and friends in dysfunctional heterosexual marriages. It is not their sexual orientation, it is people's behavior. My children and most American young people know that marriage is not under attack, and activist judges do not prevent citizens in States from making their own decisions, like we will in Oregon in November.

It is shameful to play politics with the personal lives of millions of Americans who are not just gay, but elderly, and for whatever reason are not married but are in a committed relationship. Luckily, because my children and the vast majority of America's youth disagree with the world view of the

supporters of this amendment, it will not only fail today, but it certainly does not represent the future.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BURNS).

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

Mr. Speaker, we have an obligation to the people of America to settle this debate over whether a handful of political activists are allowed to use the Federal courts to impose their moral view on the unwilling majority of the country.

The overwhelming majority of the people of the 12th Congressional District of Georgia oppose legalized same-sex marriage. They do not want to play semantic games about the issue.

The people in my district and State believe that legal marriage, and the benefits associated with the institution, should be reserved for those whom the benefits were intended, the union of a man and a woman, period.

Georgia has placed a referendum for a State constitutional amendment to that effect on this November's ballot lot. That is how it should be. As a Georgia voter, I will support the amendment with my vote, as will the majority of my State.

The Federal amendment we consider today will allow those State decisions to determine this issue, as they have since our Nation's founding, rather than allowing a small minority to dictate their opinions on an unwilling majority.

We need to speak plainly here today. A vote against this legislation is a vote for legalized same-sex marriage to be forced on an unwilling America. Such a calamity would not just be morally reprehensible to the majority of Americans, it would provide a chilling precedent for undermining our system of self-government. We will pay for inaction on this issue with the loss of government by the people on all issues.

I urge my friends on both sides of the aisle to support the amendment to restore the protections of the Constitution and self rule.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, in a few minutes this body is going to vote on this amendment. There will be women voting as well as men. There will be the grandsons and granddaughters of slaves; and, yes, there will be several gay people voting because in our diversity, we are representative of this great society.

But there is one thing we all have in common, we are here to fulfill the spirit of our Constitution. That is a sacred, generous document whose purpose was to protect and to expand the individual rights and liberties of its citizens. It was never intended to be a mean-spirited tool to punish people who happen not to be in the majority. To legalize committed, caring relationships between people who love each other is consistent with the spirit of that Constitution. This amendment is not, and that is why it should be defeated.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in strong support of House Resolution 106. Today, public support for protecting marriage is strong. Forty-four States have enacted laws that provide that marriage shall consist of a union between a man and a woman. These States constitute more than 75 percent of States required to approve a constitutional amendment and they include 86 percent of the U.S. population.

Today, Federal courts are being used by activist judges to redefine marriage for the American people, completely apart from public debate among those that the American people have elected to represent them.

More than 200 years of American law and thousands of years of human experience should not be arbitrarily changed by a handful of unelected judges. The issue of marriage is too important to be decided by judicial fiat.

Our society relies on strong family structure. As trends challenge the family, we need to do all we can to strengthen it and oppose trends that weaken this ideal. Redefining marriage hurts our children because it hurts the institution we rely on to raise our children. We certainly do not want judges changing the definition of marriage for us today and for our children tomorrow.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, there are many reasons to oppose this bill: It is a diversion from the urgent issues facing our Nation; that today's vote is a cheap election-year tactic of the Republican leadership to rally its right-wing base; and that we should respect States rights on the principles of federalism, which Republicans continue to ignore to suit their political purpose.

Mr. Speaker, each of these concerns is a compelling reason to oppose this measure, but I want to make this perfectly clear: This bill should be defeated because it is wrong, it is discriminatory, and it is unAmerican.

Mr. Speaker, how can we export democracy across the globe when we are abandoning its fundamental principles here at home? Writing discrimination into our Constitution will do nothing to protect marriage, but it will taint this sacred document and sacrifice State rights based on certain ideological beliefs, and I urge my colleagues to defeat this mean-spirited, misguided bill.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, the Marriage Protection Amendment would not prevent any State from enacting civil union laws, but would protect marriage in all 50 States.

Recently, I went to a friend, Mr. Sage Brown, who is a distinguished attorney and civil rights leader in Savannah, Georgia. Indeed, he is featured at the Gilbert Civil Rights Museum as a man who was on the frontlines of integration and did so much for the African American community. I asked him, Is this a civil rights-type issue, to which he said no, the relationship of marriage is the most sacred building block of our society. Marriage is sacred and protected and has nothing to do with violating our civil rights.

If we change the definition of marriage to be more inclusive, then is it logical to argue that we should broaden the definition so we do not exclude anybody? If marriage violated the civil rights of two men or two women who wanted to be married to each other, then it would also violate the civil rights of a polygamist, somebody else who wants to have a different marriage than that between a man and a woman.

Mr. Brown raised a number of good points which I am going to submit for the RECORD. I wish there was more time to have debate on it, but I wanted to bring up something from his point of view.

Mr. Speaker, the Marriage Protection Amendment would not prevent States from enacting civil union laws but would protect marriage in all 50 States. It would state that "marriage in the United States shall consist only of the union of a man and a woman." When I hear my distinguished colleagues from the other side say that marriage should be redefined because it is discriminatory, I respectfully disagree. Moreover, I believe that a great majority of Americans disagree.

I've spoken with many minority men and women in my district who have experienced civil rights abuses first hand. Recently, I spoke with Mr. Sage Brown, a distinguished African American civil rights leader from my district who said and I quote:

> The relationship of marriage is a most sacred building block of our society. Marriage is sacred and protected and has nothing to do with violating our civil rights. It is not a question of whether or not a person can enter into a relationship such as a civil union. Our country was formed by a group of people who were persecuted for believing certain fundamental things. They looked at their creator in terms of the defining foundation for our families . . . and this foundation included the marriage of a man and a woman. The installation of marriage was wholly designed for the production, reproduction and propagation of the family.

Our marriage laws—defining marriage as the union of a man and a woman—were designed to be a blessing to children and society. There is a certain element of complementarity between men and women that is biological by nature.

If marriage violated the civil rights of two men and two women who want to be married, then it also violates the civil rights of polygamists, and of single adults who want to marry themselves. If our distinguished colleagues believe it is a civil rights issue, then do they also believe it discriminates against people who believe in polygamy. Does it also discriminate against three men who want to marry? What about four women? What about

single people who don't want to marry another person? Should they be excluded?

If we change the definition of marriage to be more inclusive, then it is logical to argue that we should broaden the definition so that won't exclude anyone.

Marriage is an institution fits in perfect harmony with the laws of nature; whereas systems of slavery and segregation were designed to brutally oppress people and thereby violated the laws of nature. By contrast, marriage is designed to help children by keeping their mothers and fathers together. Slavery and segregation were meant to exploit and degrade. There is a fundamental difference.

Skin color has nothing to do with marriage. That's why it's wrong to forbid interracial marriage and that's why overturning these laws was a legitimate civil rights issue. But whether a couple is a man and a woman has everything to do with the meaning of marriage. Marriage encourages the men and women who together create life to unite in a bond for the protection of children. That is not discrimination. It is the building block on which society is based.

Marriege was not created to place people in bondage. It was created for having children, and to propagate the human race from one generation to the next.

The union of a man and woman is the most enduring human institution—which has been around since the origin of mankind. It is honored and encouraged in all cultures and by every religious faith.

Ages of experience have taught humanity that the commitment of a husband and wife to love and to serve one another promotes the welfare of children and the stability of society. Marriage cannot be severed from its cultural, religious and natural roots without weakening the good influence of society. Government, by recognizing and protecting marriage, serves the interests of all.

Moreover, it would prevent the judicial chaos we are beginning to see with recent rulings whereas gay couples are suing in States that do not recognize same sex marriage. Recently, Oregon conducted over 3,000 same sex marriages consisting of couples who live in over 30 States.

Lawless local officials have ignored the law and issued same-sex licenses in California, New Jersey, New York, New Mexico, Oregon and Washington. This issue is Federal, not State or local. The States' rights issue is meaningless if judges are the ultimate rulers.

We are headed for a proliferation of court cases in all 50 States if we do not act now.

So far, 44 States, or 88 percent of the States, have enacted laws providing that marriage shall consist of a union between a man and a woman. Only 75 percent of the States are required to approve a constitutional amendment.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, 2½ hours for a debate on amending the Constitution. It is so important that we contemplate that ministers, rabbis, priests can marry anybody they choose to. They can deny marriage to the opposite sex. But the reality is what about amending the Constitution to guarantee quality education to every child in this country; what about amending the Constitution to guarantee health care to every person in this country; what about amending the Constitution so that our colleagues around here could not spend this time talking about a moral issue instead of giving people jobs and giving them an opportunity to protect marriage? Marriages fall apart because people do not have work.

What about amending the Constitution so we can guarantee all kinds of rights to all people? Give me a break.

Mr. Speaker, I rise in strong opposition to H.J. Res. 106, the constitutional amendment on same sex marriage.

African-American voters are deeply divided on the issue of gay marriage and increasingly suspicious of Republican motives around the issue. Currently, 46 percent favor the amendment, while 46 percent oppose. Gay marriage should not be used as a wedge issue to divide any community, especially the African-American community. And guess what? In a June Gallup poll, issues related to the gay community were cited by 2 percent as the most important problem facing the U.S.—compared to other issues, such as the war in Iraq which was cited by 27 percent of the public.

The current administration's policies have devastated our communities. With unemployment in the African-American community double the national average, crime on the rise, and working families struggling to feed and keep their families together, we can't afford to lose focus and be bamboozled by Republicans who want to change the subject. Mr. Speaker, as of September 24 the gross Federal debt is $7.348 trillion. I submit to you that we cannot afford a whole host of things.

The American public wants Congress to focus on real issues facing our Nation—the economy, health care, protecting our homeland and education. To date, Congress has approved only 1 of 13 appropriations bills, despite the fact that a new fiscal year begins tomorrow.

We must focus our energy on good jobs—3 million lost in the last 3 years; better education; improved healthcare since 41 million don't have it; sound transportation funding; and turning around our communities—not about gay marriage.

Mr. Speaker, the administration has indeed captured the Nation's religious leaders on this issue because it does mirror concepts in various scriptures of their religious doctrines. Notwithstanding, it is precisely for that reason that we, in this august body, must resist the temptation to have the State engage in a religious battle. Separation of church and state is the basic principle of this Nation and it exempts us from this unnecessary action. Separation of church and state gives ministers, rabbis, imams, priests, reverends—you get my drift—the freedom to practice their faith and choose to marry, or more importantly not marry, any two people before them.

In these times of spreading war and hate, people of faith must reject politicians who say they are acting out of faith: But are they really? When one wears the cloak of one's faith on your sleeve, it almost automatically calls in question your motives. People who talk about right, justice, compassion and religion are in fact using those sentiments to contradict or undo the very teachings of their faith.

Mr. Speaker, this is not compassionate; it is not tolerant; it is not charitable; it is not inclusive. This is nothing short of divisive and political. Instead of dividing us, our leaders should make redemption, understanding and love the foundation of their policies because we are all sinners.

I believe it's time to start bringing people together to work on the real issues of faith and moral commitment that confront our communities like poverty and homelessness instead of changing the Constitution to deny equal rights to the gay community.

With record high unemployment, crime on the rise, and working families struggling to keep their families together, it's time to bring people together to turn our communities around.

We need to focus on real policies.

Amending the Constitution is the most far-reaching step that legislators can take in governing the citizens of this country, and it is my belief that the Constitution should be the instrument that protects and guarantees the rights of individuals; it should not be used to limit the rights of individuals. The defeat of this legislation is tantamount to the preservation of human rights in this country.

Mr. Speaker, I vehemently oppose H.J. Res. 106 and I will continue to do so until it is defeated.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI) to close.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time, our distinguished ranking member on the Committee on the Judiciary. I thank him for his leadership in promoting freedom in our country and protecting our civil liberties.

Mr. Speaker, I have been married for over 41 years. I want to hear some applause for that. I am glad to see my Republican colleagues appreciate that wonderful accomplishment. I certainly respect the institution of marriage. As the mother of five and the grandmother of five, I appreciate the value of family.

□ 1645

My husband and I value family in our community as a source of strength to our country and a source of comfort to the people. What constitutes that family is an individual and personal decision. But it is for all a place where people find love and support. As for me, I agree with Vice President CHENEY when he said, ''With respect to the question of relationships, my general view is that freedom means freedom for everyone. People ought to be free to enter into any kind of relationship they want to.'' That would be Vice President DICK CHENEY, August 24, 2004.

Mr. Speaker, in the closing days of this Congress, we should be addressing the urgent needs of the American people, to be secure against the clear and present danger of terrorism, to protect our men and women in uniform whose lives are in the battle in Iraq, and to bring economic prosperity and health care to the American people. Instead, we are meeting here today about tarnishing our cherished Constitution

with an amendment that purports to protect marriage but is one that benefits no one and actually limits the rights of millions of Americans.

Our Constitution, to which we all take an oath of office, is an enduring and living document that throughout our history expanded rights, not diminished them, to live up to the ideals of our Founding Fathers, that all are created equal and endowed by their Creator with inalienable rights to life, liberty and the pursuit of happiness. As that great defender of the Constitution, the late Congresswoman Barbara Jordan whose legacy graces this House, noted, ''We promised liberty, freedom and equality to everyone. No one was to be excluded from the blessings of liberty.''

As a result, this Nation abolished slavery, established equal protection under the law, extended the right to vote to women and ended the poll tax. Today, we consider an amendment that runs counter to that inclusiveness that underlies our history: one Nation under God, indivisible; and e pluribus unum, from many, one; and in the words of the Constitution, to form a more perfect Union.

This amendment has been brought with the full knowledge that it failed in the other body with no prospects of success, either now or in the foreseeable future, in this body. This is a partisan exercise to distract the American people from the Republicans' record of failure. And it is unworthy of a party that claims to be associated with President Lincoln, one of the greatest Presidents of the United States.

The consideration of this amendment does not call upon the better angels of our nature that President Lincoln spoke of in his first inaugural address. It calls upon the worst impulses of politics by attempting to enshrine discrimination into the Constitution and to single out a group of American citizens. And it is unworthy of a party that claims to be associated with President Lincoln once again who said in his second inaugural address, which I consider to be Lincoln's greatest speech, ''With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the Nation's wounds.''

This amendment is malicious and is not charitable toward anyone. It is motivated by animus towards lesbians and gays. It is a sad moment that those clinging to power want to use to divide the American people for what they perceive to be an electoral advantage. I will vote against this amendment because it is counter to the noble ideals of our Nation.

On substance, the amendment is far reaching to deny all matters of rights, even beyond marriage. The proponents have disingenuously claimed that this amendment would not preclude civil unions or domestic partnerships. At the same time, organizations supporting this amendment are now using similarly worded State laws to challenge recognition of domestic partnerships in several States. And we know these organizations, which the Republican leadership is beholden to, will not stop there. Because this amendment is not limited to governmental action and would apply to all private contracts, existing rights enjoyed by same-sex couples, such as hospital visitation, inheritance rights and health care benefits would be at risk if this amendment were to pass. This amendment is dangerous, and it does not belong in our Constitution.

Throughout our careers, many of us in Congress on both sides of the aisle have fought against discrimination in every form and sought to bring people together. I will vote again against this amendment because again it is counter to the noble ideals of our Nation and of the principle of ending discrimination and unifying our country. Whatever one's view of same-sex marriage, and I know that that is a difficult issue for some, I understand that, amending the Constitution is not the place to address this issue. Let us not defile our Constitution with an amendment designed to demean a group of American citizens. Let us not use our Constitution as a political tool to divide us. We are a better country than that and that is why this amendment will fail today.

The American people will see through the motivations behind this amendment. It is to distract the American people from the record of failure of this Republican Congress, a record that has been, according to editorials today, marked by ''shambling to the end of one of the lightest workloads in decades without a hint of embarrassment'' and ''failing at the most demanding obligations of government.''

Mr. Speaker, let us strive to unite people, to seek the best in ourselves, and to attend to the grave and great issues now before us. Let us honor our Constitution, let us honor our children, let us honor all God's children. Let us follow our better angels and reject this amendment.

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

Mr. Speaker, I know some wanted to pick a fight here today, trying to get us to talk about same-sex marriage, about homosexuality and all those kinds of things. We did not talk about them because that is not what this is about. What this is about is the family and the definition of family, so I will define it for you: a family is a man and a woman that can create children. Peter and Paul cannot create children. Mary and Jane cannot create children. It is about regenerating and re-energizing our population by being able to create children.

But more than that, it is about responsibility. A family is a man and a woman that can create children and rear them. It is how we create communities. It is how we transfer our values to our children, because if you destroy marriage and people do not get married, several things happen: first of all, men are let off the hook. Men can have the sex but not the responsibility of raising the children. That has happened in our society and societies in Europe and others. If you take away the responsibility, why should a man get married? But if he has a commitment with the woman, the mother of his child, then he realizes the responsibility of trying to raise that child. He also provides something more than Mary and Jane can provide. Mary and Jane can be great mothers and there are many of them that are great mothers. Peter and Paul can be great fathers. But Peter and Paul cannot be a mother. And Mary and Jane cannot be a father. The reason that one man and one woman is necessary to rear children is so that they can receive the benefits that a man can give them and that a woman can give them. They can see the commitment between a man and a woman, the trust that is committed between the two, the love. But more important than that, it is how that man and that woman transfer their values to their children.

It is also how each family can transfer its values by families coming together as communities and transferring those values to those communities. So when you ask the question, what harm is it, the harm is if nobody gets married and they are having children out of wedlock, which has already been said, children born out of wedlock are more likely to have all the maladies of societal ills, whether it be quicker on drugs, dropouts. We know. Every social ill can come down on these children. If that happens, then we are not transferring our values to communities and from communities to States. Our values as a Nation start with one man, one woman having children. That is what is at stake here. That is what is harmful.

You say, well, I am married. I am married for 37 years. I am very proud to be married. I have a daughter and a grandson. The point is that these breakups of marriage, and it is showing in the Netherlands and in Scandinavia, it is showing right here with all the pressures against marriage over the last 40 or 50 years, whether it be welfare or divorce. Divorce is a pressure against marriage. And when we take the responsibility for a marriage and do no-fault divorces, you are undermining marriage and making it easy to undermine marriage.

All the results of that we have seen. The welfare system was a great experiment. What we saw was fathers not marrying the mothers of their children, just having many children by many mothers and not responsible for raising these children, leaving these children to mothers and grandmothers and aunts to raise. And then we see the deterioration of their lives because they are raising themselves because their mothers and aunts and grandmothers have to work in order to raise

them to pay for the family, so they are raising themselves, no values, nothing. Gangs form because of that. Gangs become the substitute for families. Everybody knows that. If you get busted by a gang or mugged by a gang, that is the result of undermining marriage.

That is the problem. It is nothing about same-sex marriage, or single moms or any other kind of marriage. Those are wonderful. There are wonderful families being raised by gay people. There are wonderful families by single moms. But they are not the ideal. The ideal is established in our Constitution and in our society. We want the ideal.

So when the Massachusetts Supreme Court redefines marriage based upon not law, based on thin air, because we have these activist judges coming in to impose their definition of marriage on our society, we get a little concerned, because we have seen it before.

We did not stand up before and there have been 45 million children killed, unborn children killed, because we did not stand up to activist judges responding to a strategy of using the courts to legislate. Every leader of the groups that are opposing this legislation has announced to the world that they are going to take this to the U.S. Supreme Court. They are already doing it. There are 11 court cases right now. Nebraska has been overturned, Washington State, Massachusetts. There is a huge, huge effort in every State in this Union, even though 44 States in this Union have protected the definition of marriage.

They are after those State constitutions; and when they get at those, or using the full faith and credit clause, they can go to the Federal courts and then it begins. Then DOMA comes down. Then the United States Supreme Court, who has already signaled that they are going to, through Lawrence v. Texas, redefine marriage in this country, will amend the Constitution and redefine marriage.

We are starting the effort today. Yes, it may not pass today. I wish it would. It may not pass today. This is only the beginning, I am telling you, because this Nation will protect marriage.

□ 1700

This Nation knows, this Nation knows, that, if you destroy marriage as the definition of one man and one woman creating children so that we can transfer our values to those children and they can be raised in an ideal home, this country will go down.

So, believe me, everybody in this country is going to know how you voted today. And they are going to know how you stood on the fundamental protection of marriage and the definition of marriage. And we will take it from here, and we will be back. And we will be back. And we will be back. We will never give up. We will protect marriage in this country.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this amendment.

I am opposed to a constitutional amendment that would discriminate against any American. In more than 200 years of American history, the U.S. Constitution has been amended only 17 times since the Bill of Rights—and in each instance, it was to extend the rights and liberties of the American people, not restrict them.

The Federal Marriage Amendment could deny gay and lesbian couples and their children basic rights, protections, and benefits like hospital visitations and inheritance. It could also overturn civil unions and domestic partnership rights already enacted by some state and local governments. This amendment runs counter to my strong belief that all people should be entitled to equal protection under the law, regardless of ethnicity, gender, religion, or sexual orientation.

I urge my colleagues to let this debate unfold where it should: in our homes, in our synagogues and churches, in our courts, and in our hearts. I urge my colleagues to vote against this amendment.

Mr. MARKEY. Mr. Speaker, oil prices are approaching $50 a barrel, more than 1,000 young American men and women dead in Iraq, 6,000 wounded.

What are we debating here on the floor of Congress? We are talking up a bill to inject discrimination into the Constitution of the United States of America. Apparently, the Republican Congress believes that the fact that some States want to recognize the loving relationships of gay and lesbian couples is such a threat to our country that they are prepared to take the extreme measure of amending the Constitution.

Conservative activist Paul Weyrich shed some light on the current thinking in Republican circles which explains why this bill is really on the floor today. Here is what Mr. Weyrich had to say:

> The President has bet the farm on Iraq. Right or wrong, he has done it. Even if you disagree with the decision, you have to admire the President for putting it on the line and staying the course despite overwhelmingly bad news for months now.
>
> Therefore, Iraq will be an unavoidable topic of discussion in this campaign. The problem is that events in Iraq are out of the control of the President.

Mr. Weyrich writes, "There is only one alternative to this situation: Change the subject." He dismisses the option of taking up oil prices or the economy. Apparently, even he does not think those are winners for the President.

"No," he concludes, "what I have in mind to change the subject is a winner for the President. The Federal Marriage Amendment." The gay marriage issue, he gleefully advises, "will cause Senator KERRY no end of problems."

So that is what it is really all about. Republican leaders in Washington are running scared. They look at the polls on Iraq, on the economy, on jobs and they fear that the voters are going to rise up in November and toss them out of office, and as a result they bring up a resolution to alter the most sacred document in the land.

The Constitution was written to ensure that all Americans are treated equally. This provision will undermine that principle and tarnish the Constitution. I believe that any State should have the right, if it so chooses, to grant same-sex couples or unmarried couples the same legal rights as those conferred to heterosexual couples. This is the same policy supported by Vice President DICK CHENEY who stated during the 2000 Presidential election that same-sex marriages should remain a State issue and the Federal Government should recognize those State laws.

Vote "no" on this bill. It is a disgrace against the United States Constitution.

Mr. WEXLER. Mr. Speaker, this amendment would not only ban same-sex marriages but also civil unions, and I cannot support such a divisive and extreme measure. A majority of Americans rightfully recognize that same-sex couples who are committed to a lifelong relationship should enjoy all of the civil benefits that come with marriage. Being able to make medical decisions for an incapacitated partner, inherit property without large tax penalties and receive Social Security survivor benefits are examples of the civil aspect of marriage that are denied to same sex couples but are wholly unrelated to religious concerns.

Not only does this amendment completely disregard these basic liberties but it actually erodes the religious freedom upon which our great nation was founded. I am not alone in this grave concern. A coalition of 25 national religious groups—from the American Jewish Committee to the Alliance of Baptists, from the Episcopal Church to the Conference of American Rabbis—all believe that this amendment does more to erode religious freedom than preserve it.

An amendment restricting marriage to certain couples would be the first time in history that rights were denied solely to one group of Americans. Mandating discrimination in the Constitution would set a terrible precedent. Everyone in America should be concerned about who will be next.

Mr. MCDERMOTT. Mr. Speaker, today shame looms over this body. Today you place legislation before us to amend the Constitution to ensure that same sex marriages can never occur in any State in this country.

This legislation is all about politics. You know that you do not have the votes to pass this proposal. You have said so publicly. This proposal already failed in the Senate earlier this year. You know you do not have the time to spend on this proposal: the new fiscal year begins tomorrow and the Republican leadership has only managed to get 1 of 13 required appropriations bills passed. But you're going to make time for one reason: to get material for TV commercials.

You want TV commercials to run against Democrats. You think that they'll go nicely alongside the Republican National Committee's mailings saying Democrats want to ban the Bible and the ads that say that decorated war veterans are un-American traitors if they oppose the policies of the present occupant of the White House.

This vote is about hurting Democrats running for reelection. You want to hurt those of us opposed to amending the Constitution to deny gays and lesbians the rights that the rest of us enjoy, but the real hurt is unleashed on some of our nation's families: the millions of gay couples and lesbian couples, and their children.

People on both sides of this issue have sincere and deep feelings that deserve to be taken seriously. But today's vote mocks their concerns: they think you are out here on the floor to discuss who will be allowed to be a family in America, when you are really out here to work on who will be a Member of Congress after the election.

Today's vote is about Republicans toying with the emotions of a nation that genuinely

cares about commitment, about families, and about the institution of marriage. To the Republicans, our Nation's emotions—our fear and our worries—are to be employed and manipulated for their reelection campaigns.

The House of Representatives's rules are governed by the Jefferson Manual, and the majority has the right under our rules to bring this measure to the floor. But Jefferson's greatest manual was the Declaration of Independence, which reads in part, ''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.'' Exactly how that part of our Nation's creed will play out as our citizens grapple with notions of domestic partnerships, civil unions and same sex marriages is yet to be seen. It will certainly not be decided today.

Nowhere in the Declaration does it say that these rights are only for white, heterosexual men.

Jefferson opened the doors of liberty to all of us, Mr. Speaker. It's a disgrace that this body is using Jefferson rules to attempt to undo Jefferson's and the Western World's most profound achievement—acknowledge that we are all equal.

Mrs. BONO. Mr. Speaker, I rise today in opposition of H.J. Res. 106, ''the Marriage Protection Amendment,'' which would amend the United States Constitution, regarding the issue of gay marriage. As someone who has consistently revered the United States Constitution, I am very cautious of any efforts to amend this precious document and hold a high standard on what is worthy of this extensive process.

H.J. Res. 106 defines marriage within the United States as ''the union of a man and a woman,'' and I believe in this core philosophy. However, it is imperative that we preserve the integrity of the United States Constitution and do not dilute it with our political agendas and preferences. Although I do not support gay marriage, I do not feel that this issue renders the need to amend the United States Constitution. Neither would I support an amendment to the constitution that would give gay couples the right to be married.

Moreover, if enacted, the Marriage Protection Amendment would severely limit State rights. It precludes States from granting marital status or the ''legal incidents thereof'' to unmarried couples. The Federal Government should respect the rights of individual States, and should not be in the business of deciding whether States may grant the benefits of marriage to unmarried couples. It is the prerogative of States to make their own decision on whether to take on the burden of providing such benefits.

For all these reasons, I oppose this constitutional amendment.

Mrs. DAVIS of California. Mr. Speaker, I am disappointed that we are here today to debate this amendment.

As a strong supporter of civil rights protections, I am extremely concerned about the devastating implications of this legislation.

I am concerned because I believe that every individual deserves to be treated with respect, and our Nation's laws should be used to promote civil rights, not limit them.

In addition, the United States Constitution should be modified only in the most rare and necessary of circumstances, and those circumstances simply do not exist here today.

Amending this sacred document that has governed us for centuries has only been done 17 times in our Nation's history—and those changes have served to protect our rights as Americans.

Now is not the time to depart from that tradition by threatening the basic principle of equal treatment under the law.

And speaking of tradition, Mr. Speaker, we have heard a lot today about the value we should place only upon ''traditional'' marriage.

I would ask those who support this amendment so strongly to talk to the countless special needs children of this country, who have been adopted by caring and nurturing same-sex couples, what ''traditional'' means to them.

Although special needs children are a special gift to this world and to any family, it is often same-sex couples who are most willing to welcome these children into their homes.

If not for these couples, many of these children would never experience the value of a loving, stable home and the unconditional support of a family.

I am willing to venture that if any one of us asked any one of these special needs children if they would prefer two mothers—or two fathers—or no family at all, that choice would be simple.

And that is because there is no exact formula for creating a loving family. The only thing you need for certain is love.

Are we really challenging whether or not that love can exist in a home with two mothers or two fathers? I certainly hope not.

Mr. Speaker, we are still trying to bring peace and stability to Iraq and are losing more and more American lives in this process every day. Our economy is struggling under a $400 billion deficit. And we have a long way to go to get American workers back into meaningful work and to continue improving the education of our children.

It is regrettable that we have decided to overlook these pressing national needs to take up an amendment that I believe threatens healthy American families in our country today.

If it is truly our hope to protect the best interests of our children, we will join together to oppose this dangerous and unnecessary amendment.

Mr. VAN HOLLEN. Mr. Speaker, the question facing this Congress today is simple and straightforward. Should we amend the Constitution of this great Nation to restrict the rights and limit the freedoms of citizens of the United States. Our Constitution has been used to protect the rights of the minority against the sometimes discriminatory impulses of the majority. We must not today write discrimination into the very Constitution that has stood as a bulwark against discrimination. We must not enshrine injustice into a document meant to serve justice.

I don't often agree with Vice President CHENEY, but on this issue he is right. This issue should be left to our State legislatures.

This Nation confronts many pressing challenges—the war on terrorism, jobs and the economy, and the many other issues that demand our attention. We should not be spending our time on a divisive, politically motivated issue that responds to a non-existent problem.

Mr. HOLT. Mr. Speaker, I rise to express my strong opposition to H.J. Res. 106, the Marriage Protection Amendment.

Fredom. Equality. Inalienable rights. These notions are so enshrined in our national psyche that it becomes easy to think that they are just words, that we have attained these ideals, that there is no need for action, that all the battles for freedom and against discrimination have been fought and won.

But measures like the one we are considering today bring us back to reality and remind us how far we must go to achieve acceptance and fully equality under the law. Some in this Nation refuse to view this amendment as a blight on our democracy or as a measure that is in direct opposition to the ideals put forth by our Founders. They ignore that this amendment denies a minority population certain basic freedoms and continue to purport that our Nation's values and the institution of marriage is being threatened.

I certainly agree that the institution of marriage and a cohesive family unit are vital to the health of our communities and the success of our society. I strongly support initiatives such as TANF, which assist families and better our communities. Unfortunately, the amendment we are debating today does nothing to strengthen the bonds of matrimony, nor does it strengthen families or enhance or communities. In fact, it divides our communities, and sends a message of hate and contempt to a minority population and informs them that their government considers them to be second class citizens.

No one should be denied the opportunity to choose his or her life partner. It is a basic human right. It is a deeply personal decision. Throughout history, we have only moved forward when society has distinguished between traditional values and valueless traditions. Attacking gay couples who want to share lifelong obligations and responsibilities undermines the spirit of love and commitment and sends the wrong message to society.

In addition to the misguided policy of legislating a sensitive moral issue, this amendment is a misuse of the Constitution. The Constitution has been amended only 27 times in its more than 200 years. With the exception of the Eighteenth Amendment, which was later repealed, these amendments have reaffirmed and expanded individual freedoms and the specific mechanisms that allow our self-government to function. The amendment that we are considering today opposes this spirit of progress and reverses our movement towards extinguishing institutional discrimination that has harmed minority populations throughout our history.

I hope my colleagues will consider the cost this amendment will have on our democracy and more importantly the message it sends to those that are being judged by their government. I urge my colleagues to vote against this amendment.

Ms. KILPATRICK. Mr. Speaker, I rise today in opposition to H.J. Res. 106, the Marriage Protection Amendment under consideration by the House, and stand in support of the Constitution.

My opposition to this amendment is based on my fundamental support for the Constitution, which has been amended only 17 times to broaden as opposed to limiting the rights of Americans. When I took my oath of office, I committed to uphold the Constitution. Today's debate and consideration of this bill is a concerted and direct assault on the beloved Constitution. We are in effect debating and voting

on a bill that will do absolutely nothing to promote the institution of marriage. Our deliberation will not ensure that our most precious resource, children, the fruit of marriages between men and women, will be protected by passing this legislation.

Our efforts today are nothing more than a symbolic act that will not result in any appreciable change in current law. The Republican majority knows that this House will not pass this measure with the two-thirds majority vote necessary for it to be enacted. Previously, the Senate defeated a similar measure. Finally, there is absolutely no change that three-quarters of the states would pass a law to support amending the Constitution on this subject.

A federal amendment would intrude on the jurisdiction of state courts to establish rules for marriage. States rights are the philosophical and procedural cornerstone of the judicial framework utilized by state courts. If we pass this amendment in the House, we will be undermining the authority of state courts, and enabling the federal government to override the jurisdiction of those states.

This measure will not ensure that marriage couples will protect our children from abuse or ensure that marriages between men and women will endure and not end in divorce. It is for the reasons outlined, that I cast a no vote against this amendment, and a vote to continue to support the Constitution.

Mr. ORTIZ. Mr. Speaker, I rise in support of the ''Marriage Protection'' Constitutional amendment.

In the past, I have supported legislation that defines marriage, and keeps the control of the institution of marriage within each State in the Union. I don't believe in gay marriage, and supported the Federal statute Congress passed in 1996 making sure one State does not have to accept a marriage license not issued in their State.

Amending the Constitution is a grave matter, given it's only been amended 27 times in the history of this Republic, actually, 17 times excluding the Bill of Rights, the first 10 amendments to the Constitution were adopted along with the original Constitution.

I am opposed to amending the Constitution generally, and remain concerned about the repercussions of opening up our precious founding document to amendments about social issues.

But I have heard from thousands of my constituents in south Texas who believe the matter of marriage raises to the importance of including this definition as the 28th Amendment of the Constitution. I have heard the voices of south Texans on this matter.

We can never legislate the way people are born or the way they will live their lives. But we can make a statement today on the importance of marriage by passing this amendment and urging the Senate and three-fifths of the States to do the same.

I urge my colleagues to support the amendment as well.

Mr. HOSTETTLER. Mr. Speaker, I rise in opposition to this proposed Amendment to the Constitution of the United States.

Marriage is designed to be between a man and a woman, period. It is not for two women, nor for two men. It was for this reason that I authored the Marriage Protection Act, which passed in the House in July.

Nevertheless, I cannot in good conscience support this amendment.

I have two primary concerns.

The first is the potential this amendment has to federalize domestic relations law, that is the law of families, parents, custody, etc., all of which are now handled in the States.

Let me say at the outset that I am not among those who believe that marriage cannot be defined in our Constitution under principles of federalism.

But I am deeply concerned that we may unintentionally be doing far more than simply defining marriage.

By setting forth marriage in the Constitution will we also set forth the basis upon which some future Federal court claims the ability to enter into all forms of domestic relations law now reserved to the States? I say it is very plausible.

In fact, I thought it so plausible that I offered an amendment in the Committee on Rules this week to address this issue. My amendment would have added the following new section to all text:

> Nothing in this amendment grants any new legislative authority to the Congress of the United States or any new judicial power to the Supreme Court of the United States or any court created by Congress.

This amendment was not made in order.

Without some limitation, I fear a future where the entire realm of domestic relations law, be it marriage, divorce, child custody, paternity determination, adoption—you name it—will become fair game for a future Supreme Court.

Without some limitation on Federal power to assume all family law, I simply cannot support the present text.

The second problem with the current amendment arises out of my concern over the nature of marriage and what we are truly trying to protect in this amendment.

The supporters of this amendment contend that they have three goals: prohibit same-sex marriage; stop courts from granting the benefits of marriage to same-sex couples; and, allow State legislatures to enact civil unions or domestic partnerships if they so desire.

Regarding the second goal, that is prohibiting the courts from granting the incidents of marriage to unmarried couples, presumably those in civil unions or domestic partnerships, I contend that here they have simply failed.

They have failed because in introducing H.J. Res. 106, they have only restricted the courts from improperly construing State or Federal constitutions.

Unlike the original H.J. Res. 56, they have dropped the requirement that courts refrain from construing State or Federal law in the granting of the incidents of marriage to same-sex couples.

Hence, under this amendment any court, for any reason short of a constitutional one, may simply grant the incidents of marriage to unmarried couples and this amendment will not stop them.

At this point, one might say, shouldn't we match our amendment to that voted upon in the Senate in July? I say why? That amendment did not even obtain a majority of votes for cloture. My friends, it is dead.

As I said, the authors of this Amendment had three goals concerning the incidents of marriage. The third goal was to allow, yes allow, the legislatures in the States to enact civil unions or domestic partnership laws.

I ask those of you from California or Vermont what this Amendment does for you? The answer is nothing. Your domestic partner law in California and your civil union law in Vermont are unaffected.

This Amendment may actually, by restricting the courts' ability to grant the incidents of marriage but remaining silent as to the legislatures, provide a constitutional basis for civil unions. I cannot support this result.

I offered amendments to the Committee on Rules to address both these issues. Again, my amendments were not made in order.

I have not yet addressed the first goal of this amendment, that is to protect marriage.

I suppose that to the extent that marriage is not a mere word, I will concede that the authors met their goal.

But is the goal sufficient?

Let me conclude.

Simply protecting the term ''marriage'' is not enough. Marriage by any name is marriage, whether we call it ''civil unions,'' ''domestic partnerships'' or any other label that may be conjured up.

Marriage is too important to be only about semantics.

We must also be cognizant that while we may today be talking about same-sex marriage, someday in the future we may be laying the groundwork for all marriage issues to become federal.

I submit that given the makeup of the House this Amendment cannot pass. I suggest that if we really care about marriage, that we focus on the other constitutional tools that our founders gave to Congress. Let us remove the federal courts' jurisdiction in this area. Let us cut off the funding of the enforcement of unconstitutional decisions.

All of these means are sufficient to control the judiciary. In fact, by specifically addressing the power of the courts to construe constitutions we are actually giving support to the myth that the courts are already the final arbiters of the constitutions.

We must now allow this to happen. I respectfully urge my colleagues to consider what they are doing here today, including all of the ramifications of this Amendment.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise tonight to oppose this blatant attempt to hijack the Constitution of the United States for political gains.

On July 12, 1996 this House of Representatives voted for, and I supported the Defense of Marriage Act. On September 21, 1996 this bill became the Law of the Land as Public Law 104–199.

The Defense of Marriage Act states that ''No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising fro such relationship''.

I do not support a constitutional amendment to prohibit gay marriage. Historically, amendments to the Constitution have been utilized as a tool to protect or defend the rights and liberties of American citizens. Two prominent examples include the 13th Amendment abolishing slavery and the 19th Amendment giving women the right to vote.

Marriage has historically been in the domain of the States to regulate.

There is no Federal marriage certificate or license needed to be married; however, the

State determines how and when a license is necessary.

I am opposed to this Amendment. I do not feel that the Constitution of the United States should ever be used to limit the rights of citizens. States currently have jurisdiction over marriage, and can outlaw the act of same sex marriage if they choose.

This amendment does nothing to improve the major problems facing marriages today, particularly the Nation's extremely high divorce rate, 50 percent.

The reasons for this vote are politically motivated. At a time when 12 of the 13 appropriations bills, a budget, and transportation funding for the states have not been passed, why are we spending valuable floor time on a bill that has already failed in the Senate?

Do not support this amendment and let us get back to the people's business.

Mr. UDALL of Colorado. Mr. Speaker, I cannot support changing the Constitution along the lines of this proposal—so I will not vote for this resolution.

Under our federal system, there are many matters where the states have broad latitude to shape their laws and policies in ways their residents think fit, subject to the constitution's provisions that protect the rights of individual citizens.

One of those areas has been family law, including the regulation of marriage and divorce—but this amendment would change that.

Adoption of this amendment would for the first time impose a constitutional restriction on the ability of a state to define marriage. And it would do so in a way that would restrict, not protect, individual rights that now are protected by at least some state constitutions.

In my opinion, this is neither necessary nor appropriate.

Some of the resolution's supporters say it is needed so a state whose laws ban same-sex marriages or civil unions will not be forced to recognize such marriages or unions established under another state's laws.

They say this could happen because Article IV of the Constitution requires each state to give ''full faith and credit'' to another state's ''public acts, records, and judicial proceedings.''

But my understanding is that this part of the constitution has not required states to recognize the validity of all marriages of people from other states. In fact, over the years various states have refused to recognize some out-of-state marriages—and the ''full faith and credit'' clause has not been used to validate marriages because marriages are not ''judgments'' but ''civil contracts'' that a state may choose to recognize as a matter of comity, not as a constitutional requirement.

As if this were not enough, in 1996 Congress passed and President Clinton signed into law the ''Defense of Marriage Act.'' That law says ''No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.''

Not everyone thinks this was a good thing for Congress to do—I myself am not sure that it was. But the fact is that this law is on the books and has not been successfully challenged.

Given this history, I am not convinced that this constitutional amendment is necessary to prevent the ''full faith and credit'' clause being used to compel a state to recognize a same-sex marriage.

Moreover, when you focus on the language of the proposed amendment it becomes clear that protecting states is not its real purpose.

That purpose could be achieved by an amendment to the ''full faith and credit'' clause—perhaps by putting language along the lines of the ''Defense of Marriage Act'' into the constitution itself. But that is not what is being proposed here.

Instead, this amendment would restrict states, by establishing a single definition of marriage—the only definition that any state could recognize.

And unlike other constitutional amendments, it would not protect individuals either. It would write into the constitution a new limit on what legal rights they could hope to have protected by a state or the federal government. If adopted, this amendment would restrict individual liberties instead of expanding them. I think it is clear the real purpose of this amendment is to lay a foundation for discrimination against some Americans on the basis of their sexual orientation. In good conscience, I cannot support this.

Mr. Speaker, no proposed constitutional amendment should be taken lightly. On the contrary, I think such proposals require very careful scrutiny and should not be adopted unless there we are convinced that a change in our fundamental law is essential. I do not think this resolution meets that test, and so I will vote against it.

Mr. SERRANO. Mr. Speaker, I rise in strong opposition to the proposed amendment to the Constitution of the United States that would enshrine discrimination in one of our Nation's founding documents and insinuate the Federal government into an area of law and policy that has traditionally been left to the States.

Since the Bill of Rights was adopted, the Constitution has been amended only 17 times. That demonstrates the profoundly conservative approach the American people and their representatives in Congress have taken to changing the Constitution. Polls show that that approach continues today. Even among those who oppose gay marriage, a majority oppose using a constitutional amendment to ban it.

For my part, I believe that a committed couple, regardless of gender, should have the right to participate in a state-recognized marriage or civil union and to enjoy the rights and responsibilities conveyed by that legal relationship. It is in our society's interest that committed couples, whether in ''traditional'' or same-sex unions, be not only allowed but encouraged to form households, have families, and contribute to the health and stability of their neighborhoods and communities.

What religious bodies choose to recognize, sanction, or bless as marriage should be entirely up to them.

There are much more important issues we could be spending this time on. The American people have much higher priorities than this—the misguided effort to bring democracy to Iraq; the faltering economy; the loss of good jobs; the half-hearted, underfunded war on terrorism; the high price of gas; the millions of Americans without health insurance; and so on.

Mr. Speaker, this waste of an afternoon in an effort to pollute our Constitution with language requiring discrimination against a particular group of people, in violation of basic principles of federalism, is just wrong, and I urge my colleagues to show they share my disdain for this charade by voting ''no.''

Mr. OXLEY. Mr. Speaker, today, I stand in support of H.J. Res. 106, the Marriage Protection Amendment. I believe there are strong cultural, historic, and societal reasons for reaffirming the definition of marriage. For centuries, our society has been built upon the tradition that marriage consists of one man and one woman. The institution of marriage is not one made to discriminate, but was created to advocate an ideal home for children. This enduring and cherished institution is the healthiest way to raise strong families. We have to ask ourselves why we would want to change the institution of marriage after it has served human civilization so well over the course of time.

My home state of Ohio has spoken very strongly on this. The state legislature has passed its own Defense of Marriage Act, and I have received hundreds of letters on the issue from my constituents in the Fourth District. I believe there is a strong majority consensus in Ohio for the traditional definition of marriage. It now appears that proponents have received enough signatures through petitions to put this issue on the ballot on Election Day.

I do not take amending the U.S. Constitution lightly. But because of the decision made by activist judges in states like Massachusetts, there is no assurance that existing federal and state defense of marriage acts can remain intact. The American people deserve to be heard through their elected representatives, and that is why it is proper for the House to pass the Marriage Protection Amendment.

Mr. MEEK of Florida. Mr. Speaker, I rise in strong opposition to H.J. Res. 106 before the House of Representatives today.

The Constitution has never been amended to mandate discrimination. It is historically served to expand liberty and equality. This proposed constitutional amendment, if passed, would set a precedent at odds with the values and freedoms upon which the nation was founded. Further, it is an attack on the United States Constitution and the system of government that has made this country so great and has served us so well. Supporters of this resolution complain loudly about the decisions of ''unelected judges,'' but it is important to remember that those very unelected judges are a key part of our system of government—it is how the authors of the Constitution saw fit to protect the rights of minorities.

By trying to amend the Constitution, conservatives are trying to cut off the emerging national debate on same-sex marriage. Amending the Constitution has only been done 27 times before in our history. It is something that is traditionally done only when there are no other options, but the country has only just begun to try to work through this issue.

Even for people who, like myself, believe that marriage is between a man and a woman, this measure does nothing to strengthen or protect those bonds. It seems to me that if a threat exists to marriage, it is that too many of them fail. For every two marriages that occurred in the 1990s, one ended in divorce.

The stresses on marriages today are great, but they don't have to do with the jurisdiction of the federal courts. This bill does nothing to deal with problems like affordable housing, quality education and training, daycare for young children, high costs of gasoline, electricity and food, high unemployment rates and underemployment, and the lack of health care coverage and other benefits that place severe strains on many families.

Today, the very nature of the typical American family is changing. Just as families headed by only one adult were rare only a few decades ago but are common today, non-traditional couples are now a widespread fact of American society. Nearly 200 Fortune-500 companies and numerous municipalities and organizations have already recognized this fact on their own and provide benefits to same sex couples. In addition, several municipalities have adopted local ordinances prohibiting discrimination based on sexual orientation in housing and employment.

This proposed constitutional amendment is heavy-handed and unnecessary. The companion amendment in the United States Senate not only failed to meet the required two-thirds vote for adoption, but it failed to even receive a simple majority of the membership, failing 48–50. At best, it is bad policy that does not get to the core of the problems that face American families today. At worst, it is a ruinous attack at the very foundation of this great country—A Constitution that protects the rights of the individual over the tyranny of the majority.

No matter one's individual beliefs, there can be no excuse to putting limitations on one person's rights for another person's beliefs in a document under which we all live—the Constitution of the United States of America. I hope that my colleagues will join me in opposing this ill-advised, unnecessary, and bad precedent-setting amendment.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to H.J. Res. 106, the so called federal marriage amendment. This bill would turn over 200 years of state jurisprudence on its head, attempting to federalize marriage.

This resolution is another attempt to mandate one definition of marriage upon the states. I ask my colleagues if we take away this right from the states, what's next? Where does it stop? Take away local decisions for education or child custody issues. Between the consideration of this bill and the court stripping bills that have passed this House, it leads me to believe, Mr. Speaker, this is just another cynical political ploy by the majority during an election year.

Like Vice President CHENEY and former Representative Bob Barr, I believe the voters of each state should decide for themselves who can and cannot marry. It has always been a state function. It should remain so. To take away that right of the state to decide this issue, we endanger basic principles of the federal system in which we live. As our Constitution so eloquently states in the Tenth Amendment of our federal Constitution, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

Mr. Speaker, amendment of our Constitution has happened only 17 times since the Bill of Rights was passed. Some of those amendments do not look so good today. Many of those not adopted now look worse. We should not lightly tamper with the perfection, beauty and majesty of our great Constitution. This bill was filed only last Friday, rushed through the Rules Committee on Tuesday night, and voted on today.

There have been no Committee hearings, no time to look at different amendment proposals, and no opportunity to have the important deliberations that should take place when amending the Constitution. We have heard nothing from our concerned citizens and from our Constitutional scholars.

The issue before us today is not whether you are for or against gay marriage. It is whether or not we should federalize marriage and take away the right of the states to define marriage.

Now Mr. Speaker, I supported the Defense of Marriage Act and continue to do so. At this point, the Defense of Marriage Act remains the law of the land. It works. Nothing yet threatens this law.

Those proposing this amendment rely on hypothetical dangers to try and push through a dramatic, but mischievous change to our Constitution. I am opposed to taking away the right of each state to have its citizenry decide how to define marriage. It seems to me too many people are meddling in this matter for political reasons. Let the states continue to decide sound public policy on this subject.

We must never rush to amend our Constitution. Mr. Speaker, I oppose this bill and ask for my colleagues to vote against this iniquitous, politically inspired, and destructive legislation.

Mr. PAUL. Mr. Speaker, while I oppose federal efforts to redefine marriage as something other than a union between one man and one woman, I do not believe a constitutional amendment is either a necessary or proper way to defend marriage.

While marriage is licensed and otherwise regulated by the states, government did not create the institution of marriage. In fact, the institution of marriage most likely pre-dates the institution of government! Government regulation of marriage is based on state recognition of the practices and customs formulated by private individuals interacting in civil society. Many people associate their wedding day with completing the rituals and other requirements of their faith, thus being joined in the eyes of their church and their creator, not with receiving their marriage license, thus being joined in the eyes of the state.

If I were in Congress in 1996, I would have voted for the Defense of Marriage Act, which used Congress's constitutional authority to define what official state documents other states have to recognize under the Full Faith and Credit Clause, to ensure that no state would be forced to recognize a ''same sex'' marriage license issued in another state. This Congress, I was an original cosponsor of the Marriage Protection Act. H.R. 3313, that removes challenges to the Defense of Marriage Act from federal courts' jurisdiction. If I were a member of the Texas legislature, I would do all I could to oppose any attempt by rogue judges to impose a new definition of marriage on the people of my state.

Having studied this issue and consulted with leading legal scholars, including an attorney who helped defend the Boy Scouts against attempts to force the organization to allow gay men to serve as scoutmasters, I am convinced that both the Defense or Marriage Act and the Marriage Protection Act can survive legal challenges and ensure that no state is forced by a federal court's or another state's actions to recognize same sex marriage. Therefore, while I am sympathetic to those who feel only a constitutional amendment will sufficiently address this issue, I respectfully disagree. I am also concerned that the proposed amendment, by telling the people of the individual states how their state constitutions are to be interpreted, is a major usurpation of the states' power. The division of power between the federal government and the states is one of the virtues of the American political system. Altering that balance endangers self-government and individual liberty. However, if federal judges wrongly interfere and attempt to compel a state to recognize the marriage licenses of another state, that would be proper time for me to consider new legislative or constitutional approaches.

Conservatives, in particular, should be leery of anything that increases federal power, since centralized government power is traditionally the enemy of conservative values. I agree with the assessment of former Congressman Bob Barr, who authored the Defense of Marriage Act:

''The very fact that the FMA [Federal Marriage Amendment] was introduced said that conservatives believed it was okay to amend the Constitution to take power from the states and give it to Washington. That is hardly a basic principle of conservatism as we used to know it. It is entirely likely the left will boomerang that assertion into a future proposed amendment that would weaken gun rights or mandate income redistribution.''

Passing a constitutional amendment is a long, drawn-out process. The fact that the marriage amendment already failed to gather the necessary two-thirds support in the Senate means that, even if two-thirds of House members support the amendment, it will not be sent to states for ratification this year. Even if the amendment gathers the necessary two-thirds support in both Houses of Congress, it still must go through the time-consuming process of state ratification. This process requires three-quarters of the states' legislatures to approve the amendment before it can become effective. Those who believe that immediate action to protect the traditional definition of marriage is necessary should consider that the Equal Rights Amendment easily passed both Houses of Congress and was quickly ratified by a number of states. Yet, that amendment remains unratified today. Proponents of this marriage amendment should also consider that efforts to amend the Constitution to address flag burning and require the federal government to balance the budget have been ongoing for years, without any success.

Ironically, social engineers who wish to use federal government power to redefine marriage will be able to point to the defense of traditional marriage through a constitutional amendment as proof that they have the legitimate authority to redefine marriage. I am unwilling either to cede to the federal courts the authority to redefine marriage or to deny a state's ability to preserve the traditional definition of marriage. Instead, I believe it is time for Congress and state legislatures to reassert their authority as a co-equal branch of government by refusing to enforce judicial usurpations of power.

In contrast to a constitutional amendment, the Marriage Protection Act requires only a majority vote of both Houses of Congress and the President's signature to become law. The bill has already passed the House of Representatives; at least 51 Senators would vote for it; and the President would sign this legislation given his commitment to protecting the traditional definition of marriage. Therefore, those who believe Congress needs to take immediate action to protect marriage this year should be focusing on passing the Marriage Protection Act.

Because of the dangers to liberty and traditional values posed by the unexpected consequences of amending the Constitution to strip power from the states and the people and further empower Washington, I cannot in good conscience support the marriage amendment to the United States Constitution. Instead, I plan to continue to work to enact the Marriage Protection Act and protect each state's right not to be forced to recognize a same sex marriage.

Mr. KIND. Mr. Speaker, I rise to express my disappointment that this body has brought the Federal Marriage Protection to the Floor at a time when only one of the thirteen appropriations bills has been passed into law and other important legislation, such as the transportation reauthorization bill and intelligence reform have not yet become law.

This is not to say that I believe the issue of gay marriage to be unworthy of discussion. I understand that some people firmly regard gay marriage as a civil right while others find it antithetical to their religious or moral beliefs. Reasonable people can disagree on this issue, and it is a subject which our country must continue to discuss. In America, however, the authority to grant legal status to a marriage has been a function reserved for the states, and different states have different laws regarding issues ranging from blood-testing to waiting periods before marriage.

Some, including the proponents of this bill, will argue that an amendment to the U.S. Constitution is necessary to keep one state from forcing another to accept same-sex marriages. In fact, this is not necessary because of the 1996 Defense of Marriage Law, which provides that states, U.S. territories, or Indian tribes do not have to recognize same-sex marriages granted by other states. Further, the Act defines marriage, for the purpose of federal benefits and rules, as the legal union between one man and one woman. Therefore, the Wisconsin law which recognizes marriage as a relationship between a husband and wife is protected.

Mr. Speaker, when it comes to amending the United States Constitution, I am very conservative. Like Republican Senator CHUCK HAGEL, conservative columnist George F. Will, and the Republican author of the Defense of Marriage Act, Bob Barr, I am opposed to amending the Constitution for the purpose of outlawing gay marriage. In its 215-year history, the Constitution has been amended only 27 times, and we must not add amendments limiting rights rather than expanding them.

DICK CHENEY has stated "With respect to my views on the issue, I stated those during the course of the 2000 campaign, that I thought when it came to the question of whether or not some sort of legal status or legal sanction were granted to a same-sex relationship that that was a matter best left to the states. That was my view then. That's my view now." (Scripps Howard New Service, January 9, 2004). As recently as August, 2004, Vice President DICK CHENEY, speaking of gay marriage, affirmed that, "marriage has historically been a relationship that has been handled by the states." Like Vice President CHENEY, I do not believe the U.S. Congress needs to intrude on this state issue. Because of my great respect for the Constitution, and for the federal nature of the government which the document dictates, I will vote against this resolution, and I urge my colleagues on both sides of the aisle to do the same.

Mr. CARDIN. Mr. Speaker, I rise in opposition to H.J. Res. 106, a constitutional amendment regarding marriage.

I personally believe that marriage is the union of a man and a woman. In 1996, I voted in favor of the Defense of Marriage Act (DOMA), which became law with President Clinton's signature. The Act defined marriage for federal purposes as a legal union between one man and one woman. The bill also protected states from being compelled to honor another state's law or judicial proceeding that recognizes marriage between persons of the same sex. DOMA is current federal law.

I am therefore puzzled as to why the House leadership has chosen to schedule this matter for a vote in such a hasty manner, without the benefit of a markup in the Judiciary Committee, just one month before Election Day. In July of this year, the Senate rejected this amendment by a vote of 48–50, short of even a majority vote, and much less than the two-thirds vote required to send the amendment to the states for ratification.

This amendment is unnecessary. DOMA is the law of the land which both defines marriage at the federal level and protects states from having to change their own definitions of marriage by recognizing other states' same-sex marriage licenses. DOMA has never been invalidated by any court, and many states have properly used DOMA to refuse to recognize same-sex marriages performed in other states. The decision of the citizens of Massachusetts to authorize same-sex marriages in their state in no way requires the citizens of the state of Maryland to do so.

I am also concerned about the unnecessarily broad scope of the amendment, which states that Federal or State constitutions shall not be construed "to require that marriage *or the legal incidents thereof* be conferred upon any union other than the union of a man and woman." (emphasis supplied). Many State, county and local governments currently provide either domestic partner benefits or civil union benefits to gays and lesbians in their jurisdictions. Such benefits include visiting each other in the hospital, sharing health insurance plans, and rights of inheritance. These benefits—again, decided by local governments and citizens—could be called into question by this Federal constitutional amendment if they are considered "legal incidents" of marriage. As compared to a Federal statute, a constitutional amendment limits the ability of Congress to make future changes.

The first sentence of the amendment does not even require State action, which means that private parties—such as religious institutions and private businesses—could be bound by the Federal Government's definition of "marriage." The amendment could therefore call into question the benefits that many companies provide to same-sex partners. I note that a broad array of both civil rights, religious, and business organizations are opposed to the amendment.

Finally, Congress should only adopt a constitutional amendment as a matter of last resort when a statutory approach is ineffective. In this case, that standard has not been met. We have only amended our Constitution seventeen times since the adoption of the Bill of Rights in 1791.

I have consistently supported legislation to protect the civil rights of all Americans, regardless of their sexual orientation. For example, I believe that Congress should make it illegal to terminate an employee solely on the basis of sexual orientation. I believe this amendment is inconsistent with the civil rights currently enjoyed by many gays and lesbians as a result of State and local laws. This constitutional amendment could inadvertently sanction discrimination based on sexual orientation beyond the legal status of marriage.

Mr. CRANE. Mr. Speaker, the institution of marriage is a sacred union between a man and a woman, and with God and the community. That is why I voted for and strongly supported the 1996 Defense of Marriage Act (DOMA), which was passed by Congress by an overwhelming bipartisan margin and signed into law by President Clinton. The Defense of Marriage Act defines marriage as being between one man and one woman, and also provides that no State shall be required to accept a same-sex marriage license granted in another State.

Opponents of this amendment say we are voting too early on this amendment. They say that traditional marriage is protected by DOMA. However, I know that unless this amendment passes, State and Federal judges will overturn laws protecting traditional marriage after this year's election, just as I know tonight the sun will set.

Left-wing activists in at least twelve other States have filed lawsuits like the one that imposed same-sex marriage in Massachusetts. Without a constitutional amendment, judges and local officials will continue to attempt to redefine marriages in their States. A handful of judges are doing the work of a liberal few and forcing us to act to protect what should be a settled matter of law. These judges can strike down the Defense of Marriage Act just as four judges in Massachusetts did earlier this year.

The only way to ensure that the people's voice to be heard is an amendment to the Constitution—the only law a court cannot overturn. The future of marriage in America should be decided through the democratic constitutional amendment process. By passing the Marriage Protection Amendment, the American people will have the final say on marriage in the United States, not a group of judges.

Mr. Speaker, I urge my colleagues to trust the judgment of the American people and allow them to make the final decision on marriage by voting for the Marriage Protection Amendment.

Mr. DELAHUNT. Mr. Speaker, here's the choice. On one hand, a rich constitutional tradition. On the other hand, the politics of divisiveness. What a despicable choice it is.

With just days left before hitting the campaign trail, this Congress sets a remarkable record today. Since January of this year, the Republicans had the House in session for 93

days. Fewer days than any other single Session since 1948.

The Republicans control the House, the Senate and the White House. Here's the tally: No votes on energy reform. No action on the assault weapons ban. No criminal justice reform. No Homeland Security bill. And no action on minimum wage and unemployment benefits.

We can't pass a budget. Only one of 13 annual appropriations bills got done on time this year. And in Iraq, the violence continues. Yesterday, a car bomb explosion killed over 30 people—injuring over 100. We have lost over one thousand American soldiers in this war.

So which of these enormous challenges do we take on today? None of them. Instead, we're debating a constitutional amendment on marriage that is not going anywhere—it has already failed miserably in the Senate. We are just going through the motions here. The Majority is placating its base. For partisan advantage and with total disregard for our constitutional history and the core conservative value of federalism and defense to the State.

Just last month the Vice President said: ''people ought to be able to be free.'' Well, Mr. Vice President, to my surprise, we actually agree on something. People should be free to love who they want. And free to marry who they love. And live in a state where they have equal rights and opportunities, and equal access to government.

But State rights are under attack—from the self-styled conservatives no less, the same folks who are crusading to preempt State gun safety laws, get rid of consumer protection provisions, to eliminate fair lending laws. Why not abolish the 10th Amendment too?

I agree with our former colleague Bob Barr—one of the stronget supporters of States' rights ever to serve in this body. There are three reasons why a constitutional amendment is the wrong choice.

First, marriage is a state issue. Each state should be able to decide on its own how to define marriage for its citizens. Federalism means state sovereignty. We hear a lot of talk about my home state. Let me tell you something—Massachusetts is not forcing other states to take up this issue. Marriage is a matter that has always been left to the states. And each state should be allowed to address this issue in its own due course.

Second, once we start messing with the Constitution, where will it end? With this precedent, the Republicans show a willingness to change the Constitution for ideology. What's next? A Constitutional Amendment on tax cuts? Corporate welfare? The draft?

Finally, Federal constitutional amendment on marriage is unnecessary, irresponsible and irrational. It is wrong.

The House Majority is pitting the Constitution against a craven political calculus. This is election year pandering at its worst. This is a meaningless and demeaning gesture, and insult to those holding sincere beliefs on this issue, all at the expense of our constitutional heritage.

I urge my colleagues to reject this despicable posturing.

Mr. RANGEL. Mr. Speaker, I rise in opposition to H.J. Res. 106, the Marriage Protection Amendment.

This amendment should be more rightfully called the Republican Incumbency Protection Amendment. Like the bill we debated on this floor yesterday to abrogate gun laws in the District of Columbia, this amendment is nothing more than an election year wedge issue. Already defeated in the Senate last July, it is another attempt to create a campaign issue to use against Democrats. It is a shame that the People's House should be diminished in this way.

Even more so, this is an affront to our great Constitution. It reverses the constitutional tradition of protecting individual freedoms by attempting to limit those rights to millions of people. This is a cynical and dangerous violation of everything we have come to expect from that great document. This is no time to start rolling back freedom.

What a great contradiction we are witnessing today at that party, which professes the sanctity of individual rights and privacy of the individual, seeks a blanket intrusion into the lives of a group of people under the guise of protecting marriage, the most private of institutions.

While it was President Bush who initiated this bill with his call for a Constitutional amendment last February, I would hope that some members of his party would agree with the position of Vice President CHENEY that this issue should be left to the states and not enshrined in our national constitution.

Mr. STARK. Mr. Speaker, I rise in strong opposition to House Joint Resolution 106, the so-called Marriage Protection Amendment, which proposes an amendment to the U.S. Constitution to ban same-sex couples from getting married or receiving any of the rights of marriage. The right-wing political machine is churning out divisive legislation at a record pace as we get close to the election, but this is a new low. They would, for the first time ever, target a specific group of Americans in our most sacred document, and permanently ban them from having equal rights under the law. This proposed amendment not only bans marriage, but any of the ''legal incidents thereof,'' meaning that the supporter of this amendment think our founding document should keep gay and lesbian couples from filing a joint tax return, inheriting property, or visiting their partners in the hospital.

It's one thing for the Republicans to claim that banning flag burning will make us more patriotic or to propose a balanced budget amendment when they're running the highest deficits in history, but to play their political games with millions of Americans is beneath contempt. Apparently, there are a lot of things the supporters of this amendment don't understand about our government:

The Constitution has always defined the limitations of government and liberties of people, not the other way around.

Citizens of the United States are guaranteed equal treatment under the law, even if they aren't popular.

For people who choose a religion, there are two separate marriages: a civil contract and a religious ceremony. That religious ceremony has nothing to do with our laws. A church can marry whomever it wants and refuse to marry whomever it wants. For example, Churches in Massachusetts don't have to marry gay people even though the State does.

The civil contract part of marriage is enforced by a set of laws that affect property, children, health care and other responsibilities and rights. In the U.S. we are required by the Constitution to divorce these laws from any religious influence.

Passing this amendment would take us down a dangerous path of trying to make civil and religious marriage one in the same. If we're going to bring our civil marriage system in line with religious marriage, then we also need to pass an amendment banning Catholics from getting divorced.

The fact that Massachusetts is marrying same-sex couples doesn't mean that other States have to do the same. Already, 44 States have specifically banned gay marriage, and the Constitution guarantees their right to set their own policies on State issues.

Constitutional amendments have to be passed by two-thirds of both the House and Senate before being submitted to the States for ratification. This amendment has already failed in the Senate, so today's vote is all a cynical, hateful political game.

Mr. HOEKSTRA. Mr. Speaker, I rise in support of the Marriage Protection Amendment and urge my colleagues to vote in favor of this important legislation.

Marriage as the union of one man and one woman is our most basic and fundamental social institution. It is so central to the well-being of our society that, until recently, it was difficult to imagine that marriage itself would need explicit constitutional protection.

However, recent court rulings and the actions of some local officials have forced the debate upon us. In an ongoing effort to redefine marriage for all of American society, the judgment of the American people is in danger of being overruled by a handful of activist judges.

The Marriage Protection Amendment will protect marriage as the union of one man and one woman and ensure that the democratic process is followed on questions relating to this fundamental social institution.

Some will question the need for a constitutional amendment, but let's be realistic. The U.S. Constitution will be changed whether the Marriage Protection Amendment is approved or not.

Either activist judges will impose a new definition of marriage on the entire country, or the American people, through their elected representatives, will have the opportunity to determine what marriage will be.

There is a broad consensus among the American people that marriage is uniquely and essentially the union of one man and one woman. Congress needs to act today and give voice to the majority of Americans who want traditional marriage protected.

The record is clear. Whenever the American people have had the opportunity to vote directly on the issue, they have overwhelmingly voted in favor of traditional marriage.

The state of marriage and the American family is a matter of crucial importance, and I trust the judgment of the American people on this matter.

The future of marriage should be decided by the American people, not by activist courts. Vote in favor of the Marriage Protection Act, protect traditional marriage and ensure that the American people will have a say in the future of marriage.

Mr. MEEHAN. Mr. Speaker, I rise in strong opposition to the Federal Marriage Amendment.

Today in America: 8 million people are out of work—2.7 million have exhausted their unemployment benefits; 45 million people don't have access to health care; our classrooms

are underfunded by $25 billion; gasoline prices have reached $50 per barrel one-third of the intercepts from al Qaeda have not been translated into English; and, more than 1,000 Americans have been killed in a foreign quagmire with no end in sight.

It's time for bold and honest leadership, and for all Americans to unite in confronting these urgent challenges. Yet with precious few days left in the legislative session, the leadership in Congress has decided that our time is best spent trying to divide Americans for political reasons. And the device they are using to divide us is the most sacred document of all—the Constitution of the United States.

The Constitution has always united Americans behind a shared set of ideals. In our history, the Constitution has been amended only to protect and expand our rights. Since the Bill of Rights, our Nation has passed constitutional amendments to abolish slavery, to give all Americans equal protection under the laws, and to extend the right to vote to former slaves, women, and young Americans.

Never in our history has a constitutional amendment been used to take rights away. The Federal Marriage Amendment destroys that tradition simply to pander to the political base of the Republican Party 5 weeks before an election. This amendment has little to do with defending the institution of marriage.

With the strains on today's families and the incidence of divorce and broken homes, I fail to see how we strengthen the institution of marriage by forever excluding couples willing to enter into a lifelong commitment.

Our society encourages and values a commitment to long-term monogamous relationships—and we honor that commitment through the legal institution of marriage.

Same-sex couples are not asking for special rights or special favors. They are asking for the opportunity to make a commitment to one another—to share in a conservative institution and the rights and responsibilities it entails.

I understand that this is an issue where good people may disagree, and where many diverse faith traditions are brought to bear. But let's be clear—if we leave the Constitution intact, every church, every community, and every State will still be free to define marriage as they choose.

There is simply no Federal issue here and no need for a Federal solution. The Supreme Judicial Court of my State of Massachusetts has found that our State law violates our State constitution. It's a State matter, and we are handling it in Massachusetts.

I have confidence in the people of Massachusetts that we will arrive at a solution based on our laws and our values. The outcome will have no effect on the laws of other States.

My Republican colleagues have decried heavy-handed solutions from Washington and defended States' rights. Vice President CHENEY has asserted that this is an issue for the States to decide. So did Texas Governor George Bush before he came to Washington and flip-flopped.

I would plead with my colleagues who pride themselves as ardent defenders of States' rights and local control—we don't need Federal interference in Massachusetts.

We should be honest with our constituents that the Federal Marriage Amendment on the House floor today has no chance of passage. It has already been rejected by the Senate.

Today's vote is nothing more than a transparent political gimmick. It's a shameful assault on millions of hard-working, law-abiding Americans.

And it's a shameless attempt to divide all Americans at a time when unity is needed like never before.

I urge my colleagues to protect the Constitution, not degrade it for political reasons. Vote ''no'' on the Federal Marriage Amendment.

Mr. STEARNS. Mr. Speaker, I rise today in support of the rule and this amendment.

We did not seek this debate, but it was thrust upon us. A handful of judicial activists have sought to change the traditional definition of marriage through judicial decree.

Supporters of same-sex marriage are vocal, tireless, and well-funded. They are eager to attack the traditional meaning of marriage through whatever court is willing to listen. They are determined to force this revolutionary and destructive view of marriage down the American people's throats.

But there is hope for the millions of Americans who value the traditional definition of marriage. Their hope is the democratic process and this amendment. Supporters of same-sex marriage cannot win through the democratic process. Again and again, when the issue has been put forth in the court of public opinion, they have lost miserably.

Mr. Speaker, this vote today is what our democracy is all about. The response of my constituents and Americans throughout the country has been overwhelming and impressive. The vast majority of Americans have risen to the defense of traditional marriage. Today, the voice of the American people will be heard.

Ms. HARMAN. Mr. Speaker, September 13 was an important date for Congress. It marked the expiration of the decade-old Assault Weapons Ban. Police Chiefs across the country strongly encouraged the extension of this ban. President Bush even announced he would sign an extension if Congress presented him with the opportunity. Unfortunately, the Republican leadership did not deem the ban fit for a vote.

Instead, Congress squanders valuable time voting on matters that either have no bearing on the real work at hand or are designed as divisive wedge issues.

Just yesterday the House voted to repeal the District of Columbia's 28-year-old assault weapons ban and to prohibit the DC Government from enacting such laws in the future.

That was yesterday, Mr. Speaker. Today, the House, in another profile in courage, will devote valuable time to one of the most divisive of wedge issues—a vote on a constitutional amendment to ban gay marriage.

Are these the most pressing issues of the day for Congress? For the American people? Of course not. Al Qaeda will not stop at the borders of Washington, DC, in fear of our newly armed city, but tourists and other visitors might. And DC residents, Members of Congress and their families will be at greater risk.

Nor will our ports, railways, airports, and other critical infrastructure be more secure because we waste time on what is certain to be a failed Federal effort to ban gay marriage.

States have long regulated marriage and I do not believe that America has suffered from this practice. I believe State legislatures and courts are the proper arbiters of questions of community values. On this issue there is bipartisan agreement. Indeed, four of the featured speakers at the recent Republican convention oppose this amendment, including Vice President CHENEY and California Governor Schwarzenegger.

We have traditionally amended the Constitution to grant a broader range of rights to Americans. Why, in the 21st century, are we breaking from this 200-year-old tradition? In my view, the Constitution should be amended rarely, dispassionately, and only in the interest of codifying or expanding rights and liberties. This proposed amendment fails to meet that test, is divisive, and distracts from more urgent priorities.

If America is hit by terrorists again, I fear that history will look back at us with a scathing and sorrowful eye. There will be anger at our misplaced priorities, and sadness that we fell victim to the passions of those whose vision for America's future is clouded by fear and intolerance.

I oppose H.J. Res. 106 and urge my colleagues on both sides of the aisle to oppose it. We need to put this shameful vote behind us and focus on problems that all Americans agree need to be addressed, such as jobs, health care and, most of all, national security.

Ms. ROS-LEHTINEN. Mr. Speaker, although I will not be present when the House convenes on Thursday, September 30, 2004, for consideration of the H.J. Res 106, the Marriage Protection Amendment. I oppose it, just like Vice President DICK CHENEY, because it undermines the principles of federalism espoused by most Republicans and interferes with the rights of States that have been recognized since the founding of our country.

Furthermore, we should not change the Constitution for the purpose of singling out one group for discrimination. A constitutional marriage amendment is also unnecessary given that the Defense of Marriage Act already defines marriage as a union between one man and one woman.

Finally, the argument that the Marriage Protection Amendment is needed to stop activist judges and courts from forcing the American people to accept gay marriage is unfounded, a fact evidenced by the numerous marriage-related bills—both in favor of and against same-sex marriage—currently pending in more than two dozen State legislatures around the country.

That is why, if I were present, during the vote for H.J. Res. 106, I would have voted against the Marriage Protection Amendment. In light of the fact that the first Presidential Debate is being held in my congressional district on Thursday, I must remain in Florida.

Mr. HONDA. Mr. Speaker, I rise today in strong opposition to H.J. Res. 106, the so-called Marriage Protection Amendment. This measure seeks to amend the United States Constitution and define marriage as the union between a man and a woman, denying gays and lesbians the right to marriage and the legal benefits that come with it.

In the 200-year history of this great Nation, our Constitution has been amended a mere 17 times since our Founders drafted the original 10 amendments.

This amendment would be the first ever to strip a specific group of constitutional rights, directly contravening our history of expanding civil rights and liberties to the previously disenfranchised.

This amendment appeals to many Americans' deeply held belief that marriage is a religious covenant only between a man and a woman.

But marriage is also a legal contract, and the fundamental principal of equal protection dictates that all citizens have access to the benefits of such contracts.

The legal right to marry—be it man-to-woman or same-sex—is and must remain separate from the religious one.

This amendment will exclude some Americans from the full range of human experience to which they are entitled under the full protection of the law. Therefore, I believe that this measure must be defeated.

Mr. VITTER. Mr. Speaker, today I rise in support of the constitutional amendment to protect marriage as between one man and one woman. This is a very important issue for congress to address, and I am glad to have been part of the movement to bring this legislation to the House floor.

Marriage is a core institution of societies throughout the world and throughout history. It's something that has provided permanence and stability for our very social structure. Today, statistics clearly show that couples who are married are happier and better off economically, and that children who are raised in homes with a traditional, two-person married couple are better off. The societal benefits to protecting and promoting traditional marriage are, in fact, numerous.

In my home state of Louisiana, we voted just recently on a statewide constitutional amendment to define marriage in the traditional sense as between one man and one woman. The amendment passed with 78 percent, which clearly shows that an overwhelming majority of Louisianians want to see this legislation passed today.

Some opponents of this measure claim that states should decide. I strongly believe in letting states decide issues for themselves, and Congress tried this approach in 1996 with the Defense of Marriage Act. It passed and was signed into law, but today that law, and with it the clear will of the American people, is being chiseled away by opponents.

States—and more importantly, the people—will soon have their rights to decide this issue taken from them, by judges from some other part of the country. Not one state has decided by either popular referendum or legislative action to agree to anything other than marriage as between a man and a woman.

So I encourage and implore my colleagues today to support and vote for this measure, so that our states and our citizens can decide these matters for themselves.

Mr SOUDER. Mr. Speaker, this afternoon, during debate on the Marriage Protection Amendment, the Minority Leader referenced the "Party of Lincoln" and it support for the freedom of all people, including slaves. She made reference to Lincoln and his party in an effort to criticize the Republican Party for its stand in support of marriage as solely between one man and one woman.

Mr. Speaker, I'd like to insert an article into the RECORD that documents the Republican Party's historical support—even at its beginning—for the institution of marriage. The article by Robert P. George and William L. Saunders entitled, "Republicans and the Relics of Barbarism: Moral Conviction made the GOP the GOP," discusses the moral debates that defined the Republican Party in the 1800s. The issues of polygamy and slavery were at the center of those debates.

Slaveholders clamored for their "right" to own another human being, thereby destroying the worth of that human being, while polygamists claimed it to be their "religious freedom" to engage in plural marriage, at the expense of their children and society.

When the Supreme Court usurped congressional power in the Dred Scott decision, claiming that the Constitution contained a "right" to own a slave, the Republican Party, led by President Lincoln, steadfastly challenged the decision. It is known that President Lincoln defeated at least one candidate who favored a pro-choice position in regard to the issue of slavery. In addition, the Republicans made Utah statehood contingent upon their inclusion of a prohibition of polygamy in their State constitution.

These "archaic" moral disputes are unchanged in modern debates.

Today, proponents of abortion, embryonic stem-cell research and cloning assert their "right" to create and destroy another human being at will, and thereby destroy the worth of that human being. In addition, the pervasive philosophy of moral and sexual liberation seeks to devalue the traditional, foundational role of marriage, at the expense of children and society.

The defense of traditional marriage and the protection of all life as equal and of intrinsic worth in the eyes of our Creator, are inherent, core beliefs of the Republican Party. We would do well to recall this truth, and to bring it to bear on our modern topics of discussion. We must defend the sanctity of life by opposing abortion and embryo-destructive research, and we must defend marriage as the permanent union between one man and one women, in order to maintain the moral and structural stability of our Nation.

Mr. Speaker, I am pleased to stand in support of marriage today in the tradition of the Party of Lincoln—the Republican Party. I urge my colleagues of both parties to do the same and vote in support of H.J. Res. 106, the Marriage Protection Amendment.

[From National Review on Line, Aug. 30, 2004]

REPUBLICANS AND THE RELICS OF BARBARISM: MORAL CONVICTION MADE THE GOP THE GOP

(By Robert P. George and William L. Saunders)

In the middle of the 19th century, a new political party emerged dedicated to two great moral struggles. The Republican party pledged to fight the "twin relics of barbarism": slavery and polygamy.

By then, slavery was deeply entrenched in the culture of the American south. What some had regarded as "necessary evil" that would gradually die out had been given a new lease on life by technological developments, and by the emergence of profitable overseas markets for cotton. An entire social and economic system was built on slavery. No longer was it reasonable to hope that the "peculiar institution," and with it the moral controversy convulsing the nation, would quietly fade away. Powerful interests had a stake not only in maintaining the slave system, but in extending it into the western territories of the United States.

So the Republicans faced a daunting challenge. Pro-slavery Democrats condemned them as "fanatics" and "zealots" who sought to impose their religious scruples and moral values on others. Slaveholders demanded that they "mind their own business" and stay out of the "domestic" and "private" affairs of others. Defenders of a "right" to own slaves pointedly invited northern abolitionists to redirect their moral outrage towards the "wage slave" system in the north. "If you are against slavery," they in effect said, "then don't own a slave."

By the mid-1850s, polygamy, which had originally been the largely secret practice of the Mormon elite, had come out of the closet. Polygamists claimed that attacks on "plural marriage" were violations of their right to religious freedom. Later, some would bring lawsuits asking judges to invalidate laws against polygamy as unconstitutional. One of these cases would make it all the way to the Supreme Court. Apologists for polygamy denied that plural marriage was harmful to children, and challenged supporters of the ban on polygamy to prove that the existence of polygamous families in American society harmed their own monogamous marriages. They insisted that they merely wanted the right to be married in their own way and left alone.

But the Republicans stood their ground, refusing to be intimidated by the invective being hurled against them. They knew that polygamy and slavery were morally wrong and socially corrosive. And they were prepared to act on their moral convictions.

For the Republicans, the idea that human beings could be reduced to the status of mere "objects" to be bought and sold and exploited for the benefit of others was a profound violation of the intrinsic dignity of creatures made in the image and likeness of God. Similarly, the idea that marriage could be redefined to accommodate a man's desire for multiple sexual partners was, as they saw it, deeply contrary to the meaning of marriage as joining a man and a woman in a permanent and exclusive bond.

In the great moral struggles of the 19th century, the Republicans sought advantage in every morally legitimate and available way. When appropriate, they would accept strategic compromises on the road to victory; but they would not compromise away their principles.

When in the Dred Scott decision the Supreme Court of the United States announced its discovery of what amounted to a constitutional right of slaveholding, Lincoln and other leading Republicans refused to treat the case as a binding precedent. They would not bow to judicial usurpation. When Utah sought admission as a state, the Republican-controlled Congress made statehood conditional upon incorporation of a prohibition of polygamy into the state constitution.

As Republicans gather in New York this week, they would do well to remember their moral heritage. The twin relics of barbarism have returned in distinctively modern garb. Abortion and embryo-destructive research are premised on the proposition that some human beings—those in the embryonic and fetal stages of development—may legitimately be reduced to objects that can be created and destroyed for the benefit of others. At the same time, the ideology of sexual liberationism threatens to undercut the traditional understanding of marriage as the permanent and exclusive union of one and one woman.

A familiar mantra of "pro-choice" politicians is that abortion should be "safe, legal, and rare." Now, however, they seek to validate and fund a massive industry that would create human beings for the precise purpose of destroying them during the embryonic stage of development in biomedical research. What happened with slavery is now happening with embryo-killing: The people who use to define it as a "necessary evil" to be resisted or lessened by means other than legal prohibition now promote it as a social good—something that law and government should not only tolerate but embrace and even promote.

At the same time, the sexual-liberationist movement seeks to undermine traditional

understandings of the meaning and significance of human sexuality. The attempt to abolish the legal concept of marriage as the one-flesh union of a man and a woman is part of a larger effort to ''liberate'' people from what the cultural-political Left regards as outmoded and repressive ideas about the centrality of procreation and the moral requirement of fidelity in human sexual relationships. Even some leading ''conservative'' advocates of ''same-sex marriage'' have announced their moral acceptance of promiscuity; one has gone so far as to proclaim the ''spiritual value'' of ''anonymous sex.'' Increasingly, critics of traditional morality are willing explicitly to invoke the authority of ancient pagan civilizations in which practices (including abortion, infanticide, and homosexual conduct) condemned by the Judeo-Christian ethic sometimes flourished.

Critics of the Republican stand in defense of marriage and the sanctity of human life—including some within the party—echo the arguments of 19th-century apologists for the relics of barbarism. They accuse pro-life and pro-family Republicans of being ''religious fanatics'' who disrespect people's liberty and seek to ''impose their values'' on others. ''If you are against abortion,'' they say, ''then don't have an abortion.'' They maintain—often disingenuously—that legal recognition of the ''marriages'' of same-sex partners will not harm or weaken traditional marriages.

These arguments fare no better as defenses of human-embryo killing and the redefinition of marriage than they did of slavery and polygamy. Justice requires that all human beings irrespective of race or color, but also irrespective of age, or size, or stage of development, be afforded the protection of the laws. The common good requires that the laws reflect and promote a sound understanding of marriage as uniting one man and one woman in a bond founded upon the bodily communion made possible by their reproductive complementarity.

An influential minority in the Republican Party proposes abandoning, or at least soft-pedaling, the Party's commitments to the sanctity of human life and the dignity of marriage and the family. They say that social issues are ''too divisive.'' They suppose that the easy road to Republican electoral success is as the party of low taxes and low morals. They counsel capitulation to judges who usurp the constitutional authority of the American people and their elected representatives.

Let Republicans be mindful of their heritage. It was moral conviction—and the courage to act on moral conviction—that gave birth to the Republican party and made it grand. Now it is old, but need not be any less grand. By summoning the moral courage that enabled their Party to stand proudly against the twin relics of barbarism in the 19th century, Republicans can bring honor upon themselves in the great moral struggles of our own day.

Mrs. BIGGERT. Mr. Speaker, I rise in opposition to H.J. Res. 106, the Marriage Protection Amendment. Passage of this resolution will not protect marriage, and I am concerned it will create the opposite effect of what its proponents seek to accomplish.

Let me first state that I believe that marriage is a sacred union between one man and one woman. I strongly support the federal Defense of Marriage Act (DOMA) passed by Congress and signed into law in 1996.

Second, marriage is an issue that our Founding Fathers wisely left to the states. Article X of the Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

No Congress ever has seen fit to amend the Constitution to address any issue related to marriage. No Constitutional Amendment was needed to ban polygamy or bigamy, nor was a Constitutional Amendment needed to set a uniform age of majority to ban child marriages.

So why do proponents argue that we must take this unprecedented step now to ban same-sex marriages?

They claim that without the Amendment, states will be forced to recognize same-sex marriage performed in other states. Yet the Defense of Marriage Act not only prohibits federal recognition of same-sex marriages, it allows individual states to refuse to recognize such unions performed in other states. And in the eight years that have passed since its enactment, DOMA never has been invalidated in any court in the country. The authors of DOMA took the greatest pains to write a law that is constitutional and will withstand judicial challenges.

Proponents also claim that amending the Constitution is the only way to prevent so-called "activist judges" from legislating matters of same-sex marriage. Yet amending the Constitution to address marriage could invite federal judicial review not only of marriage, but of divorce, child custody, inheritance, adoption, and other issues of family law. Not only would this violate the principles of federalism, it would create very bad public policy.

Mr. Speaker, no legislature in the country has established same-sex marriage in statute. In fact, 39 states, including Illinois, have adopted laws limiting marriage to one man and one woman.

I urge my colleagues to have faith in our system of government, keep marriage out of the Constitution, and allow the states to continue to exercise what is best left to them.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 801, the joint resolution is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on House Joint Resolution 106 will be followed by 5-minute votes on motions to suspend the rules on House Concurrent Resolution 501 and House Resolution 792.

The vote was taken by electronic device, and there were—yeas 227, nays 186, not voting 20, as follows:

[Roll No. 484]

YEAS—227

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Forbes
Ford
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hoekstra
Holden
Hulshof
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Bono
Boswell
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cox
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Foley

Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gibbons
Gilchrest
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McNulty
Meehan
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Boehlert
Brown, Corrine
Cannon
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Dunn
Harman
Hastings (FL)
Hunter
Meek (FL)
Meeks (NY)
Menendez
Murtha
Nethercutt
Oberstar
Rangel
Reyes
Ros-Lehtinen
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1725

Mr. NADLER changed his vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING LIFE AND WORK OF DUKE ELLINGTON

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 501.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 501 on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 42, as follows:

[Roll No. 485]

YEAS—391

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—42

Ackerman
Bachus
Boehlert
Boswell
Brady (TX)
Brown, Corrine
Cannon
Davis (IL)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dunn
Emanuel
Greenwood
Gutknecht
Harman
Hastings (FL)
Hayes
Hunter
Istook
Johnson (CT)
Kilpatrick
King (NY)
Lipinski
Lucas (KY)
McCollum
Meek (FL)
Meeks (NY)
Menendez
Miller, Gary
Murtha
Myrick
Nethercutt
Oberstar
Olver
Rangel
Reyes
Ros-Lehtinen
Shimkus
Stark
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1732

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING UNITED NEGRO COLLEGE FUND ON 60TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 792.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and agree to the resolution, H. Res. 792, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 46, as follows:

[Roll No. 486]

YEAS—386

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—46

Ackerman
Ballenger
Boehlert
Boswell
Brady (TX)
Brown, Corrine
Cannon
Capps
Davis (IL)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dunn
Emanuel
Foley
Greenwood
Gutknecht
Harman
Hastings (FL)
Hayes
Hefley
Hunter
Johnson (CT)
Kilpatrick
King (NY)
Lipinski
Lucas (KY)
McCollum
Meek (FL)
Meeks (NY)
Menendez
Miller, Gary
Murtha
Nethercutt
Oberstar
Olver
Peterson (PA)
Rangel
Reyes
Rogers (MI)
Ros-Lehtinen
Shimkus
Stark
Sullivan
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1740

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I would be glad to yield to my friend, the gentleman from Texas (Mr. DELAY), the majority leader, for the purpose of informing us of the schedule for next week.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland for yielding to me.

Mr. Speaker, next week the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. We may also consider one or more motions to go to conference. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday and the balance of the week, it is likely that we will consider additional legislation under suspension of the rules. We also expect to consider three bills under a rule: S. 878, the Bankruptcy Judgeship Act; H.R. 5107, the Justice For All Act; and H.R. 10, the 9/11 Commission Implementation Act.

In addition, there are a number of potential conference reports that we are working through, including several appropriations bills, the American Jobs Creation Act, and the Department of Defense Authorization bill. Members should be aware that these conference reports may be brought to the floor at any time next week.

Finally, I would like to note, Mr. Speaker, that we are expecting to consider a second supplemental request for disaster relief sometime next week. We may have additional requests resulting from Hurricane Jeanne, so we are working through these requests and trying to figure out how best to address these needs.

Obviously, we are expecting a very busy week. Members should expect to work some late nights and possibly into Friday evening or Saturday as we resolve these important pieces of legislation.

I thank the gentleman for yielding, and I will be happy to answer any questions he may have.

Mr. HOYER. Mr. Speaker, I thank the majority leader for the information. I want to assure the leader, as he says we ought to be, that the Members on this side are, in fact, prepared to spend the time necessary to address the important issues, as the leader requests. And I want to assure the leader of our cooperation in being ready to do our work.

Mr. Leader, initially, may I ask, the motions to instruct, can the gentleman give us a time when those might occur, and will they occur relatively close to the votes, the suspension votes at the end of the day? I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. As the gentleman knows, we have three appropriations bills that are out there that are eligible for motions to instruct. I do not know of any others. They are available when those Members want to bring a motion to instruct, and we are trying to fit them in as best we can during the week.

Mr. HOYER. I thank the leader for that information.

Mr. Leader, as all of us know, today is the end of the current fiscal year, and 12 of the 13 2005 appropriation bills have not been passed. We do not have a budget. The new fiscal year starts tomorrow. The highway program is still pending. We extended that for 8 months. The FSC bill, which is subjecting businesses in the country doing

business in Europe to an additional 11 percent tariff is still not passed. The energy bill, obviously we have not gotten to at this point in time. We have not enacted legislation on the intelligence apparatus, although I understand the 9/11 Commission Implementation Act that the gentleman speaks to.

Mr. Leader, on that, might I ask this question: there is a bill in the Senate and there is a bill that has been introduced in the House that mirrors essentially the 9/11 Commission report. Is that the bill to which the gentleman is referring, or the bill that is in the process apparently of being marked up and, apparently, at some point in time, will be put together to come to the floor? Which of those three alternatives does the gentleman refer to? I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. The gentleman touched on many issues; I will take the 9/11 Commission Implementation Act first.

I do not agree with the gentleman's characterization of the Senate bill, because what I have seen in the Senate and what they are debating nowhere mirrors the 9/11 Commission Report or all of its recommendations.

□ 1745

The bill being marked up by the House all of this week does mirror every recommendation by the 9/11 Commission in one way or another, and that is why it has taken us longer to get it through all our 12 committees. It is going to take us a little longer to get it to the floor. I expect that, looking at all the work that needs to be done in order to bring that bill to the floor, we would have to pass that bill sometime next week, probably at the end of the week. I believe there is a good chance that the Senate could pass their version even this week.

Assuming that both bodies pass next week, I would expect that we could appoint conferees next week and work towards completing a conference report as soon as possible. In planning their schedules, Members should know that a conference report could be completed later in October, and that if it was completed, the House would certainly come back and vote on it.

Mr. HOYER. Reclaiming my time, on that last point, I have heard a rumor or discussion about the possibility of coming back on November 1, the day before the election to vote on the conference report. Can the majority leader tell me whether there is any merit to that speculation? I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman informing me of rumors, but that is a rumor that I have not yet heard nor has anyone discussed such a thing. I would hope that the conference committee could go to work immediately and complete this as soon as possible. It is important.

The conference report, as it comes out, I am sure will have many reforms that need to be implemented to keep the American people and American families safer, and we want to get it out as quickly as possible.

Mr. HOYER. Reclaiming my time, I appreciate the leader's assertion of wanting to keep America safe, and I think that he speaks for 435 of us in that regard. He certainly speaks for me, but I think he speaks for all of us.

In that vein, as I indicated to the gentleman from California (Mr. DREIER) two weeks ago, as I indicated to the gentleman last week, while we apparently have a difference of opinion on the Senate bill, which is introduced here in a bipartisan fashion on this side of the Capitol, I believe that we have overwhelming support on this side for that proposition. In light of the fact that we are interested, as the gentleman says, in protecting America and implementing this legislation in as timely a fashion as possible, might it not be in pursuit of that objective advisable to allow that bill to be on the floor either in lieu of the bill that, frankly, has been marked up by my colleague's party exclusively?

I have talked to all of our ranking members on the committees that the gentleman talked to. All of them believe they have been informed of what was going on, but they were not participants in the drafting of the legislation. As a result, there may be greater contention than would be hopefully called for if, in fact, we want to pass the legislation as quickly as possible.

In addition, it is my understanding that there are substantial differences between the Senate bill and the House bill, which may require a very long conference, rather than short conference, if we do not pass something that is relatively compatible in the first instance.

I would be glad to yield to my friend.

Mr. DELAY. Mr. Speaker, the gentleman brings up many issues.

First and foremost, I do not know if the gentleman has been advised, but I would refer the gentleman to the votes of the committees that have been marking up this bill. If I do recall exactly what the vote was, it was a very bipartisan effort. I think and I hope that the bill that is coming to the House floor is very strongly supported by both sides.

In the Permanent Select Committee on Intelligence, for instance, I think there was a 17-to-2 vote in passing that bill out. Now, 17 to two tells me that most of the Democrats and most of the Republicans voted for that bill. So I am very encouraged by the markups that we are having and the kind of support that the Democrats and Republicans are showing for the product that is being put together.

Having said that, the gentleman may support the bill that came out of the Senate committee. I looked at it. I think it is woefully lacking in sufficient reforms, particularly in immigration policy, border security, law enforcement. It basically is a bill that creates a national intelligence director and a counterterrorism center. There is more to protecting the American people than creating a new bureaucracy and keeping our borders safe, giving our law enforcement officials more tools to go after terrorists. There are many things that we need to be doing.

Having said that, the bill the gentleman refers to may not be the bill that comes out of the Senate because I have been informed that there are over 100 amendments, 100 amendments, filed for the debate in the other body. So who knows what that bill is going to look like when it comes out of the other body, and I think it would be highly irresponsible for this House to pick up something that came out of the Senate committee and bring it down here on the floor, unseen by most Members and not worked on by our committees, and just vote on it, up and down. I do not think that keeps the American people safer.

Mr. HOYER. Mr. Speaker, I thank the gentleman. I will simply observe that although the votes may have been bipartisan, and I will tell my colleague very honestly, there is no confusion over here on the timing of this bill. The gentleman expects Democrats to either vote for it or to be attacked about being against protecting the American people if they vote against it. We went through the creation of a bureaucracy, the Homeland Security Department. I voted against it. I think it was not what was needed. What was needed was the coordination of information. I said that at the time.

The commission in a bipartisan way has said that is what is needed. We still know that there is not the kind of coordination of information gathering, analysis and recommendation for implementation of action based upon the information gathered that we would like to have. The 9/11 Commission found that.

Furthermore, the 9/11 Commission, as I understand it, has indicated support of the Senate bill as it came out of committee.

Now, there are obviously a lot of other things that need to be dealt with, including items that are either in the PATRIOT Act or could have been in the PATRIOT Act. Those items in some respects are very controversial. One of the problems, very frankly, that we have found in getting legislation passed, as the gentleman knows, in a relatively short period of time has been the addition of very controversial items, not necessarily related directly to what the 9/11 Commission had recommended, and because of the controversial nature of those additions, as it has occurred in other legislation, will slow that legislation down.

Mr. DELAY. Mr. Speaker, if the gentleman would yield, the gentleman obviously did not read the 9/11 Commission recommendations because many of those recommendations were very general in nature, very unspecific. Yet, we took their recommendations in those areas and did actual detailed pieces of

legislation, much beyond what the 9/11 Commission even envisioned because they did not have the expertise to recommend specific items.

It is unfortunate the gentleman questions my motive, but I must tell the gentleman that ever since the 9/11 Commission has come out we have reached out to any Democrat who is willing to work on this issue. Those Democrats that have been willing to work on those issues, we have been working with them, and I have not been privy to every discussion or every meeting on this issue, particularly within the committees, but I think if my colleague will go back and check with his ranking members, those who wanted to work on the legislation were more than just informed. They have a very big part to play, particularly in the Committee on Armed Services, the Committee on International Relations. So we worked with the willing Democrats that wanted to work on this issue rather than to have a political issue, and they had a very big part to play in it. I think that is reflected in the kinds of votes we are getting coming out of committee.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his response, and let me assure the gentleman I did not think I questioned the gentleman's motives. I may question the results of actions we take, but I do not intend to question the majority leader's motives in any event. I do not think that would be appropriate nor do I do it, and if the gentleman took it to be that, I apologize because I do not question. I may have different motives of my own and I may not agree with him, but I do not question his motives. I may question his judgment. I may question that which is for or against but not his motives.

I am not going to prolong the discussion on this because we are going to have discussion about this next week, but I would like to make one example of something that we feel strongly about that the 9/11 Commission felt strongly about, which the bill at least that we have seen does not deal with.

One of the concerns which the Commission had was that we are not moving quickly enough or effectively enough to identify and to secure materials which could be used for the production of or creation of nuclear weapons, even dirty bombs. The Commission spoke to that directly. The Senate bill speaks to that, and the bill introduced in the House speaks to that, at least at the point yesterday, and I am not sure whether markups have occurred in committees. I guess, some committees, the answer to that is yes; some no, but that was not addressed. So, at least in that one instance, and I have got about 15 others but I am not going to prolong and go through those, that was not addressed in the gentleman's bill, while some other things that the commission did not deal with are addressed, and I understand my colleague's observation.

Mr. DELAY. Mr. Speaker, if the gentleman would yield, first of all, I do not think this is a proper forum to debate the bill, and I am not prepared to debate the bill.

I have not personally been able to go over the volumes of work that has been done by 12 committees. So the provision that the gentleman may be speaking to, all I can tell him is that I remember in the list of things that were presented to me a day or so ago, it did address that very issue. I can go back and look at it, but the gentleman will have plenty of opportunity during the debate of this bill to debate the bill up or down, to amend it, to substitute for it, and the gentleman knows he can go before the Committee on Rules and ask for that kind of action.

Mr. HOYER. Mr. Speaker, I appreciate the leader's advice that I have the opportunity to go before the Committee on Rules. I always enjoy the opportunity to go and testify before the gentleman from California (Mr. DREIER) and his committee.

Let me move on to some other legislation. I mentioned a number of pieces that we have not done, Defense Department authorization, I mentioned, and the Higher Education Act. My question, does the gentleman anticipate that we will leave next Friday or Saturday having accomplished some or all of those pieces of legislation?

Mr. DELAY. Mr. Speaker, if the gentleman would yield and repeat all the legislation he is talking about?

Mr. HOYER. Sure. We have 12 of the 13 appropriation bills we have not passed. We have not passed a budget. Highway program has not passed. The FSC bill has not passed, resulting in 11 percent additional tariffs to people. The energy bill has not passed. The Intelligence bill, we have been talking about, Defense authorization and the Higher Education Act. None of those have been done to this point.

Mr. DELAY. Mr. Speaker, if the gentleman would yield.

Mr. HOYER. I would be glad to yield to my friend.

Mr. DELAY. I think I addressed in my opening remarks the Defense authorization conference. We are hoping to get that out.

The highway bill I think has been debated or talked about a lot on this floor in the last couple of days. The House is ready to go. The House is ready to negotiate with the Senate, and the House has cleaned out a lot of the brush, but it seems that the Senate is going to have a very hard time getting their members in the conference committee to support a highway bill. So that is why we did the extension today on 8 months to give them more time to work.

The FSC/jobs bill, the conferees met on that bill last night. It was a very good conference. Democrats were certainly included, and we have scheduled another meeting for next Tuesday. I believe there is a good chance that a conference report could be ready for the House to vote on later at the end of next week.

□ 1800

The appropriations process, the gentleman being on the Committee on Appropriations, knows very well, as he stated, that we passed 12 of the 13 bills. The thirteenth bill has problems. We know there is going to be an omnibus bill, and we will solve those problems in an omnibus bill, but the problem is in the other body. They are passing as many bills as they can get done, and we will go to conference on every one of those bills to try to get them done before the end of next week. That would include Homeland Security appropriation, MilCon, Foreign Ops, the Legislative Branch, and D.C., which are the only ones I know of that the Senate has passed so far.

The rest, as the gentleman knows, we did a continuing resolution until November 20. We have instructed our committees, and the Senate leadership has instructed their committees to work on those as best they can so that, when we get back in November, the Members can vote on those bills up or down.

The higher education bill, right now, I am not advised where it is, so I cannot answer the gentleman on that one.

Mr. HOYER. Reclaiming my time once again, Mr. Speaker, I appreciate, A, the majority leader's taking the time to go through those and letting us know where he thinks they may be and whether we will address them next week.

Additionally, when we leave next Friday or Saturday, can the leader tell us, for scheduling purposes, and I know we are going to have the leader's organizational meeting, I think we will schedule our organizational meeting the same week, but is it your view that we will have a lame duck session on November 15 or November 16 and days thereafter?

I yield to my colleague.

Mr. DELAY. Mr. Speaker, that is still hard to say. I can answer that question better at the end of next week. I am still hoping, against all odds, that the appropriations process could be done. Willing people coming together can get a lot of things done in a very short period of time around here. It is just a matter of finding the willing people to get it done, and we are still working on it. It could happen. Lightning could strike. And if it does, then we would not have to come back in a lame duck.

Obviously, the appropriations process is the most important. And if we cannot get all the appropriations done, then I would anticipate having a lame duck sometime in that week that both parties are organizing.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I think the leader is right. I think for that to happen lightning is going to have to strike.

Lastly, Mr. Leader, we talked about the intelligence bill being on the floor next week. Can the minority be assured that we will have a substitute for that bill? The gentleman indicated there are 100 amendments pending on the Senate

floor. This is a very important piece of legislation, obviously. The bipartisan commission has spoken to this.

I have read the report, by the way. I think it is an excellent report. We are very hopeful that we not only will have the opportunity to amend any and all sections of the bill, but that we will have the opportunity to offer a substitute, not just simply a motion to recommit, but a substitute at the appropriate time. I would hope that the leader, given the importance of this legislation, would assure the minority that we would have that opportunity.

Mr. Speaker, I continue to yield to my friend.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding. As the gentleman knows, the chairman of the Committee on Rules is sitting here. I think he is going to make an announcement about amendments and substitutes.

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

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I appreciate his request. The announcement I am going to be making in just a few minutes, as soon as the colloquy between the distinguished minority whip and the distinguished majority leader is completed, is one which will call for the establishment of new Federal judgeships.

At this juncture, probably on Monday, we will likely be making an announcement as we anticipate the work product that will be emerging on the 9/11 report.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman for those comments.

Mr. Speaker, I would say to the majority leader and to the chairman of the Committee on Rules, this legislation was introduced less than a week ago. It has been marked up this week. It will be on the floor next week. That is a very rapid progression.

I think, Mr. Leader, respectfully, that that calls for even greater opportunity for Members to work their will on the floor, with the ability to offer such amendments as they deem to be appropriate and would include the opportunity to offer an entire package in the form of a substitute. I would hope that that would happen.

ADJOURNMENT FROM THURSDAY, SEPTEMBER 30, 2004, TO MONDAY, OCTOBER 4, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO S. 878, ADDITIONAL PERMANENT JUDGESHIP IN THE DISTRICT OF IDAHO

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of October 4, as I was just saying, to grant a rule which could limit the amendment process for floor consideration of S. 878, a bill to create additional Federal court judgeships. The Committee on the Judiciary ordered the bill reported on September 9, 2004, and filed its report with the House on September 29, 2004.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 2 p.m. on Monday, October 4. Members should draft their amendments to the text of the bill as reported by the Committee on the Judiciary, which is available for their review on the Web sites of both the Committee on the Judiciary and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be sure their amendments comply with the rules of the House.

CONGRATULATIONS TO LINDA THEIL ON HER RETIREMENT

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

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Linda Theil on her retirement from 33 years of public service as a staff member in the House of Representatives.

When I was just starting my first term in Congress in 1993, Linda came to my staff. Her expertise and vast knowledge of education policy have been invaluable to me as a Member of the House Committee on Education and the Workforce. She has worked on legislation, including the Child Nutrition Act, the School Breakfast Pilot Program, Head Start, the Balancing Act, and Welfare Reform, to name only a few.

Mr. Speaker, Linda Theil is the role model for what every single staff member should be, dedicated, hardworking, caring and devoted. Her presence will be missed but not forgotten.

Thank you, congratulations, and best wishes, Linda.

GLOBAL WARMING

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

Mr. INSLEE. Mr. Speaker, there are two very significant things which happened today regarding global warming. The first is that the U.S. Department of Commerce's Geophysical Fluid Dynamics Laboratory in Princeton, New Jersey, announced that they had completed the largest computer simulation of what will happen in global warming and how it will affect hurricanes. They concluded that the seas being warmed by rising atmospheric concentration of gases will result in a typical hurricane intensity increasing about an extra half step on the five-step scale.

This is not good news, Mr. Speaker, particularly since our Nation, under this administration, is not doing anything significant to deal with global warming.

In contrast, interestingly, today, Russia and their parliament indicated that it is likely they will join the Kyoto Protocol to deal with global warming. This is a difficulty for our businesses if this becomes a worldwide regime and we are not part of the international effort.

We hope tonight there will be some discussion of this. And if not, one way or another, this November, Americans will vote for a president who will decide to take some action on global warming.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART SECURITY AND GLOBAL CHANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, in the days and weeks after September 11, 2001, Americans pulled together to restore our country after the worst terrorist attack in United States history. For the rest of September that year, there were no Democrats, there were no Republicans, there were only Americans.

In those trying times in the fall of the year 2001, I believe that no American would have hesitated to make a substantial sacrifice for the good of the country, just as Americans have done

in other times of need, like during World War II and the 1979 energy crisis.

If President Bush had asked America in the days after September 11 to cut down on the use of fossil fuels in order to reduce our dependence on Middle East oil, America would have responded. Sadly, the President did not ask us to do any such thing.

Instead of asking Americans to sacrifice, President Bush irresponsibly gave the top 1 percent of Americans a huge tax cut, leaving our children and their children to pick up the tab for the unnecessary war in Iraq, a cost already over $200 billion. Because nothing endangers America's security more than our reliance on Mideast oil, instead of promoting these reckless tax cuts, the Bush administration should have advocated immediate development of sustainable and renewable energy alternatives.

I am not the only one who realizes this. Just ask the good people at Physicians for Social Responsibility, the Friends Committee on National Legislation, and Women's Action For New Direction. These groups understand that our dependence on unsustainable energy sources, like Mideast oil, undermines America's security and our health.

And speaking about health, 50 years from now, our children will ask us how we allowed starvation, poverty, and diseases like HIV and AIDS and tuberculosis to flourish in other countries while the citizens of wealthy nations who have so much were not inflicted as greatly. That is why any attempt to fight terrorism must also include providing humanitarian aid to the poorest nations. Humanitarian aid in the form of food and medical supplies would restore hope to the world's poorest people. Nothing breeds terrorism like the hopelessness and despair brought about by starvation, disease and poverty.

For sure, the United States needs to lead the rest of the world when it comes to fighting terrorism, but the U.S., the strongest and richest country in the world, must lead by example rather than through invading other nations and killing thousands of innocent civilians in the process.

Throwing our weight around will not gain the support of other nations. Instead, we must meet our obligations under the Nuclear Nonproliferation Treaty, the Comprehensive Test Ban Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention. There has to be a better way to respond to the threats America faces. That is why I have introduced H. Con. Res. 392, a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism.

SMART security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships, and it controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements and vigorous inspection regimes. SMART security defends America by relying on the very best of America, not our nuclear capabilities but our capacity for multinational leadership and our commitment to peace and freedom around the world.

Madam Speaker, the true moral test of our government is not how many wars we win, it is our compassion, our compassion for those in the world who are less fortunate than we are. It is how we treat these individuals that determines the true moral quality of America. Physicians for Social Responsibility, the Friends Committee on National Legislation, Women's Action For New Direction, and many Americans understand this.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 5149. An act to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes.

H.R. 5183. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 2436. An act to reauthorize the Native American Programs Act of 1974.

□ 1815

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. NORWOOD. Madam Speaker, I ask unanimous consent to claim the Special Order time of the gentleman from Indiana (Mr. BURTON) at this time.

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

There was no objection.

JUDGES OF MADISON COUNTY, PART 2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I come to the floor to once again discuss the judges of Madison County, Illinois, Part 2. It sounds like a book. Maybe it will be; maybe it should be.

Last night I rose to address what the American Tort Reform Association calls America's number one judicial hellhole, also known as Madison County, Illinois. As I promised then, I am back to shine a little more light into that hole. There is absolutely no doubt the ripple effect of frivolous civil lawsuits has been felt in every corner of this great country. When greedy trial lawyers get together to brainstorm which companies they can sue for millions and millions of dollars and put no less than 40 percent of their winnings in their own pocket, everyone loses; everyone, that is, except the trial lawyers. And one greedy trial lawyer who makes darn sure he never loses when it comes to lining his own pockets is Randall Bono from Madison County.

Mr. Bono has made a fair living doing business in this judicial hellhole on the backs of hardworking men and women. In fact, he was able to retire at the age of 42 from the millions of dollars that he won in asbestos civil lawsuits.

Madam Speaker, I may never know how Mr. Bono or other trial lawyers sleep at night knowing they have made their fortunes because of civil injustice being doled out in Madison County, Illinois, but I know as long as this hellhole remains open for business and scoundrels like Mr. Bono use it to take hard-earned money away from working folks, I will be in the well night after night in this House to stand up to say enough is enough.

I rise tonight specifically to address the first amendment violations of the courts of Madison County, Illinois. That is right; with the court's authority in Madison County, trial lawyers have violated or at least chilled the exercise of first amendment rights held by members of the media and civil defendants.

I admit, Madam Speaker, it is a rare occasion for me to stand up and defend the media, but I simply cannot and will not let the courts of Madison County trash the rights our forefathers worked so hard to ensure for everybody. If Members think the media or anyone else is safe from the wrath of Madison County, think again, Madam Speaker. Consider just a few of the cases outlined in my letter to Attorney General Ashcroft requesting a formal investigation of Madison County, Illinois and all their shenanigans.

In one effort to trash somebody's first amendment rights in Madison County, a plaintiff's law firm made legal maneuvers in June 2004 to try and force defendants to share and discuss any associations with or support of groups promoting tort reform. At least one of these groups has filed a motion for protective order with the court because their feelings about tort reform have absolutely nothing to do with the case before them, and forcing them to share this information is an infringement of their first amendment rights.

The Wall Street Journal editorialized that the plaintiff firm's requests have no legal merit and their purpose is simply to intimidate and coerce these folks.

In June 2003, the presidents of several major tort reform associations got slapped with subpoenas only after they appeared at a press conference to speak out against the outrageous litigation abuse in Madison County, Illinois. The subpoenas demanded that two of the individuals travel halfway across the country a month later to appear for a deposition in a product liability case. Once again, the clear purpose of these subpoenas was to harass and intimidate.

At an April 2004 public forum hosted by Washington University Law School in St. Louis, former U.S. Attorney General and former U.S. Court of Appeals Judge Griffin Bell said that counties like Madison County that are known for treating civil defendants unfairly are a stain on our system. Judge Bell called for a Federal investigation into the administration of civil injustice in Madison County, but again the wrath of the judicial hellhole was felt the very next day. A Madison County judge retaliated by barring Judge Bell and his firm from appearing in their courtroom.

Madam Speaker, we will continue this discussion every night until somebody looks into the injustices of Madison County, Illinois.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. STUPAK. Madam Speaker, I ask to proceed out of order and take the time of my Special Order at this time.

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

There was no objection.

ACCUTANE'S IMPACT ON BRAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Madam Speaker, last night I spoke on the floor about the troubling new information about the effects of Accutane. I will continue to speak out and advise Americans about the dangers of Accutane until the FDA does its job.

Next to me is a PET scan taken from a study completed by Dr. J.D. Bremner from Emory University. It is a brain scan of a patient who took Accutane. The first scan on the far right is the baseline scan before the patient even began Accutane. On my left here is a scan after 4 months of Accutane treatment. Dr. Bremner studied 30 patients, 15 on Accutane and 15 on antibiotics.

His research found that Accutane affects the metabolism of the orbitofrontal cortex, a brain area known to mediate depression in the front part of the brain. Four months after the baseline PET scan was taken, he found that with antibiotics, they had no changes in the brain. Accutane patients, those who complained of headaches, had a change in the front of the brain.

Even an untrained eye can see there is a difference in this PET scan. There is a 21 percent difference in the brain after 4 months of Accutane.

Dr. Bremner will present the findings of his study in November at a neuroscience conference. I will share those complete findings at that time. For now, his abstract is found on the Internet and we can see that Accutane causes changes in brain function.

Why is this important? Here is an e-mail I received from a family in North Carolina. ''On July 12, 2004, our precious 17-year-old son, Nicholas, took his life by a gunshot to his head. He had been taking the drug Accutane. I have read about what happened with your son, and certainly understand what you and your family are feeling. Like your son, Nicholas was a star athlete and honor student. Please send us any information you think would be of help. We are overcome with grief and still have a hard time realizing that he could take himself away from us and his four siblings.''

I receive an e-mail like this on average once a week or so. As of 2004, according to reports received by the FDA, there have been 235 suicides associated with Accutane. The FDA admits they are receiving only 1 of 10 percent of the actual events being reported. If 235 suicides represents 10 percent of the total, that would mean there are actually 2,350 suicides associated with this drug. If 235 suicides have been reported and it represents 1 percent of the total, that would mean there are actually 23,500 suicides associated with this drug.

Still, the drug manufacturer, Hoffmann-LaRoche, Roche Pharmaceuticals, continues to deny that Accutane affects the brain. Just look at this scan. It does. FDA believes there is a link. That is why there is a bold warning on its label, ''Accutane may cause depression, psychosis, and, rarely, suicide ideation, suicide attempts, suicide, and aggressive and/or violent behaviors.''

However, the FDA says they do not know the reason for this link. They need to look at these PET scans. They need to demand research, they need to demand answers. The bottom line, 235 young people have taken their life while on Accutane, including our son, B.J., who died in May of 2000.

Some patients never recover from their adverse effects to the drug. There is damage to the brain. I am constantly receiving e-mails like this one from Michigan. ''Dear Congressman, Just a note to thank you for your ongoing effort to educate the public about the dangers of Accutane. I am a psychiatric social worker in a hospital emergency room, and whenever I meet an adolescent patient who is depressed and taking Accutane, it raises a red flag. I make sure that the other social workers are informed about its link with depression and suicide, as I have a personal connection with it.

''My son Eric was an outgoing, happy kid and a respected leader in his school. He began taking Accutane at age 16 and, a few months later, began having difficulty keeping up in school. He failed to turn in homework and his grades took a nose-dive. To make a long story short, he became deeply depressed and he began talking about ending his life. That is when we knew this was not the run-of-the-mill ups and downs that teenagers sometimes have. We did manage to get help for him, but it was a long journey through a dark tunnel of despair. He is now 23 and still has a bright, articulate mind, but he is forever marked by the depression that stole his joy during adolescence. It is because of his journey that I have added an MSW degree to my high school teaching credentials, so I can be more educated to help young people who are at risk.''

As we can see, there is damage done to the brain. Why the FDA allows Roche to continue to market this drug is beyond me. We should not leave this drug out there until these questions are answered. Questions such as, is this damage to the brain permanent? For more than 20 years, the FDA has done little to address the adverse effects caused by Accutane. We know Accutane affects the brain. It is time for the FDA to pull this drug from the market until all of the questions surrounding Accutane are fully addressed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRUTH ABOUT IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Madam Speaker, I heard a very disturbing report today. While we are engaging in a very important and legitimate debate about our strategy in Iraq, one thing for sure we ought to be united on, and that is Americans ought to have access to the truth and not to be the subject of spin by their own government and should not have their own government suppressing the truth about Iraq. Things are difficult enough about Iraq without the Federal Government suppressing the truth about Iraq.

Unfortunately, that appears to be what is going on in this administration. Today in the Washington Post an article related that the USAID ordered the restriction of preventing distribution of reports by the contractor Kroll Security International which had previously shown that the number of daily attacks by insurgents in Iraq had increased significantly. In response to the news that these insurgent attacks are increasing, about 5 weeks before this election, this administration decided apparently to suppress that information and the agency ordered that this information no longer be disseminated to the American public.

This is information generated with U.S. American taxpayer dollars that this administration, 5 weeks before the election, does not want the American people to hear about.

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The article in The Washington Post says: ''The Kroll reports suggest a broad and intensifying campaign of insurgent violence.'' In response to that bad news, the agency official at USAID sent an e-mail to congressional aides stating, ''This is the last Kroll report to come in. After The Washington Post story, they shut it down in order to regroup. I'll let you know when it restarts.''

There is no excuse for this administration shielding information about Iraq and the fact that we have great difficulties there from the American people. We have a legitimate right to know this information. We have an important debate in our national body politic to figure out the right strategy in Iraq, and it is wrong to suppress this information.

We cannot decide the right decision in Iraq by looking through rose-colored glasses anymore. Hope is not a strategy. Simply saying we are going to have the same old, same old in Iraq and shield and hide the ball from the American people just will not cut it. Tonight it would be nice if the administration and the President admitted that we have some difficulties in Iraq and admitted we need to make some changes in strategy or we are going to have deep trouble.

But this is not the only symptom of an administration that is refusing to face reality in Iraq. In that same story in The Washington Post, I read that Secretary of Defense Donald Rumsfeld's office is now sponsoring a sort of happy talk, good news tour through our bases and that we are using taxpayers' money to bring Iraqis to spread the good news of Iraq to our military bases here in this country. The memo disclosing this tour paid for by taxpayer dollars says it is ''designed to be uplifting accounts with good news messages.'' Rumsfeld's office, which will pay for the tour, recommends that the installations seek local news coverage, noting that ''these events and presentations are positive public relations opportunities.'' We do not need a public relations campaign. We need a campaign for success in bringing our troops home in Iraq. We are not getting that from this administration.

The memo went on to suggest that the commanders at each base ''are in the best position on how to market this voluntary attendance program effectively.'' We do not need a marketing campaign. We need an honest discussion of how to get a strategy to bring our troops home after success. But that is not what we are getting from this administration. Instead of recognizing and coming clean with the American people about their failures to find weapons of mass destruction, their failures to tell the accurate situation about connections with al Qaeda, their failures to have enough troops on the ground, their failures to have enough body armor, they have given us a marketing technique protocol paid for with taxpayer dollars. It is wrong. We need a strategy, not a marketing campaign.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

(Mr. RYAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

9/11 COMMISSION LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, we have spent a number of hours on the floor of the House discussing issues that hold a great deal of emotion for many people around this Nation. With that said, I offer my respect for the different views that were expressed on the floor of the House, driven with emotion and passion, driven by your personal faith, and others as myself driven by the sanctity of our Constitution and the desire to preserve this Union.

It is interesting that the Republican majority would offer this debate at this time. There is no doubt that voices of the American people must be heard. But at the same time, an enormous responsibility of ensuring the safety and the protection of the American people by passing the 9/11 Commission recommendations through the Collins-Lieberman-McCain bill along with the House provision of the Shays-Maloney bill goes unattended. So what we have is a mishmash of provisions that have really nothing to do with the security of this Nation.

When we found that the CIA had, in fact, provided intelligence to this administration that if we went to war the insurgent aftermath, the efforts of the insurgents, the violence that would be perpetrated after any battle or war would be claimed over would be almost insurmountable. Yet because of the meshing of those disciplines, if you will, the complete glove-and-hand relationship between the CIA director, apparently that intelligence was ignored, and maybe because the CIA director failed to understand that his allegiance was really to the American people and not, in fact, to a single head of government.

The American people should have known that this intelligence ultimately was going to undermine any victory that was given or had by our brave men and women who were on the front lines for us, Reservists, National Guard, enlisted personnel, already doomed because of the fact that intelligence said that it was the insurgent action that was going to undermine peace and security and freedom in Iraq.

And lo and behold, here we are today with an insurgent movement, a terrorist movement that has overtaken Baghdad and Iraq. Yet this administration has no policy, has no exit strategy, has no relief, not only for the Iraqi people but for the American people. And while Baghdad is burning, we are refusing to take up the 9/11 Commission report.

All day yesterday in the Committee on the Judiciary, all we had was extraneous law enforcement matters that could be defended and could be promoted and argued and promoted at another time, extraneous immigration policies that had no place in a bill that is dealing with the safety and security of the United States of America, the immediacy of the 9/11 report.

And what was it? It was to establish a new structure of intelligence, to provide the leader of the intelligence community with budgetary authority. And what did our friends in the 9/11 legislation do? They argued against giving budgetary authority. With no budgetary authority, you have no authority because you cannot move intelligence resources where they are needed. And here we are ignoring the families of the 9/11 victims who have waited for 3 years for us to move forward with the necessary security.

Do you know why intelligence is so important, Madam Speaker? Because it was the FBI who had information already on their desk in the Midwest that told them that there were individuals in this country taking flying lessons, learning to take off but not learning to land; and the information never got off the desk into Washington, D.C. That is why the tragedy of 9/11 occurred.

Those individuals came into this country illegally. We have fixed that problem. We have worked to fix and improve the technology. The State Department has put in new criteria where visas are issued. We are working to stop terrorists before they come into our homeland. But unfortunately we have a debate as to whether the Select Committee on Homeland Security should even continue, when we know that Secretary Ridge said he wants a steady, organized, focused committee to deal with homeland security issues rather than the tens of tens that he has to go to. Is that securing America?

But on the politics of this Republican government, President, Senate, House, rather than deal with the serious issues, we are now taking away rights of Americans, trying to pass the PATRIOT Act, trying to pass in the bill that is supposed to be the 9/11 Commission report something that was never raised by the 9/11 Commission. We are now giving employers the right to call the Department of Justice on people's backgrounds. We are now putting that into place. Not just security officers, which I perfectly support, but anybody that is trying to cook hamburgers at McDonald's. That is not a function of the Department of Justice massively as it is. Yes, single isolated cases in circumstances where the necessity of knowing the background may be the requirement of the employment, but this is an outrage.

Then, of course, as I close, Madam Speaker, they then want to obliterate the Constitution and the very values of this country by sending individuals who are barely charged with ideas of terrorism into places where they might be tortured, not even convicted but maybe speculated that they may be associated with such and we are going to obliterate our values and send them home or send them someplace to be tortured.

This is what we have done this week, Madam Speaker, and I would just argue that we can do better. I would ask that the homeland security 9/11 Commission recommendations be placed into law by this body.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for the week of September 28 on account of official business.

Mr. REYES (at the request of Ms. PELOSI) for today after 4:00 p.m. on account of a family commitment.

Mr. GUTKNECHT (at the request of Mr. DELAY) for today after 4:00 p.m. on account of attending his daughter's wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILLS REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S 1601. An act to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes; to the Committee on Resources; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2436. An act to reauthorize the Native American Programs Act of 1974; to the Committee on Education and the Workforce.

S. 2639. An act to reauthorize the Congressional Award Act; to the Committee on Education and the Workforce.

S. Con. Res. 110. Concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4654. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes.

H.R. 5149. An act to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes.

H.R. 5183. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.J. Res. 107. Joint Resolution making continuing appropriations for the fiscal year 2005, and for other purposes.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, October 4, 2004, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9896. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determination — received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9897. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7636] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9898. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9899. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers (RIN: 1660-AA28) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9900. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9901. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7839] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9902. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7561] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9903. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9904. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7448] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9905. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9906. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9907. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9908. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9909. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9910. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2004 through September 30, 2004 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88–454; (H. Doc. No. 108–221); to the Committee on House Administration and ordered to be printed.

9911. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, S.C. [COTP Charleston-04-100] (RIN: 1625-AA87) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9912. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Suisun Bay, Concord, California [COTP San Francisco Bay 04-020] (RIN: 1625-AA87) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9913. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington, D.C. [CGD05-04-151] (RIN: 1625-AA87) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9914. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington, D.C. and Arlington and Firfax Counties, VA [CGD05-04-148] (RIN: 1625-AA87) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9915. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cleveland Harbor, Cleveland, Ohio [CGD09-04-095] (RIN: 1625-AA87) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9916. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Manasquan River, NJ [CGD05-04-146] (RIN: 1625-AA09) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9917. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Terrebonne Bayou, Houma, LA [CGD08-04-028] (RIN: 1625-AA09) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9918. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regualtions: Newton Creek, Dutch Kills, English Kills, and their tributaries, NY [CGD01-04-095] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9919. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Manasquan River, Manasquan Inlet and Atlantic Ocean, Point Pleasant Beach to Bay Head, NJ [CGD05-04-139] (RIN: 1625-AA08) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9920. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Pamlico River, Washington, NC [CGD05-04-133] (RIN: 1625-AA08) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9921. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Potomac River, Charles County, MD [CGD05-04-137] (RIN: 1625-AA00) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9922. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Eustis, Eustis, FL [COTP Jacksonville 04-096] (RIN: 1625-AA00) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9923. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Carriage of Navigation Equipment for Ships on International Voyages [USCG-2002-13057] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9924. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Enforcemnt of SOLAS Requirements [USCG-2004-17615] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9925. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels [USCG-2000-8589] (RIN: 1625-AA62; Formerly 2115-AG04) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9926. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Anacostia River, Washington, DC [CGD05-04-028] (RIN: 1625-AA09) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9927. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Three Mile Island Generating Station, Susquehanna River, Dauphin County, PA [CGD05-03-116] (RIN: 1625-AA87; Formerly 1625-AA00) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 811. Resolution providing for the consideration of the bill (H.R. 5183) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century (Rept. 108–710). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5107. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide

post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes (Rept. 108–711). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 551. An act to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes (Rept. 108–712, Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 1630. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; with an amendment (Rept. 108–713). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4817. A bill to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads; with an amendment (Rept. 108–714). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3982. A bill to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes (Rept. 108–715). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. S. 144 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself and Mr. MCKEON):

H.R. 5185. A bill to temporarily extend the programs under the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. BOEHNER (for himself, Mr. MCKEON, and Mr. WILSON of South Carolina):

H.R. 5186. A bill to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans; to the Committee on Education and the Workforce.

By Mrs. BLACKBURN (for herself, Mr. COOPER, Mr. DAVIS of Tennessee, Mr. DUNCAN, Mr. FORD, Mr. GORDON, Mr. JENKINS, Mr. TANNER, and Mr. WAMP):

H.R. 5187. A bill to amend the International Air Transportation Competition Act of 1979 to modify restrictions on the provisions of air transportation to and from Love Field, Texas; to the Committee on Transportation and Infrastructure.

By Mr. BLUNT:

H.R. 5188. A bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. ACKERMAN, Mr. BISHOP of New York, Mrs. MCCARTHY of New York, Mr. KING of New York, and Mrs. LOWEY):

H.R. 5189. A bill to amend title XIX of the Social Security Act to extend Medicare cost-sharing for the Medicare part B premium for qualifying individuals through September 2005; to the Committee on Energy and Commerce.

By Mrs. KELLY:

H.R. 5190. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Transportation and Infrastructure.

By Mr. PRICE of North Carolina:

H.R. 5191. A bill to amend title 3, United States Code, to extend the date provided for the meeting of electors of the President and Vice President in the States, and the date provided for the joint session of Congress held for the counting of electoral votes, in the event of an unresolved controversy or contest relating to the counting of votes in any State, and for other purposes; to the Committee on House Administration.

By Mr. RENZI:

H.R. 5192. A bill to modify the boundary of the Casa Grande Ruins National Monument, and for other purposes; to the Committee on Resources.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. BERMAN, and Mr. CHABOT):

H.R. 5193. A bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran; to the Committee on International Relations.

By Mr. SIMPSON (for himself, Mr. OTTER, Mr. PETERSON of Minnesota, and Mr. JENKINS):

H.R. 5194. A bill to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, and privileges of trademarks; to the Committee on the Judiciary.

By Mr. SMITH of Michigan (for himself, Ms. BALDWIN, and Mr. BISHOP of Georgia):

H.R. 5195. A bill to permanently reenact chapter 12 of title 11 of the United States Code, relating to family farmers; to the Committee on the Judiciary.

By Mr. STENHOLM (for himself, Mr. RODRIGUEZ, Mr. FROST, Mr. LAMPSON, Mr. HALL, Mr. BELL, Mr. GREEN of Texas, Mr. TURNER of Texas, Mr. GONZALEZ, Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. DOGGETT, Mr. HENSARLING, Mr. BRADY of Texas, Mr. THORNBERRY, Mr. ORTIZ, Mr. NEUGEBAUER, Mr. EDWARDS, Mr. CARTER, Mr. BURGESS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Mr. BARTON of Texas, Mr. SANDLIN, and Mr. SAM JOHNSON of Texas):

H.R. 5196. A bill to designate the facility of the United States Postal Service located at 115 South Swenson Street in Stamford, Texas, as the ''Gordon Wood Post Office Building''; to the Committee on Government Reform.

By Mr. TERRY (for himself and Mrs. CAPPS):

H.R. 5197. A bill to amend title XIX of the Social Security Act to provide funds to States to enable them to increase the wages paid to targeted direct support professionals in providing services to individuals with disabilities under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself and Mr. PEARCE):

H.R. 5198. A bill to clarify issues of criminal jurisdiction within the exterior boundaries of Pueblo lands; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 5199. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide entitlement to leave to eligible employees whose spouse, son, daughter, or parent is a member of the Armed Forces who is serving on active duty in support of a contingency operation or who is notified of an impending call or order to active duty in support of a contingency operation, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 5200. A bill to improve the accountability provisions of the part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EMANUEL (for himself, Mr. TURNER of Texas, Mr. JONES of North Carolina, and Mr. BAIRD):

H. Con. Res. 506. Concurrent resolution directing the Architect of the Capitol to establish a temporary exhibit in the rotunda of the Capitol to honor the memory of members of the United States Armed Forces who have lost their lives in Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on House Administration.

By Mr. KINGSTON (for himself, Mr. WHITFIELD, Mr. BURNS, Mrs. MCCARTHY of New York, Mrs. BONO, Mr. NORWOOD, Mr. BISHOP of Georgia, Mr. GORDON, Mr. SWEENEY, Mr. CHANDLER, Mr. ISAKSON, Mr. FORD, Ms. KILPATRICK, Mr. JONES of North Carolina, Mr. GOODE, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. DEAL of Georgia, Mr. BURGESS, Mr. LUCAS of Kentucky, Mr. HALL, Mr. SPRATT, and Mr. HEFLEY):

H. Con. Res. 507. Concurrent resolution encouraging citizens to be mindful of the contribution of horses to the economy, history, and character of the United States and expressing the sense of Congress that a National Day of the Horse should be established; to the Committee on Government Reform.

By Mr. OWENS:

H. Res. 810. A resolution expressing the sense of the House of Representatives that the Secretary of Homeland Security should designate Haiti, Grenada, Jamaica, the Dominican Republic, and the Bahamas under section 244 of the Immigration and Nationality Act to make nationals of those countries eligible for temporary protected status under that section; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. MEEKS of New York, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. CONYERS, Ms. MCCOLLUM, Ms. LEE, Mr. SCOTT of Georgia, Mr. HONDA, and Mr. BURTON of Indiana):

H. Res. 812. A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on International Relations.

By Mr. GEORGE MILLER of California (for himself, Mr. PAYNE, Mr. RANGEL,

Mr. BISHOP of New York, Mr. WATT, Mr. WYNN, Mr. LANTOS, Mr. FILNER, Ms. KILPATRICK, Mrs. MCCARTHY of New York, Mr. EVANS, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. MEEKS of New York, Ms. LOFGREN, Mr. CLAY, Ms. NORTON, Mr. CLYBURN, Mr. FALEOMAVAEGA, and Ms. KAPTUR):

H. Res. 813. A resolution recognizing the 60th anniversary of the explosion at the Port Chicago (California) Naval Magazine on July 17, 1944, and those who served and lost their lives in that tragedy; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. LAMPSON.
H.R. 129: Mrs. LOWEY.
H.R. 296: Mr. MICHAUD.
H.R. 676: Mr. ENGEL, MR. WEINER, and Mr. OLVER.
H.R. 775: Mr. ROGERS of Alabama.
H.R. 808: Mr. COLE.
H.R. 870: Mrs. EMERSON and Ms. HERSETH.
H.R. 876: Mr. REYNOLDS and Mr. HASTINGS of Washington.
H.R. 879: Ms. HERSETH.
H.R. 918: Mr. GONZALEZ.
H.R. 1002: Mr. CUMMINGS.
H.R. 1093: Mr. BOSWELL.
H.R. 1212: Mr. FOLEY.
H.R. 1502: Mrs. JONES of Ohio.
H.R. 1582: Mrs. CHRISTENSEN.
H.R. 1666: Mr. ANDREWS.
H.R. 1726: Ms. HERSETH.
H.R. 1859: Mr. PETERSON of Minnesota.
H.R. 1886: Mr. PLATTS.
H.R. 2107: Mr. MILLER of North Carolina and Mrs. JONES of Ohio.
H.R. 2256: Mr. PRICE of North Carolina and Mr. WELDON of Pennsylvania.
H.R. 2354: Mr. BRADLEY of New Hampshire.
H.R. 2426: Mr. LARSEN of Washington.
H.R. 2541: Mr. VAN HOLLEN.
H.R. 2560: Mr. BRADLEY of New Hampshire.
H.R. 2680: Mr. GEPHARDT, Mr. QUINN, Mr. ALLEN, Mr. BOYD, Mr. ACKERMAN, Mr. SANDERS, Mr. BACA, Mr. DOLLEY of California, Ms. GRANGER, Mr. WELDON of Florida, Mr. SESSIONS, Mr. NUSSLE, Mr. KING OF NEW YORK, Mr. LUCAS of Kentucky, Mr. BOUCHER, and Mr. LIPINSKI.
H.R. 2699: Mr. NETHERCUTT, Mr. CANNON, Mrs. NORTHUP, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. DOLLEY of California, and Mrs. BLACKBURN.
H.R. 2899: Mr. WALSH.
H.R. 2950: Mr. LAHOOD.
H.R. 3009: Ms. MCCARTHY of Missouri and Mr. NADLER.
H.R. 3103: Mr. CHABOT and Mr. WEXLER.
H.R. 3111: Mrs. NAPOLITANO, Mr. DOYLE, Ms. WOOLSEY, and Mr. WEXLER.
H.R. 3242: Mr. BERMAN, Mr. BECERRA, and Mr. BUTTERFIELD.
H.R. 3299: Mr. NADLER.
H.R. 3438: Mrs. CAPITO, Ms. CARSON of Indiana, Mr. SCHROCK, Mr. HALL, and Mr. WELDON of Pennsylvania.
H.R. 3455: Mr. CUMMINGS.
H.R. 3579: Mr. CANNON and Mr. BISHOP of Utah.
H.R. 3716: Mr. GREEN of Wisconsin.
H.R. 3767: Mr. STENHOLM.
H.R. 3847: Mr. LEVIN.
H.R. 3858: Mr. PICKERING.
H.R. 3859: Mr. MENENDEZ, Ms. KAPTUR, Ms. DEGETTE, Mr. MEEHAN, Mr. SCOTT of Georgia, and Mr. MILLER of North Carolina.
H.R. 4016: Mr. ACEVEDO-VILA.
H.R. 4026: Mr. ABERCROMBIE.
H.R. 4064: Mr. GOODLATTE and Mr. HAYWORTH.
H.R. 4065: Ms. HERSETH.
H.R. 4100: Mr. SMITH of Washington.
H.R. 4169: Mr. LEACH, Mr. BISHOP of New York, and Ms. NORTON.
H.R. 4204: Mr. KIRK.
H.R. 4343: Mr. HAYWORTH.
H.R. 4348: Ms. SCHAKOWSKY.
H.R. 4420: Mr. LEWIS of Kentucky and Mrs. CUBIN.
H.R. 4453: Mr. TURNER of Texas, Mr. STENHOLM, Mr. FROST, Ms. JACKSON-LEE of Texas, and Mr. POMEROY.
H.R. 4491: Mr. ENGLISH, Mr. OTTER, Mr. OLVER, Mr. BERRY, Mr. GILLMOR, Ms. ESHOO, Mr. STRICKLAND, Mr. TOWNS, Mr. ETHERIDGE, Mr. JOHN, Mr. QUINN, Mr. FOSSELLA, Mr. OXLEY, Mr. REGULA, and Mr. ORTIZ.
H.R. 4502: Mr. SESSIONS and Mr. BEAUPREZ.
H.R. 4521: Mr. GORDON.
H.R. 4578: Mr. JOHNSON of Illinois, Ms. LOFGREN, Mr. UDALL of Colorado, and Mrs. BIGGERT.
H.R. 4597: Ms. DELAURO.
H.R. 4616: Mrs. MALONEY.
H.R. 4628: Mr. KUCINICH and Mr. PRICE of North Carolina.
H.R. 4662: Mr. SOUDER and Mr. KENNEDY of Minnesota.
H.R. 4669: Mr. SESSIONS and Mr. CULBERSON.
H.R. 4674: Mrs. DAVIS of California.
H.R. 4682: Mr. DINGELL, Ms. LOFGREN, Mr. DAVIS of Alabama, Mr. BUTTERFIELD, Mr. CARDIN, Mr. MENENDEZ, and Mr. UDALL of New Mexico.
H.R. 4687: Mr. PETERSON of Minnesota.
H.R. 4706: Mr. KIND.
H.R. 4718: Mr. BERRY.
H.R. 4724: Mr. TAYLOR of North Carolina.
H.R. 4736: Mr. LYNCH.
H.R. 4776: Mr. PRICE of North Carolina.
H.R. 4792: Mr. NADLER.
H.R. 4832: Ms. SLAUGHTER.
H.R. 4866: Mr. ISSA, Mr. RENZI, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4875: Ms. MCCOLLUM.
H.R. 4899: Mr. DEFAZIO.
H.R. 4923: Mr. BOEHLERT.
H.R. 4927: Mr. SHUSTER, Mr. INSLEE, and Ms. LOFGREN.
H.R. 4928: Mr. ABERCROMBIE.
H.R. 4936: Mr. GONZALEZ, Ms. GINNY BROWN-WAITE of Florida, Mr. BLUMENAUER, Mr. MILLER of North Carolina, and Ms. SOLIS.
H.R. 4940: Mr. PLATTS.
H.R. 4978: Mr. SANDERS.
H.R. 4983: Mr. MEEHAN, Ms. BORDALLO, and Mr. CAPUANO.
H.R. 4985: Mr. GREENWOOD.
H.R. 5011: Mr. RYUN of Kansas.
H.R. 5022: Mr. BALLENGER and Mr. MEEKS of New York.
H.R. 5023: Mr. MEEKS of New York.
H.R. 5055: Mr. HOUGHTON, Mr. KOLBE, Mr. SCOTT of Georgia, Mr. NETHERCUTT, Mr. ALLEN, Mr. SANDLIN, Mr. GONZALEZ, Mr. UPTON, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. RADANOVICH, Mr. JOHNSON of Illinois, Mrs. KELLY, Mr. GILLMOR, Mr. WEXLER, Mr. WHITFIELD, Mr. LANGEVIN, Mr. MANZULLO, Mr. JENKINS, and Mr. PICKERING.
H.R. 5061: Mrs. BLACKBURN.
H.R. 5068: Mr. ETHERIDGE.
H.R. 5090: Mr. TERRY.
H.R. 5107: Ms. LINDA T. SANCHEZ of California, Mr. GOODLATTE, and Mr. BERMAN.
H.R. 5111: Mr. CUNNINGHAM.
H.R. 5113: Mr. GRIJALVA, Mr. HOEFFEL, Mr. WEINER, Mr. TIERNEY, Mrs. DAVIS of California, Mr. MCDERMOTT, Mr. RYAN of Ohio, Mr. KUCINICH, Mr. DEFAZIO, Ms. MAJETTE, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. ANDREWS, Ms. WOOLSEY, Mr. OWENS, Mr. BISHOP of New York, Mr. HOLT, Mr. CASE, Mr. PAYNE, and Mr. KIND.
H.R. 5114: Mr. LEACH and Mr. ENGLISH.
H.R. 5120: Mr. SMITH of Michigan.
H.R. 5144: Mr. ROGERS of Alabama, Mr. MARSHALL, Mr. BONNER, and Mr. VAN HOLLEN.
H.R. 5167: Mr. MCHUGH.
H.R. 5176: Mr. UDALL of Colorado.
H.J. Res. 62: Mr. WELDON of Pennsylvania.
H.J. Res. 106: Mr. BONILLA, Mr. DUNCAN, Mr. GOODLATTE, Mr. SAM JOHNSON of Texas, Mr. LUCAS of Oklahoma, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. NORWOOD, Mr. SANDLIN, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. CULBERSON, Mr. PUTNAM, Mr. TURNER of Ohio, Mr. LEWIS of Kentucky, Mr. MCINTYRE, and Mr. CUNNINGHAM.
H. Con. Res. 99: Mr. MORAN of Virginia.
H. Con. Res. 431: Mr. CROWLEY.
H. Con. Res. 490: Mr. WYNN, Ms. WATSON, Mr. MEEKS of New York, Mr. FARR, Mr. SERRANO, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 496: Mr. CUMMINGS.
H. Res. 751: Mr. SHAYS, Mr. WEXLER, Mr. WELLER, Mr. ROTHMAN, and Mr. JACKSON of Illinois.
H. Res. 782: Mr. SERRANO and Mr. FILNER.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petitions were filed:

Petition 12, September 28, 2004, by Mr. MEEHAN on House Resolution 769 was signed by the following Members: Martin T. Meehan, James P. Moran, Jim McDermott, Bob Filner, David E. Price, John Conyers, Jr., Hilda L. Solis, Raul M. Grijalva, Wm. Lacy Clay, Steven R. Rothman, Joseph Crowley, Edolphus Towns, Jose E. Serrano, Charles B. Rangle, Robert A. Brady, Carolyn McCarthy, Rosa L. Delauro, Louise McIntosh Slaughter, Lois Capps, Adam B. Schiff, Nydia M. Velazquez, Chris Van Hollen, Xavier Becerra, Tom Lantos, and Rush D. Holt.

Petition 13, September 30, 2004, by Mr. EDWARDS on House Resolution 773 was signed by the following Members: Chet Edwards, Marion Berry, Diane E. Watson, Eddie Bernice Johnson, David E. Price, Adam B. Schiff, Hilda L. Solis, Raul M. Grijalva, Wm. Lacy Clay, Steven R. Rothman, Joseph Crowley, Edolphus Towns, Ruben Hinojosa, Robert Menendez, Dale L. Kildee, Jose E. Serrano, Charles B. Rangel, Julia Carson, Robert A. Brady, Benjamin L. Cardin, Leonard L. Boswell, Joe Baca, Tim Holden, Denise L. Majette, Carolyn McCarthy, Louise McIntosh Slaughter, Lois Capps, Charles W. Stenholm, James P. McGovern, Nydia M. Velazquez, Charles A. Gonzalez, Chris Van Hollen, Karen McCarty, Bart Stupak, Xavier Becerra, Robert E. Andrews, Tom Lantos, Rush D. HOlt, Allen Boyd, Frank Pallone, Jr., Peter A. DeFazio, Michael R. McNulty, and Susan A. Davis.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Ms. LEE on House Resolution 748: Tom Udall, Earl Blumenauer, Eliot L. Engel, Jim Davis, Dennis A. Cardoza, Joseph Crowley, Luis V. Gutierrez, Mark Udall, Adam Smith, Brad Miller, Chaka Fattah, James P. Moran, Robert Menendez, Baron P. Hill, Dennis Moore, Jose E. Serrano, David Wu, and Allen Boyd.