

[Roll No. 664]

## YEAS—413

Abercrombie DeLauro Kanjorski  
Ackerman DeLay Kaptur  
Aderholt Dent Keller  
Alexander Diaz-Balart, L. Kelly  
Allen Dicks Kennedy (MN)  
Andrews Dingell Kennedy (RI)  
Bachus Doggett Kildee  
Baird Doolittle Kilpatrick (MI)  
Baker Doyle Kind  
Baldwin Drake King (IA)  
Barrett (SC) Dreier King (NY)  
Barrow Duncan Kingston  
Bartlett (MD) Edwards Kirk  
Bass Emanuel Kline  
Bean Emerson Knollenberg  
Beauprez Engel Kucinich  
Berkley English (PA) Kuhl (NY)  
Berman Eshoo LaHood  
Berry Etheridge Langevin  
Biggart Evans Lantos  
Bilirakis Everett Larsen (WA)  
Bishop (GA) Farr Larson (CT)  
Bishop (NY) Fattah Latham  
Bishop (UT) Feeney LaTourette  
Blackburn Ferguson Leach  
Blumenauer Filner Lee  
Blunt Fitzpatrick (PA) Levin  
Boehlert Flake Lewis (CA)  
Boehner Foley Lewis (GA)  
Bonilla Forbes Lewis (KY)  
Bonner Ford Linder  
Bono Fortenberry Lipinski  
Boozman Foxx LoBiondo  
Boren Frank (MA) Lofgren, Zoe  
Boswell Franks (AZ) Lowey  
Boucher Frelinghuysen Lucas  
Boustany Gallegly Lungren, Daniel  
Boyd Garrett (NJ) E. Lynch  
Bradley (NH) Gerlach Mack  
Brady (PA) Gibbons Maloney  
Brady (TX) Gilchrest Marchant  
Brown (OH) Gillmor Markey  
Brown (SC) Gingrey Marshall  
Brown, Corrine Gohmert Matheson  
Brown-Waite, Goode Matsui  
Ginny Goodlatte McCaul (TX)  
Burgess Gordon McCollum (MN)  
Burton (IN) Granger McCotter  
Butterfield Graves McCreery  
Buyer Green (WI) McDermott  
Calvert Green, Al McGovern  
Camp (MI) Green, Gene McHenry  
Campbell (CA) Grijalva McHugh  
Cannon Gutierrez McIntyre  
Cantor Gutknecht McKeon  
Capito Hall McKinney  
Capps Harman McMorris  
Capuano Harris McNulty  
Cardin Hart Meehan  
Cardoza Hastings (FL) Meek (FL)  
Carnahan Hastings (WA) Meeks (NY)  
Carson Hayes Melancon  
Carter Hayworth Menendez  
Case Hefley Mica  
Castle Hensarling Michaud  
Chabot Hergert Millender-  
Chandler Herseth McDonald  
Chocola Higgins Miller (FL)  
Clay Hinchey Miller (MI)  
Cleaver Hinojosa Miller (NC)  
Clyburn Hobson Miller, Gary  
Coble Hoekstra Miller, George  
Cole (OK) Holden Mollohan  
Conaway Holt Moore (KS)  
Conyers Honda Moore (WI)  
Cooper Hooley Moran (KS)  
Costa Hoyer Moran (VA)  
Costello Hulshof Murphy  
Cramer Hunter Musgrave  
Crenshaw Ingalls (SC) Nadler  
Crowley Inslee Napolitano  
Cubin Israel Neal (MA)  
Cuellar Issa Neugebauer  
Culberson Jackson (IL) Ney  
Cummings Jackson-Lee Northup  
Davis (AL) (TX) Norwood  
Davis (CA) Jefferson Nunes  
Davis (FL) Jenkins Nussle  
Davis (IL) Jindal Oberstar  
Davis (KY) Johnson (CT) Obey  
Davis (TN) Johnson (IL) Oliver  
Davis, Tom Johnson (IL) Ortiz  
Deal (GA) Johnson, E. B. Osborne  
DeFazio Johnson, Sam Otter  
DeGette Jones (NC) Owens  
Delahunt Jones (OH) Owens

Oxley Ryun (KS) Tauscher  
Pallone Sabo Taylor (MS)  
Pascarell Salazar Taylor (NC)  
Pastor Sanchez, Linda Terry  
Payne T. Thomas  
Pearce Sanchez, Loretta Thompson (CA)  
Pelosi Sanders Thompson (MS)  
Pence Saxton Thornberry  
Peterson (MN) Schakowsky Tiahrt  
Peterson (PA) Schiff Tiberi  
Petri Schmidt Tierney  
Pickering Schwartz (PA) Towns  
Pitts Schwarz (MI) Turner  
Platts Scott (GA) Udall (CO)  
Poe Scott (VA) Udall (NM)  
Pombo Sensenbrenner Upton  
Pomeroy Serrano Van Hollen  
Porter Sessions Velázquez  
Price (GA) Shadegg Visclosky  
Price (NC) Shaw Walden (OR)  
Pryce (OH) Shays Walsh  
Putnam Sherman Wamp  
Rahall Sherwood Wasserman  
Rangel Shimkus Schultz  
Regula Simmons Waters  
Rehberg Simpson Watt  
Reichert Skelton Waxman  
Renzi Smith (NJ) Weiner  
Reyes Smith (TX) Weldon (FL)  
Reynolds Smith (WA) Weldon (PA)  
Rogers (AL) Snyder Weller  
Rogers (KY) Sodrel Westmoreland  
Rogers (MI) Solis Wexler  
Rohrabacher Souder Whitfield  
Ross Spratt Wicker  
Rothman Stark Wilson (NM)  
Roybal-Allard Stearns Wilson (SC)  
Royce Strickland Wolf  
Ruppersberger Stupak Woolsey  
Rush Sullivan Wu  
Ryan (OH) Sweeney Yynn  
Ryan (WI) Tancredo Young (AK)  
Tanner Young (FL)

## NOT VOTING—20

Akin Fossella Murtha  
Baca Hostettler Myrick  
Barton (TX) Hyde Paul  
Becerra Istook Radanovich  
Davis, Jo Ann Kolbe Slaughter  
Diaz-Balart, M. Manzullo Watson  
Ehlers McCarthy

□ 1937

Ms. BERKLEY changed her vote from “nay” to “yea.”

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

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. Leader, obviously the Members as we all know on both sides have been here for some period of time today and are very obviously desirous of knowing what our schedule is.

I yield to the gentleman from Missouri.

Mr. BLUNT. I thank my friend for yielding. As you know, it is hard to predict how exactly everything is going to work out. It is a little difficult to predict these last days before an adjournment period or before we leave for a work period, either one.

We will officially convene tomorrow at 1 p.m. I think it is highly unlikely that there would be any vote before around 5, and we would give 2-hour notice in any reasonable way that we

could before the first votes would occur.

Mr. HOYER. Reclaiming my time, would it be safe, therefore, for Members to conclude that they need not be here before 5? If we went in at 1, you gave 2 hours' notice, the first vote would be 3, but am I correct that the Defense appropriations conference has not convened because the chairman sadly lost his mother, and it is my understanding he is coming back sometime, maybe he came back this afternoon, but would I be reasonably correct in saying that the chances of the Defense appropriations bill being ready to report prior to 5 would be very slim?

I yield to my friend.

Mr. BLUNT. Mr. Speaker, I thank my friend for yielding. We do have some suspensions for tomorrow, a few more suspensions. So we could have those before the report if it was not ready. I appreciate your comments also about the chairman's being away for his mother's memorial service. He did return this evening.

I believe the current plan is for their committee to meet early in the morning to have as much work as possible done before the committee meets and then to have that to Rules by midday. Obviously, we may not make all of those deadlines. If we do, we could very well be having our first votes at 5. We would give 2 hours' notice before that. So the earliest I would expect Members to get a notice that we would have votes in 2 hours would be around 3 o'clock.

Mr. HOYER. Reclaiming my time, what I think then the message, correct me if I am wrong, Mr. Leader, is that Members can be assured that they will not have votes prior to 5 p.m. tomorrow, and presumably, notice would go out at 3 o'clock if votes were to be at 5 o'clock; would that be accurate?

Mr. BLUNT. I thank my friend for yielding, and that is my accurate view of what is almost certain to happen tomorrow.

Mr. HOYER. Reclaiming my time, we do understand that the Defense appropriations committee conference report would probably be on the agenda. Can you tell us whether we expect the Defense authorization and/or the budget reconciliation bill also might be under consideration tomorrow?

I yield to my friend.

Mr. BLUNT. I thank my friend for yielding.

You are right. The Appropriations Committee product, we have already discussed and we would expect, matter of fact, we are certain, as certain as you can be this time of year, of that for tomorrow. I think there is an excellent chance that we could get the budget reconciliation bill tomorrow, and we are still working to do what we can to bring Defense authorization to the floor.

Mr. HOYER. I thank the gentleman for that information. Can you tell us, can Members be relatively assured that they will be able to plan at least at

some point in time Sunday or early Monday morning that that would be the end of the session, at least for the period of time prior to Christmas?

I yield to my friend.

Mr. BLUNT. I thank my friend for yielding and for the question. We have certainly given every indication in every meeting, the Speaker has, I have today, that that would be our timetable, that we would finish, possibly some things could carry over into early Monday morning, but we would not be here on Monday for any official actions of that regard on Monday, though there may be some pro forma thing that has to be done that I am not aware of standing here.

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

Mr. Speaker, I would hope on behalf of my side, and I have talked to my friend from Missouri (Mr. BLUNT) on the other side, I know both of us want to bring this session to a close. Members had hoped to be home certainly this weekend. Christmas is a week from tomorrow. I am hopeful that we can conclude tomorrow, and I would hope that we would all work towards that end.

#### ANNOUNCEMENT REGARDING RECOGNITION OF HELEN SEWELL'S RETIREMENT

Mr. BLUNT. Mr. Speaker, I have a brief announcement. The announcement is that we would also plan in our activities tomorrow to have a brief recognition of Helen Sewell, who has run the cloakroom here for a long period of time. Between she and her father, who started work here 87 years ago, they have been a continued presence in the cloakroom on this side. Tomorrow will be Helen's last official day before she retires.

□ 1945

#### HOOR OF MEETING ON TOMORROW

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 1 p.m. tomorrow.

The SPEAKER pro tempore (Mr. CONAWAY). Is there objection to the request of the gentleman from Missouri? There was no objection.

#### APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Naval Academy:

Mr. HOYER, Maryland  
Mr. CUMMINGS, Maryland

#### COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE DEMOCRATIC LEADER,  
December 15, 2005.

Hon. J. DENNIS HASTERT,  
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to section 1909 (b) of SAFETEA-LU (P.L. 109-59), I hereby appoint to the National Surface Transportation Policy and Revenue Study Commission the following individuals:

Mr. Frank J. Busalacchi, Secretary of the Wisconsin Department of Transportation, of Brookfield, Wisconsin.

Mr. Steve Heminger, Executive Director of the Metropolitan Transportation Commission, of San Francisco, California.

Best regards,

NANCY PELOSI.

#### COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from Nancy Pelosi, Democratic Leader:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE DEMOCRATIC LEADER,  
Washington, DC, December 15, 2005.

Hon. J. DENNIS HASTERT,  
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (P.L. 106-398), I hereby reappoint Ms. Carolyn Bartholomew of the District of Columbia and Mr. George Becker of Pittsburgh, Pennsylvania, to the United States-China Economic and Security Review Commission for two-year terms expiring December 31, 2007. Their current terms expire December 31, 2005.

Best regards,

NANCY PELOSI.

#### DEFENSE AUTHORIZATION BILL

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

Mr. MEEHAN. Mr. Speaker, the Republican leadership is trying to add to the Defense authorization bill a controversial piece of legislation by Mr. PENCE that would blow the lid off the Campaign Finance Reform Act that Republicans and Democrats joined together to support and pass into law and that President Bush signed into law.

Mr. Speaker, this country is at war. We need a Defense authorization bill to assist the men and women who are serving our Armed Forces. We have reached an agreement on that bill to help our troops; and now, at the last minute, the chairman of the Armed Services Committee wants to take a controversial piece of campaign finance reform legislation and insert it into that bill.

He was exposed by the other Chamber. The chairman of the Senate Armed Services Committee took the floor and condemned it; and now he still wants to add this legislation, controversial legislation, against the public interest. He wants to attach it to a Defense bill at a time when this country is at war.

Surely we can do better on this holiday weekend. It is despicable, and I hope this leadership stands up to this. This is one of the worst things I have ever seen this Republican leadership do. A piece of controversial legislation to a Defense bill at a time of war.

#### EXTREME ALITO VIEWS

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

Mr. FRANK of Massachusetts. Mr. Speaker, I am struck by the extent to which the right wing seems not to understand how unpopular their agenda is. It is their inability to get a majority for it that keeps us here so many days after we should have gone.

It is also interesting to watch them try to deny the very, very deep conservatism of the nominee for the Supreme Court, Judge Alito. They are hiding his views on abortion. Recently, in the Boston Globe, an article by Kenneth Starr and Ronald Cass tried to explain away one of the most astounding examples of his extreme conservatism: his opposition to the basic principle of one man, one vote as articulated by the Warren Court. And given the difficulty of trying to get someone confirmed who has views that extreme, these two advocates tried to explain it away by claiming it was all about gerrymandering and proportional representation.

Fortunately, Professor Michael Tolley of Northeastern University wrote a very good letter exposing the inaccuracy of this attempted defense of Judge Alito and reaffirming that in fact what was involved in his 1985 statement was an objection to that basic principle of democracy articulated by the Warren Court, that it should be one man, one vote.

The following are the inaccurate article and the correction:

#### ALITO'S STICKY THICKET

(By Kenneth W. Starr and Ronald A. Cass)

A Political sidebar that made surprising news the last few weeks is a phrase in a 1986 job application from now-Judge Sam Alito questioning the Warren Court's reappointment decisions. That tidbit sent shock waves through the political and pundit classes.

It shouldn't have. Justice-to-be Alito's statement wasn't an attack on equality, voting rights, or protecting victims of racial discrimination. It was a simple observation that a liberal court created a doctrine that, however salutary, has significant problems.

Americans have long embraced the idea of equality from "all men are created equal" forward. Equality did not mean identical political influence in every respect. Yet the past 40 years have seen repeated judicial efforts to prescribe something that looks like