

English	Lampson	Regula
Eshoo	Lantos	Rehberg
Etheridge	Larsen (WA)	Renzi
Evans	Larson (CT)	Reynolds
Farr	Latham	Rodriguez
Fattah	LaTourette	Rogers (AL)
Feeney	Leach	Rogers (KY)
Ferguson	Lee	Rogers (MI)
Filner	Levin	Ross
Foley	Lewis (CA)	Rothman
Forbes	Lewis (GA)	Roybal-Allard
Ford	Lewis (KY)	Ruppersberger
Fossella	Linder	Rush
Frank (MA)	LoBiondo	Ryan (WI)
Frelinghuysen	Lofgren	Ryun (KS)
Frost	Lowey	Sabo
Gallegly	Lucas (KY)	Sánchez, Linda T.
Garrett (NJ)	Lynch	Sanchez, Loretta
Gerlach	Majette	Sanders
Gibbons	Maloney	Sandlin
Gilchrest	Manzullo	Saxton
Gillmor	Markey	Schakowsky
Gingrey	Marshall	Schiff
Gonzalez	Matheson	Scott (GA)
Goode	Matsui	Scott (VA)
Goodlatte	McCarthy (MO)	Sensenbrenner
Gordon	McCarthy (NY)	Serrano
Goss	McCollum	Sessions
Granger	McCotter	Shadegg
Graves	McCrery	Shaw
Green (TX)	McDermott	Shays
Green (WI)	McGovern	Sherman
Grijalva	McHugh	Sherwood
Gutierrez	McIntyre	Shimkus
Gutknecht	McKeon	Simmons
Hall	McNulty	Simpson
Harman	Meek (FL)	Skelton
Harris	Meeks (NY)	Slaughter
Hart	Menendez	Smith (MI)
Hastings (FL)	Mica	Smith (NJ)
Hastings (WA)	Michaud	Smith (TX)
Hayes	Millender	Smith (WA)
Hayworth	McDonald	Snyder
Herger	Miller (MI)	Solis
Herseeth	Miller (NC)	Souder
Hill	Miller, Gary	Spratt
Hinchey	Miller, George	Stark
Hinojosa	Mollohan	Stearns
Hobson	Moore	Stenholm
Hoefel	Moran (VA)	Strickland
Hoekstra	Murphy	Stupak
Holden	Murtha	Sullivan
Holt	Musgrave	Sweeney
Honda	Myrick	Tauscher
Hooley (OR)	Nadler	Taylor (MS)
Houghton	Napolitano	Taylor (NC)
Hoyer	Neal (MA)	Terry
Hulshof	Neugebauer	Thomas
Hunter	Ney	Thompson (CA)
Hyde	Northup	Thompson (MS)
Inslee	Norwood	Thornberry
Isakson	Nunes	Tiahrt
Israel	Nussle	Tiberi
Issa	Oberstar	Tierney
Istook	Obey	Turner (OH)
Jackson (IL)	Olver	Udall (CO)
Jackson-Lee	Ortiz	Udall (NM)
(TX)	Osborne	Upton
Jefferson	Ose	Van Hollen
Jenkins	Otter	Velázquez
John	Owens	Visclosky
Johnson (CT)	Oxley	Vitter
Johnson (IL)	Pallone	Walden (OR)
Johnson, E. B.	Pascrell	Walsh
Johnson, Sam	Pastor	Wamp
Jones (OH)	Payne	Waters
Kaptur	Pearce	Watson
Keller	Pelosi	Watt
Kelly	Pence	Waxman
Kennedy (MN)	Peterson (MN)	Weiner
Kennedy (RI)	Petri	Weldon (FL)
Kildee	Pickering	Weldon (PA)
Kilpatrick	Pitts	Weller
Kind	Platts	Wexler
King (IA)	Pombo	Whitfield
King (NY)	Pomeroy	Wicker
Kingston	Porter	Wilson (SC)
Kirk	Portman	Wolf
Kleczka	Price (NC)	Woolsey
Kline	Pryce (OH)	Wu
Knollenberg	Putnam	Wynn
Kolbe	Rahall	Young (FL)
Kucinich	Ramstad	
LaHood	Rangel	

NAYS—13

Bartlett (MD)	Hefley	Jones (NC)
Flake	Hensarling	
Franks (AZ)	Hottettler	

Miller (FL)	Rohrabacher	Tancredo
Paul	Royce	Wilson (NM)

NOT VOTING—32

Ballenger	Langevin	Ros-Lehtinen
Brown (OH)	Lipinski	Ryan (OH)
Cannon	Lucas (OK)	Schrock
Cardoza	McInnis	Shuster
Cox	Meehan	Tanner
Delahunt	Moran (KS)	Tauzin
Diaz-Balart, L.	Nethercutt	Toomey
Everett	Peterson (PA)	Towns
Gephardt	Quinn	Turner (TX)
Greenwood	Radanovich	Young (AK)
Kanjorski	Reyes	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1844

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROWN of Ohio. Mr. Speaker, on rollcall No. 440, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. NETHERCUTT. Mr. Speaker, I was unavoidably detained due to a prior obligation and missed the following votes. Had I been present I would have voted "yea" on Rollcall Vote No. 422 on agreeing to the motion to suspend the rules and pass H.R. 4381; "yea" on Rollcall Vote No. 423 on agreeing to the motion to suspend the rules and pass H.R. 4556; "yea" on Rollcall Vote No. 424 on ordering the previous question on H. Res. 754; "nay" on Rollcall Vote No. 425 on agreeing to the Jackson-Lee amendment to H.R. 5006; "nay" on Rollcall Vote No. 426 on agreeing to the Jackson-Lee amendment to H.R. 5006; "yea" on Rollcall Vote No. 427 on agreeing to the Sanders amendment to H.R. 5006; "nay" on Rollcall Vote No. 428 on agreeing to the Hefley amendment to H.R. 5006; "yea" on Rollcall Vote No. 429 on agreeing to the George Miller amendment to H.R. 5006; "yea" on Rollcall Vote No. 430 on the motion that the Committee rise; "yea" on Rollcall Vote No. 431 on agreeing to H. Res. 757; "nay" on Rollcall Vote 432 on the motion to instruct conferees; "yea" on Rollcall Vote No. 433 on the motion to suspend the rules and pass S. 2634; "yea" on Rollcall Vote No. 435 on agreeing to the Hayworth amendment to H.R. 5006; "yea" on Rollcall Vote No. 436 on agreeing to the Kildee amendment to H.R. 5006; "nay" on Rollcall Vote No. 437 on agreeing to the Stark amendment to H.R. 5006; "nay" on Rollcall Vote No. 438 on agreeing to the Paul amendment to H.R. 5006; "nay" on Rollcall Vote No. 439 on agreeing to the Hayworth amendment to H.R. 5006; and "yea" on Rollcall Vote No. 440 on passage of H.R. 5006.

REPORT ON H.R. 5041, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. WALSH, from the Committee on Appropriations, submitted a privileged

report (Rept. No. 108-674) on the bill (H.R. 5041) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ELECTION OF MEMBER TO COMMITTEE ON AGRICULTURE AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. DREIER. Mr. Speaker, I offer a resolution (H. Res. 762), and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 762

Resolved, That the following Member be and is hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mr. Alexander.
Committee on Transportation and Infrastructure: Mr. Alexander.

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

There was no objection.

The resolution was agreed to.

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 understand the leader had to leave early to catch a plane. So for the purpose of inquiring of the chairman of the Committee on Rules the schedule for the coming week, I yield to the gentleman from California (Mr. DREIER).

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

Mr. Speaker, let me say the House has completed its work for today and the week and 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. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday and Wednesday, we expect to consider additional legislation under suspension of the rules. We also plan to consider two bills under a rule: H.R. 5025, the fiscal year 2005 Transportation, Treasury, and independent agencies appropriations bill; and H.R. 4571, the Lawsuit Abuse Reduction Act.

In addition, Mr. Speaker, we will consider several other litigation reform bills: H.R. 3369, the Nonprofit Athletic

Organization Protection Act; H.R. 1787, the Good Samaritan Volunteer Fire-fighter Assistance Act; and H.R. 1084, the Volunteer Pilot Organization Protection Act.

□ 1845

Finally, I would like to remind Members that the Jewish High Holiday of Rosh Hashanah occurs at the end of next week. We will not have votes on either Thursday or Friday. We expect to finish voting on Wednesday in the early afternoon.

Mr. Speaker, I thank my friend for yielding. I am happy to respond to any questions he might have.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

I might ask, and I know it will be the leader and the leader's office, but part of the leader's distinguished staff is on the floor, so he will hear us. I know my friend from California will be appreciative of this.

As I understand it, one of the planes to California is at 2:55, or late, just before 3. This says "early afternoon." The request on our side has been that if we could try to conclude by 1:30 so they could get from here to Dulles in time to catch that plane, so, of course, they could get home by sunset, if we could try to do that?

Mr. DREIER. If the gentleman will yield further, obviously there is a great desire to ensure that Members who will be marking the holiday have the opportunity to do that, so we will do everything that we can to see that Members are able to get the earliest flights possible.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman.

With today's vote, the House and the Senate have now both gone on record in a bipartisan fashion in overruling the overtime regulations which were perceived obviously by a majority of the House and a majority of the other body as putting at risk millions of Americans losing their overtime.

In light of the fact that the House has passed that and the Senate has also passed it, not in the same bill, can we expect, does the gentleman think, that the conference report will reflect the views of both Houses? We are very hopeful, of course, that that will be honored by the conference committee.

I would be glad to yield further.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. Let me say it is obviously impossible to determine exactly what a joint House-Senate conference will do on any issue, but it is clear that the votes cast in both Houses will be taken into the mix as the conference would proceed with its work.

Mr. HOYER. Reclaiming my time, I appreciate the gentleman's observation. Our concerns, of course, as the gentleman can well imagine, are based upon the fact that, for instance, in the air traffic controller situation, both Houses of the Congress overwhelmingly, almost unanimously, directed

that they not be outsourced or privatized. Notwithstanding that, that was dropped from the conference report.

So we would just, on behalf of the minority, strongly request that the majority vote, bipartisan vote, in the House, be supported by our conferees. That is not a motion to instruct. It was a very strong vote, almost 40 of the majority, of the Republicans, and an overwhelming majority of Democrats. I hope that would be honored.

I yield further to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding further. Let me say obviously that vote did not go unnoticed, and the gentleman's request clearly will be taken into the mix. But, again, it is impossible to determine exactly what a conference would do. This House will have an opportunity to vote on that conference report, if that is in fact what we do end up with.

Mr. HOYER. Reclaiming my time, I appreciate the gentleman's remarks.

Next week, the gentleman indicated, and we knew this was going to be on the schedule, the Transportation-Treasury appropriations bill will be on the floor. That is the 12th of 13 appropriations bills to be considered by the House, leaving only the VA-HUD bill to be the last to be brought to the floor.

The first question, and this may be unfair because this does not fall within your expertise, but perhaps you can be advised. When do you expect the VA-HUD bill, if there is an indication of when that might be on the floor?

Mr. DREIER. We right now are in the process of outlining the plan for next week, and, as I know my friend just observed, the chairman of the subcommittee, the gentleman from New York (Mr. WALSH) just filed the VA-HUD bill; and we will obviously be considering it just as quickly as we possibly can.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that observation. I will tell the gentleman that the joint leadership, the Speaker, the gentleman from Texas (Mr. DELAY), the gentleman from Missouri (Mr. BLUNT), the leader, the gentlewoman from California (Ms. PELOSI), and myself were at the White House earlier this week, as the gentleman probably knows, and met with the President. But the chairman of the Committee on Appropriations in the other body observed that we may hold over 11 of the appropriation bills until next year. Now, that is a process that we have followed in the last 2 years because we have obviously passed the majority of appropriations bills in the year after the fiscal year began, in January and February, as the gentleman recalls.

I am wondering, can the gentleman tell me, if we have some 3 weeks left, are we contemplating the passage of the 13 appropriations bills prior to adjournment, or are we planning on a continuing resolution or an omnibus appropriation bill of some type?

Mr. DREIER. Mr. Speaker, if the gentleman will yield further, and I thank the gentleman for yielding, let me say obviously we are going to do everything that we possibly can to work in a bipartisan way to ensure that we complete this very important appropriations work just as quickly as possible. It is too early to make a determination as to whether or not we would possibly have an omnibus bill or a continuing resolution, but we feel very strongly about the need to get the work done this calendar year, within the operations of the 108th Congress, and not proceed into next year with this work. So we are going to strive to meet that, and I think that the gentleman will want to work closely with us as we pursue that goal.

Mr. HOYER. Reclaiming my time, the gentleman is correct, we will want to work closely with you to accomplish that goal.

Let me ask you an additional question raised by your response. Would there be in the realm of contemplation on the majority side a lame duck session? When you refer to this calendar year, as I said, we have 3 weeks, maybe 4, I am not sure how long the majority intends to go prior to recessing or adjourning for the election, but does the majority, if the gentleman knows, contemplate the possibility of a lame duck session?

Mr. DREIER. Let me say that we obviously have heard a great deal of speculation about that from a wide range of sources; and while it is a possibility, I think that everyone would like to have the work of the 108th Congress completed before we adjourn for the election. But at this juncture, we have to see what will take place in the next few weeks to make that final decision as to whether or not we would come back in a lame duck session.

I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank the gentleman. Reclaiming my time, I would simply request that, realizing the vagaries of the legislative process make it difficult to determine, but just as obviously Members will be making up schedules for the post-election period, either to take time off after the election or for other family-related matters or district matters that they might have. The sooner we might give them notice of that, obviously the more helpful on both sides of the aisle that would be.

Mr. DREIER. If the gentleman would yield on that, I would simply say that it is the intention for the organization for the 109th Congress to take place beginning the week of November 15th. That would be a time when Members would be here in Washington as we begin our preparation for the next Congress.

I am not going to say anything further on that, other than to throw out that is the date for the organization for the Democratic Caucus and the Republican Conference.

Mr. HOYER. I thank the gentleman for that response.

This week, after a long August recess, bipartisan bills were introduced to implement the recommendations of the 9/11 Commission with regard to reorganizing the intelligence operations of our country in order to better protect our people and our country. Earlier this week we met, as I said to the gentleman, with the President, who asked us to send him legislation quickly.

The reason for my question is, the Democratic leader, after requesting participation by your side of the aisle and a determination was made not to participate, introduced legislation drafted to incorporate the recommendations of the 9/11 Commission. In addition to that, Mr. MCCAIN and Mr. LIEBERMAN have introduced legislation in the Senate. Mirror legislation has been introduced by a Member on your side and a Member on our side as well.

The President, as you know, changed his position on the budget authority for the National Intelligence Director and apparently now supports that, so there may well be good bipartisan White House-congressional agreement.

Clearly the American public are very concerned about this, we are very concerned about it, and I know the gentleman is very concerned about it. We want to put our intelligence community in the best possible posture, as the 9/11 Commission recommended, to respond to the terrorist threat to this country.

My question is, therefore, sir, can we expect, do you think, to perhaps take the bipartisan bills that have been introduced in both the Senate and the House, mirror images of one another, and work on those bills and pass them prior to the time that we either recess or adjourn prior to the election?

Mr. DREIER. Mr. Speaker, if the gentleman will yield, and I thank the gentleman for yielding, let me say we were all very impressed in a bipartisan way when the report of the 9/11 Commission came forward. We know that President Bush has already, through executive order, implemented many aspects of the 9/11 Commission report.

The gentleman also is aware of the fact that immediately upon release of that report, the Speaker of the House called on the chairmen and ranking minority members of numerous committees here in the House, over a half dozen committees, called on them to hold hearings. There were 25 hearings held in the House of Representatives during the August district work period, and I believe that some very important information came forward.

One of the goals that the Speaker has set forth is to ensure that we do proceed with legislation. He very much wants to, before we adjourn in October, see the passage of legislation. Exactly what shape that will take is, of course, up to the legislative process that we have here. We are very well aware of the fact that we have seen the introduction of the 9/11 Commission report,

and we know that a lot of people are thinking about that.

I will say that I am particularly honored, as I know the gentleman is, that a Member of this body, the former chairman of the Permanent Select Committee on Intelligence and vice chairman of the House Committee on Rules, has been nominated to be the director of Central Intelligence. He has obviously spent a great deal of time on this, and many of our colleagues have expertise on this.

So we will in the coming weeks I hope be able to fashion legislation so that the goal that the Speaker has set forth of passage of legislation before we adjourn in October will come to fruition.

I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank the gentleman for those comments. We are hopeful that we can in fact work together in a bipartisan fashion, as seems to be started by the Senate and in this House as well, to accomplish the objective of the early passage of a reorganization to make us better to respond to the terrorist threat to this country. We hope that that will happen.

Mr. Speaker, I thank the gentleman for his comments.

ADJOURNMENT TO MONDAY, SEPTEMBER 13, 2004

Mr. DREIER. 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 debate.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. 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 California?

There was no objection.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). 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.

RESTORING FREEDOM OF SPEECH TO AMERICA'S HOUSES OF WORSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor today, as I was prior to the August break, to talk about freedom of speech in our churches and synagogues and mosques of this country.

Many people do not realize that from the beginning of this great Nation, until 1954, there was never any restriction of what a minister or a priest or a rabbi might say regarding policy issues, political issues, and actually making reference to the teachings in the Bible and the Torah. But what has happened over the last few years is that there is an element in this country, usually it is the Americans for Separation of Church and State, which is a metaphor, that seem to want to monitor what is being said in our churches and synagogues. This year it seems to be worse than ever before.

I want to start my brief remarks about Bishop Smith, a Catholic bishop in New Jersey. On March 27 at St. James Church, Bishop Smith asked why, in our presumably democratic country, Catholic churches fear that the Internal Revenue Service will punish them if they speak out on a politician's positions on issues. I further quote Bishop Smith: "The first amendment protects the free exercise of religion. Separation of church and state does not mean that the church and its members should not voice or advocate for their positions."

I say that, Mr. Speaker, because there is a real problem in this country.

About 2 months ago, Bishop Sheridan, the Catholic bishop of Colorado Springs, sent a pastoral letter to the 120,000 Catholics in his diocese, and it was a pastoral letter. He mentioned in the letter that the Catholic Church stands for protecting the unborn, opposed to euthanasia, opposed to stem cell research, and believes that marriage should be between one man and one woman. In this pastoral letter he said nothing about Mr. KERRY or Mr. Bush, but because he did use the word prolife, Mr. Lynn, Barry Lynn, director of the Americans For Separation of Church and State, wrote a letter and complained to the Internal Revenue Service that the bishop and the church should lose its tax-free status.

Well, let me explain very quickly. I have done 4 years of research on this issue, and this is my fourth year of putting a bill in to return the freedom of speech to our churches and synagogues. What I found out was that in 1934 when the Congress decided that the churches could qualify for the 501(c)(3) status, they had no restriction of speech, absolutely none, zero. But what happened is in 1954, Lyndon Baines Johnson had the H.L. Hunt family opposed to his reelection to the Senate, and the H.L. Hunt family had 2 501(c)3s; not churches, but think tanks. And Senator Johnson put in an amendment on a revenue bill going through the Senate in 1954 that was never debated, no hearings, that basically had