

Ney
Oxley

Pomeroy
Rangel

Smith (TX)
Thomas

□ 1440

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CONAWAY. Mr. Speaker, I was dea-
fined and unable to cast a vote on H.J. Res.
10 on June 22, 2005. I was in Brownwood,
Texas attending the funeral of Lance Corporal
Mario Castillo, a Marine from the 11th District
of Texas. Please let the RECORD reflect that
had I been here, I would have voted "yea."

PROVIDING FOR CONSIDERATION
OF H.R. 2985, LEGISLATIVE
BRANCH APPROPRIATIONS ACT,
2006

Mr. LINCOLN DIAZ-BALART of
Florida. Mr. Speaker, by direction of
the Committee on Rules, I call up
House Resolution 334 and ask for its
immediate consideration.

The Clerk read the resolution, as fol-
lows:

H. RES. 334

Resolved, That at any time after the adop-
tion of this resolution the Speaker may, pur-
suant to clause 2(b) of rule XVIII, declare the
House resolved into the Committee of the
Whole House on the state of the Union for
consideration of the bill (H.R. 2985) making
appropriations for the Legislative Branch for
the fiscal year ending September 30, 2006, and
for other purposes. The first reading of the
bill shall be dispensed with. All points of
order against consideration of the bill are
waived. General debate shall be confined to
the bill and shall not exceed one hour equal-
ly divided and controlled by the chairman
and ranking minority member of the Com-
mittee on Appropriations. After general de-
bate the bill shall be considered for amend-
ment under the five-minute rule. The bill
shall be considered as read. All points of
order against provisions in the bill for fail-
ure to comply with clause 2 of rule XXI are
waived. Notwithstanding clause 11 of rule
XVIII, no amendment to the bill shall be in
order except those printed in the report of
the Committee on Rules accompanying this
resolution. Each such amendment may be of-
fered only in the order printed in the report,
may be offered only by a Member designated
in the report, shall be considered as read,
shall be debatable for the time specified in
the report equally divided and controlled by
the proponent and an opponent, shall not be
subject to amendment, and shall not be sub-
ject to a demand for division of the question
in the House or in the Committee of the
Whole. All points of order against such
amendments are waived. At the conclusion
of consideration of the bill for amendment
the Committee shall rise and report the bill
to the House with such amendments as may
have been adopted. The previous question
shall be considered as ordered on the bill and
amendments thereto to final passage with-
out intervening motion except one motion to
recommit with or without instructions.

The SPEAKER pro tempore. The gen-
tleman from Florida (Mr. LINCOLN
DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of
Florida. Mr. Speaker, for the purpose

of debate only, I yield the customary 30
minutes to the gentlewoman from Cali-
fornia (Ms. MATSUI), pending which I
yield myself such time as I may con-
sume. During consideration of this res-
olution, all time yielded is for the pur-
pose of debate only.

(Mr. LINCOLN DIAZ-BALART of
Florida asked and was given permis-
sion to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of
Florida. Mr. Speaker, H. Res. 334 is a
structured rule that provides for the
consideration of H.R. 2985, the fiscal
year 2006 Legislative Branch Appropria-
tions Act, as well as five amend-
ments. The rule provides for one hour
of general debate equally divided and
controlled by the chairman and rank-
ing minority member on the Com-
mittee on Appropriations. It also pro-
vides for one motion to recommit with
or without instructions.

Mr. Speaker, the legislation before us
today appropriates \$2.87 billion for the
operations of the legislative branch of
government. The bill is fiscally sound
and includes a modest 1.7 percent in-
crease from the last fiscal year. It pro-
vides over a billion dollars for the oper-
ation of this House of Representatives.

□ 1445

This includes funds for Members' rep-
resentational allowances, leadership,
and committee offices. These funds will
help our Members fulfill their duties to
legislate, represent their constitu-
encies, and oversee the executive
branch. These funds are very important
in that they provide for that possi-
bility, which is constitutionally man-
dated. Mr. Speaker, oversight of the ex-
ecutive branch. The Constitution
grants Congress broad powers that in-
clude the oversight power. This in-
cludes getting to know what the execu-
tive branch is doing, how programs are
being administered, by whom and at
what cost, and whether officials are
obeying the law and complying with
legislative intent.

For the Capitol Police, the bill ap-
propriates over \$239 million. Also in-
cluded is an Inspector General for the
Capitol Police to help them with their
financial management.

The bill also includes an important
piece of legislation, H.R. 841, the Con-
tinuity in Representation Act of 2005.
As we all know, on September 11, 2001,
Flight 93 was headed toward Wash-
ington, D.C. If it were not for the truly
heroic acts of the passengers on that
flight, we could have been facing a sit-
uation where Congress would not have
been able to function.

We have to do everything possible,
Mr. Speaker, to prevent this from
being a possibility even in the future.
H.R. 841 would accelerate elections in
case of a terrorist attack on the House
of Representatives, in case such a ter-
rorist attack left the House with over
100 vacancies. It provides for the ex-
pedited special election of new Members
to fill seats left vacant in extraor-
dinary circumstances.

The House of Representatives passed
this bill earlier this year by an over-
whelming bipartisan margin of 329-68.
In the 108th Congress, the House passed
a similar bill, H.R. 2844, by a vote of
306-97. However, each time the Senate
has failed to consider this vital piece of
legislation. I think it is time that we
have legislation that can handle such a
horrible possibility and does not leave
our constitutional duty to legislate
and oversee in limbo.

Mr. Speaker, H.R. 2985 was intro-
duced by Chairman LEWIS and reported
out of the Appropriations Committee
on June 20 by voice vote. It is a good
bill, essential to our continued ability
to legislate, to our power of oversight,
and to the continuity of our govern-
ment. I would like to thank the chair-
man and the ranking member of the
Appropriations Committee for their
leadership on this important issue, as
well as the subcommittee. I urge my
colleagues to support both the rule and
the underlying legislation.

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

Ms. MATSUI. Mr. Speaker, I thank
the gentleman from Florida for yield-
ing me this time, and I yield myself
such time as I may consume.

(Ms. MATSUI asked and was given
permission to revise and extend her re-
marks.)

Ms. MATSUI. Mr. Speaker, we are
here to debate the rule governing the
debate for the fiscal year 2006 legisla-
tive branch appropriations measure.
Through this bill, we will fund the op-
erations for our institution and the
many supporting bodies that we rely
upon, such as the Library of Congress,
the Government Accountability Office,
and the Congressional Budget Office.

While I will ultimately support the
underlying bill, I would first like to ad-
dress a few aspects of the rule about
which I have serious concerns, specifi-
cally, the committee's addition of leg-
islative language providing for the con-
tinuity of Congress. One of the results
of September 11, and we all agree, is
that we need a mechanism to allow
States to replace Members of Congress
in the event of a major disaster. How-
ever, adding continuity language in the
manner we are today is inappropriate.

While I am pleased that the Rules
Committee voted to allow debate on
the Baird amendment to remove this
language from the bill, I am disap-
pointed that this language was in-
cluded in the bill at all. Legislation
that will have a major impact on the
representation of the American people,
as this language unquestionably will,
should be completely and thoroughly
debated in an atmosphere conducive to
debate. This proposal should be ad-
dressed in the same way any other au-
thorizing legislation would be and as it
was when the House passed this meas-
ure earlier this year in a stand-alone
bill.

But the Republican leadership has decided otherwise, and I raise the question that if we are to discuss this weighty issue today, why then would the Rules Committee not allow an amendment by the gentleman from Massachusetts (Mr. TIERNEY) which would set up a select committee to look into contracting abuses in the Iraq war? To date, \$9 billion is missing or unaccounted for in appropriated funds for the Iraq war. This is an issue of equal significance, especially as we consider the tight budget constraints Congress faces.

Regardless of how one would vote on the amendment itself, this idea deserves the same consideration and debate as the continuity of Congress measure. I am disappointed that this amendment was not made in order as well.

Mr. Speaker, I look forward to resuming the debate on the issue of the continuity of Congress.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

This is an eminently fair rule. With regard to the issue of the continuity of government, twice before legislation has been brought to the floor on that issue, and there has been an extensive debate. So we certainly feel that the House has had a sufficient and very fair opportunity to consider this issue. In addition, as I stated before, the legislation we are bringing to the floor today includes H.R. 841, the Continuity in Representation Act of 2005, that is very specific on this issue. One of the great leaders in the House on the issue of making certain that even in a time, God forbid, of great crisis again in the Nation and specifically in the Congress, the Congress can function, is the chairman of the Committee on Rules.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time and thank him for his very strong commitment to this institution and our country. That is really what this legislation is all about. The legislative branch appropriations bill is about the funding for the first branch of government. People often do not focus attention on the realization that article 1 of the U.S. Constitution is in fact the first branch, and we have a very important constitutional responsibility, and that is what this legislation is all about.

As we looked at addressing this rule, it is a very fair and balanced rule which makes in order five amendments, makes in order amendments that will allow for the opportunity to address a wide range of issues that we obviously have a responsibility to address institutionally.

One of the amendments that we chose to make in order is an amendment that was offered by our friend,

the gentleman from Washington (Mr. BAIRD). I believe it important that he again have an opportunity to address an issue that, frankly, has already been addressed by this institution. It has to do with the question of the continuity of Congress. As we sit here, I was just in a meeting with the Attorney General a few minutes ago, Mr. Speaker, and we were talking about September 11 and the PATRIOT Act and the challenges with which we contend on a regular basis, and one of the great tragic challenges that we do not even like to ponder is what would happen if there were to be an attack that would hit this building and that would see the loss of large numbers of Members of the people's House, the United States House of Representatives.

We passed, with nearly every Republican and 122 Democrats supporting, legislation that we call the Continuity of Congress legislation. It calls for special elections to be held on an expedited basis in the districts, where, when we have seen in excess of 100 Members of the United States House of Representatives killed, it would kick into place the structure that would allow for those special elections to take place in those States across the country that have been impacted.

Again, we do not like to think about this, we do not like to think about the possibility of this kind of attack, but we have a responsibility. We have a responsibility to this institution, to the Constitution, and to the American people to do just that. So what we have done is we have said, hold these elections, plan for these elections, and then the United States House of Representatives will remain exactly what it was envisaged as by James Madison, the Father of our Constitution.

He is the author, wrote the Constitution, and spent a great deal of time thinking about these issues. And one of the things that he was very careful about was in realizing that every single Federal office that exists can see someone attain that office by appointment. We all know that in the other body, the United States Senate, the body of the States, if a vacancy occurs, if someone resigns, if they are killed, pass away, whatever, if there is a vacancy, the Governors of States make those appointments.

We all learned in 1973 with the resignation of Spiro Agnew as Vice President that the then-minority leader in the House of Representatives, Gerald Ford, was, by appointment, made Vice President, and then when the resignation of President Nixon took place in 1974, Gerald Ford became President of the United States, having never had a single vote cast for him by the American people other than confirmation in the United States Senate.

The House of Representatives is the only Federal office where you must be elected by the people to serve. That is why this Madisonian vision of making sure that this is the body of the people was maintained. That is what the legis-

lation that we have passed again with a very strong bipartisan vote here is designed to accomplish.

Unfortunately, since March, we have seen this legislation languish in the Senate, and we have not been able to have the kind of success that we believe is important to get what is a House issue addressed. It is not even a Senate issue. It is an issue for the House of Representatives. So what we have done is we have decided that the Appropriations Committee in its great wisdom include this continuity of Congress legislation with the legislative branch appropriations bill. I believe that in so doing, when we pass this bill to the Senate, we will have a chance to put into place very, very important continuity legislation for this institution.

The gentleman from Washington (Mr. BAIRD) sees it differently. He would like to amend the U.S. Constitution, an amendment to the Constitution that would call for Members of the House of Representatives to serve here in a way that is other than an elective capacity. They would be appointed to serve here. I just think that that goes clearly against James Madison's vision for this institution, and I hope very much that we are able to maintain the language that has passed again with strong bipartisan support and is included in this.

But there will be an amendment that is offered by the gentleman from Washington to strike that, and I am going to urge my colleagues to oppose that amendment that he will be offering.

Again, if you look at the level of funding that we have for the legislative branch appropriations bill, it is actually lower than was requested by the President in his budget. So this is a very fiscally responsible bill. I believe that it is a correct measure for us to take. I urge support of this rule, it makes a number of amendments in order, and support of the bill itself.

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

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, I rise in opposition to the rule. Regrettably, although the Rules Committee apparently found it in order to allow in the continuity of Congress aspect, it did not make in order an amendment that I offered to establish a special commission, a committee, to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq. This amendment is critical toward ensuring that we effectively exercise our congressional oversight responsibilities.

Congress has already appropriated some \$277 billion for military operations in Iraq and Afghanistan and that does not include the \$45 billion in so-called bridge funding which was part of the defense appropriations bill which passed the House on Monday. We have

repeatedly and rightfully recognized that we have to meet the operational, technical, and equipment needs of our troops that are stationed over in Iraq and Afghanistan. That is paramount.

□ 1500

However, the fact of the matter is that when it comes to ensuring that those funds that we have appropriated for that purpose are properly managed and monitored, Congress has been largely silent.

I am heartened the gentleman from Connecticut's (Mr. SHAYS) subcommittee held a hearing yesterday, and I am heartened that the Committee on Armed Services held a hearing in a subcommittee back in 2004. But that is not nearly the amount of activity this Congress should be taking. We must do much better. Every single dollar that is wasted or lost in Iraq and Afghanistan because of mismanagement or fraud in contracting is one less dollar that can go to protect our troops, one less dollar for body armor, and one less dollar for protective equipment that can save lives.

To that point, on Monday the Boston Globe cited the Marine Corps Inspector General's report and reported that the estimated 30,000 Marines in Iraq need twice as many heavy machine guns, more fully protected armored vehicles, and more communications equipment to operate in a region the size of Utah.

One of the functions of this select committee that is proposed would be to see that our soldiers are properly equipped to carry out their mission. In fact, the original Truman Committee that was put in place during World War II is believed to have saved thousands of lives as the result of its success in cutting through the bureaucracy and making sure that effective weapons and other war supplies were not a part of the problem in that enterprise. The bottom line in this Congress, however, is that we have not lived up to our oversight responsibilities. We have abdicated them. We have relied on the administration to perform that role for us, and they have not done it, and we have shunned our responsibilities.

Here is their most recent record: In March and early April, we learned that the Pentagon auditors found that \$212 million was paid to Kuwaiti and Turkish subcontractors for fuel that the Pentagon auditors concluded was exorbitantly priced. Halliburton then passed those payments on to the taxpayer. In late April, according to the Washington Post, the Government Accountability Office found that officials from the Departments of Defense and Interior who were charged with overseeing a contract to provide interrogators at Abu Ghraib "did not fully carry out their roles and responsibilities, the contractor was allowed to play a role in the procurement process normally performed by the government."

In May, the Office of the Special Inspector General for Iraq Reconstruction found that out of \$119.9 million al-

located for rebuilding projects, \$96.6 million could not be sufficiently documented or fully accounted for at all.

In June, a Committee on Government Reform report, prepared by the gentleman from California's (Mr. WAXMAN) staff, cited an instance of \$600 million in cash being shipped from Baghdad to four regions in Iraq to allow commanders flexibility to fund local reconstruction projects. An audit of one of the four regions found that more than 80 percent of the funds could not be properly accounted for and that over \$7 million was simply missing.

A pattern exists here, whether it is revenues from the Iraqi oil sales or whether it is funds from the pockets of the American taxpayers. We are not taking our responsibility, and flagrant lack of contractor and bureaucratic accountability is taking place under our eyes. If we do not sufficiently account for these measures and have vigorous congressional oversight, how can we assure that our troops are going to get sufficient protection and that our taxpayers' interests will be protected?

My colleagues know that this is not the first time that we have had this amendment on the floor. They have now had at least four opportunities to stand up and be accountable to the American taxpayer, to make sure that our troops are protected. In every instance it has been essentially a party-line vote, with only two Members of the majority standing up for the rights of the taxpayer and the rights of our troops in this instance.

It is difficult to fathom that tomorrow this majority is going to bring on the floor of this House a bill for Health and Human Services and Education where they are going to cut to the bone, saying that there is no money. There will be less money for Pell grants for kids that want to go to college. There will be less money for elementary and secondary schools. We will fall further behind in our commitments to No Child Left Behind. We will not fund appropriate health care costs, like health clinics. We will not even fund the President's own commitment to high school reform and to community colleges. All, ostensibly, because there is no money. And yet the majority in this Congress refuses to do the oversight on over almost \$300 billion where we know there have been flagrant abuses.

We need to do the right thing in this Congress. This is time for us to take the previous question, defeat it, make sure that this amendment comes on the floor. We will give them yet another opportunity to show that this House will live up to its responsibilities and protect the integrity of this fine institution.

I urge my colleagues to vote "no" on the previous question.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

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

Mr. OBEY. Mr. Speaker, I will be voting against this rule. I will be voting against the previous question on the rule. I will be voting against the bill itself. I will wait until debate on the bill in order to explain my vote on the latter.

But let me simply say two things with respect to the rule. The leadership of this House, the Republican leadership of this House, has chosen to insist that their continuity of Congress proposal, which is a totally unrelated matter, be added to the appropriation bill to finance the operations of the Congress. Our committee gave this all of about 10 minutes of consideration. No alternatives were presented. And what that means is that the House Republican leadership is insisting that a bill which the House has already passed once be passed again, because the Senate has declined to take up the bill that the House sent over in the first place.

I think they were wise not to take that bill up. I am in a distinct minority on this proposition. But what this proposition does is to say that, within 45 days of the Speaker's determining that 100 or more vacancies exist in the House, that he will call a special election.

A couple of problems with that. Number one, that means that a national election is left to the discretion of and to the timing selected by the Speaker. I do not think that is appropriate. Secondly, it means that for that 45-day period, if there are 100 vacancies in the House because of death and destruction associated with an attack, for instance, it means that those 100 districts would be unrepresented at a time when the most crucial decisions affecting the continuation of the Republic would be made. I do not think that is a good idea either.

If we are going to be forced to vote on any of those propositions, then, even though I am a Democrat, I much prefer the alternative presented by the gentleman from California (Mr. ROHR-ABACHER), a Republican. The alternative that he presented in the last session of Congress would have provided that each and every year when we are elected, we also have to supply a list of persons whom we feel are most qualified to take our place if something happens and we are killed by such a disastrous attack. I would submit to the Members that it is far more appropriate to have someone who is revealed ahead of time to be the person of choice in case a tragedy like that happened. I would suggest that is a far healthier situation than to have a situation in which a district was unrepresented for 45 days.

The gentleman from California (Mr. DREIER) suggested that it was important to maintain the distinction the House has that one must be elected in order to serve in this body. Well, obviously I would much prefer to have an elected person representing my district, but an appointed official is preferable to no one at all. And yet that is

what we are stuck with under this misbegotten attachment that the House leadership is insisting that we add to this bill in a power play. So that is one reason I oppose this rule.

The second reason is that the Committee on Rules steadfastly refused to make in order the creation of a Truman-like committee to review waste and fraud in the war in Iraq. When Franklin Roosevelt was running this country, Harry Truman was appointed to lead a congressional review committee. Truman held 430 hearings. He issued 51 reports. A Democratic Congress investigating the activities in a Democratic administration. It was good for the Democratic Party. It was good for the Republican Party. It was good for the Republic. A lot of money was saved. A lot of chicanery was exposed and corrected.

But here we have horror story after horror story of waste, incompetence, fraud, theft in Iraq, all of the taxpayers' money. And yet what does this Congress do? Virtually zip in terms of the oversight that it is providing on these matters.

I think this Congress is derelict in its duty by not appointing such a committee. And for that reason alone, I think we ought to vote "no" on the previous question so we can change the rule so we can at least provide some protection for the taxpayers' money.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Washington State (Mr. BAIRD).

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

A few moments ago, the distinguished chairman of the Committee on Rules was here, and I want to begin by expressing my appreciation that my amendment will be made in order to extract what I believe is an inappropriate clause inserted by the majority. The gentleman from Wisconsin (Mr. OBEY), I think, articulated the issue well. It is true that we had a vote in this Congress already on the issue of the continuity of the Congress, but it is also true that there was not a hearing on various opportunities to solve this problem. Essentially one version of the bill was brought forward without adequate hearing. I was present at the markup of my own bill. The distinguished chair of the Committee on the Judiciary did not allow me to even speak to my own bill, though he mischaracterized it.

Now, what the majority is doing is taking what is clearly legislative, and it is consequential legislation; let us be clear about this. What they are doing is taking legislation that provides for how we would replace this very body. Many of us, myself, the gentleman from California (Mr. ROHRBACHER), and others, tried to get this body, tried to get the leadership to say that we would have an open debate on multiple proposals, multiple proposals, with full

amendments and full debate by this entire body. We are now years post-September 11. This body still does not have an adequate plan to ensure that every person in this country will have representation if this body is eliminated. Indeed, this body is fully willing, according to the clause in this legislation today and appropriately placed in this legislation, to allow the executive branch to function completely unfettered.

I have to say to the distinguished gentleman from California, the chair of the Committee on Rules said I was contrary to Madison. Possibly so, in some ways; but I would warrant that he is even more contrary because Mr. Madison was absolutely clear that the fundamental principles of checks and balances are a core of this great Republic. The legislation being proposed by the majority would undermine that principle of checks and balances.

More importantly still, the average American needs to understand that this body is considering legislation which would prohibit them from having representation in the Congress and prohibit the Congress from having a check on the executive at a time of national crisis, and that is disastrous. If Members care about this body, if they believe in the principles of checks and balances, they should reject this clause, support the Baird amendment. They should insist not that we ram this through on an inappropriate appropriations bill, where it should not belong, but that we have a full and open debate with our colleagues from the other body.

I have to tell the Members that when I go home and talk to my constituents, and I would ask the Members to do this: Ask their constituents if they are comfortable, knowing that three or four people could serve as the House of Representatives under the rules we passed, which I believe are blatantly unconstitutional, if they believe that three or four people should be able to elect a Speaker of the House, that that person should then become the President of the United States, could declare martial law with absolutely no checks and no representation of hundreds of millions of Americans at the time that happens.

This is irresponsible. Madison and Jefferson and the rest would be spinning in their graves if they knew what you are up to here.

It is not just about germaneness, but that reason alone should cause Members to support the Baird amendment.

□ 1515

A matter of this importance should not be attached to an appropriations bill as a way to try to jam it through the Senate. It simply should not be.

Mr. Speaker, we owe it to posterity, we owe it to this institution to solve this problem, to solve it properly, and this amendment that I have introduced would at least prevent us from doing something bad. First, do no harm.

My friend, the gentleman from California, is wrong when he suggests that we are contrary to Madison.

Let me underscore the agenda here. The chairman of the Subcommittee on the Constitution of the Committee on the Judiciary of the United States House of Representatives said on this matter, we are going to have martial law anyway, we are going to have martial law anyway, so we do not need continuity provisions.

If that is your agenda, be straight with the American people. If that is the agenda, let us go home now. If that is the agenda, to believe that when our Nation has been attacked, we are going to leave the American people without representation, without a House of Representatives, with the Senate functioning without a House because they can be replaced more promptly, with an unelected President, probably a cabinet member serving, if you believe we would solve this problem, you are kidding yourselves. You can kid yourselves, but history will not look kindly upon this body if we have shirked our obligation. And passage of this legislation today with this provision in it is an insult to the Framers and an insult to the principles of representative democracy.

Vote "no" on the bill; vote "yes" on the Baird amendment.

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

Mr. Speaker, I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to allow the House to consider the Tierney amendment on the Truman Commission that got defeated in the Committee on Rules last night by a straight party-line vote.

I ask unanimous consent that the text of the amendment be printed in the CONGRESSIONAL RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. FEENEY). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, the Tierney amendment will establish a select committee to investigate the awarding and carrying out of war-related contracts in Afghanistan and Iraq. In 1941, with the United States engaged in a major military buildup as part of World War II, Senator Harry Truman, a Democrat from Missouri, became aware of widespread stories of contractor mismanagement in military contracts and created a committee to investigate such spending.

Since 2003, there have been many examples of the misuse of American taxpayer dollars and Iraqi contracting. Nearly \$9 billion on money spent on Iraqi reconstruction is unaccounted for because of inefficiencies and bad management, according to the Special Inspector General for Iraqi Reconstruction. Ensuring vigilant oversight of

taxpayer dollars should not be a partisan issue. The Truman Committee was created while Democrats controlled the White House, the House, and the Senate. We owe it to American taxpayers and to our brave soldiers to oversee how the billions of taxpayer dollars are being spent in Iraq and Afghanistan. A new Truman Committee would allow us to get the facts on U.S. contracting in both military and reconstruction activities and to fix whatever problems exist.

As always, Members should know that a "no" vote on the previous question will not stop consideration of the legislative branch appropriation bill. A "no" vote will allow the House to create a much-needed select committee to investigate government contracts in Iraq and Afghanistan. But a "yes" vote on the previous question will prevent the House from establishing this important select committee.

Again, vote "no" on the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

We are bringing forth a very important appropriations bill today, with an issue that has received a tremendous amount of discussion and study and debate and actually has been voted on twice in overwhelming fashions by this House favorably. The last time, in the 108th Congress, the measure on the continuity of government, specifically of this House, which is included in the underlying legislation, had passed with 329 favorable votes and only 68 negative votes. Mr. Speaker, 122 of our friends on the other side of the aisle voted for this piece of legislation.

By the way, the rule, Mr. Speaker, by which we bring forth this legislation, also is permitting, as an amendment, a motion to strike that legislation by the distinguished gentleman from Washington (Mr. BAIRD). His alternative was debated previously in this Congress and received 63 votes; and we are, as I say, we are permitting him, under this rule, to strike, if he has the provision on the continuity of the House. So we are bringing this legislation forth in a very fair way.

In addition to the very important legislation which is included that has to do with, as we have heard debate about today, that has to do with continuity of this House in case of an emergency, the underlying legislation also provides for the funding of the legislative branch of government, and it does so in an efficient and effective way, and in a way which I think deserves the support of the entire membership of this House.

So, Mr. Speaker, I ask for the support of our colleagues for the rule and the underlying legislation being brought forth by the rule.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION FOR H. RES. 334 RULE ON H.R. 2985 LEGISLATIVE BRANCH APPROPRIATIONS FY06

At the end of the resolution, add the following:

"SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 5 in the report of the Committee on Rules if offered by Representative Tierney of Massachusetts or a designee. That amendment shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 2985, AS REPORTED OFFERED BY MR. TIERNEY OF MASSACHUSETTS

Page 6, insert after line 24 the following:

SELECT COMMITTEE

SEC. 102. (a) ESTABLISHMENT.—There is established in the House of Representatives a select committee to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism (hereinafter referred to as the "select committee").

(b) MEMBERSHIP AND FUNCTIONS.—The select committee is to be composed of 15 Members of the House, to be appointed by the Speaker (of whom 7 shall be appointed upon the recommendation of the minority leader), one of whom shall be designated as chairman from the majority party and one of whom shall be designated ranking member from the minority party. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made. The select committee shall conduct an ongoing study and investigation of the awarding and carrying out of contracts by the Government to conduct activities in Afghanistan and Iraq and to fight the war on terrorism and make such recommendations to the House as the select committee deems appropriate regarding the following matters—

(1) bidding, contracting, and auditing standards in the issuance of Government contracts;

(2) oversight procedures;

(3) forms of payment and safeguards against money laundering;

(4) accountability of contractors and Government officials involved in procurement;

(5) penalties for violations of law and abuses in the awarding and carrying out of Government contracts;

(6) subcontracting under large, comprehensive contracts;

(7) inclusion and utilization of small businesses, through subcontracts or otherwise; and

(8) such other matters as the select committee deems appropriate.

(c) RULES AND PROCEDURES.—

(1) QUORUM.—One-third of the members of the select committee shall constitute a quorum for the transaction of business except for the reporting of the results of its study and investigation (with its recommendations) or the authorization of subpoenas, which shall require a majority of the committee to be actually present, except that the select committee may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony and receive evidence.

(2) POWERS.—For the purpose of carrying out this section, the select committee may sit and act at any time and place within the United States or elsewhere, whether the House is in session, has recessed, or has adjourned and hold such hearings as it considers necessary and to require, by subpoena

or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, and other things and information of any kind as it deems necessary, including classified materials.

(3) ISSUANCE OF SUBPOENAS.—A subpoena may be authorized and issued by the select committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed by the chairman or by any member designated by the select committee, and may be served by any person designated by the chairman or such member. Subpoenas shall be issued under the seal of the House and attested by the Clerk. The select committee may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Government.

(4) MEETINGS.—The chairman, or in his absence a member designated by the chairman, shall preside at all meetings and hearings of the select committee. All meetings and hearings of the select committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing.

(5) APPLICABILITY OF RULES OF THE HOUSE.—The Rules of the House of Representatives applicable to standing committees shall govern the select committee where not inconsistent with this section.

(6) WRITTEN COMMITTEE RULES.—The select committee shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this resolution or the Rules of the House of Representatives.

(d) ADMINISTRATIVE PROVISIONS.—

(1) APPOINTMENT OF STAFF.—The select committee staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(2) POWERS OF RANKING MINORITY MEMBER.—All staff provided to the minority party members of the select committee shall be appointed, and may be removed, by the ranking minority member of the committee, and shall work under the general supervision and direction of such member.

(3) COMPENSATION.—The chairman shall fix the compensation of all staff of the select committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the select committee.

(4) REIMBURSEMENT OF EXPENSES.—The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the their functions for the select committee.

(5) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the select committee. Such payments shall be made on vouchers signed by the chairman of the select committee and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(e) REPORTS.—The select committee shall from time to time report to the House the results of its study and investigation, with its recommendations. Any report made by the select committee when the House is not

in session shall be filed with the Clerk of the House. Any report made by the select committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 196, not voting 18, as follows:

[Roll No. 297]

YEAS—219

Aderholt	Emerson	King (IA)
Alexander	English (PA)	King (NY)
Bachus	Everett	Kingston
Baker	Feeney	Kirk
Barrett (SC)	Ferguson	Kline
Bartlett (MD)	Fitzpatrick (PA)	Knollenberg
Bass	Flake	Kolbe
Beauprez	Foley	Kuhl (NY)
Biggart	Forbes	LaHood
Bilirakis	Fortenberry	Latham
Bishop (UT)	Fossella	LaTourette
Blackburn	Fox	Lewis (CA)
Blunt	Franks (AZ)	Lewis (KY)
Boehlert	Frelinghuysen	Linder
Boehner	Gallely	LoBiondo
Bonilla	Garrett (NJ)	Lucas
Bono	Gerlach	Lungren, Daniel
Boozman	Gibbons	E.
Boustany	Gilchrest	Mack
Bradley (NH)	Gillmor	Manzullo
Brady (TX)	Gingrey	Marchant
Brown (SC)	Gohmert	McCotter
Brown-Waite,	Goode	McCrery
Ginny	Goodlatte	McHenry
Burgess	Granger	McHugh
Burton (IN)	Graves	McKeon
Buyer	Green (WI)	McMorris
Calvert	Gutknecht	Mica
Camp	Hall	Miller (FL)
Cannon	Harris	Miller (MI)
Cantor	Hart	Miller, Gary
Capito	Hastings (WA)	Moran (KS)
Castle	Hayes	Murphy
Chabot	Hayworth	Musgrave
Chocola	Hefley	Myrick
Coble	Hensarling	Neugebauer
Cole (OK)	Herger	Northup
Cox	Hobson	Norwood
Crenshaw	Hoekstra	Nunes
Cubin	Hostettler	Nussle
Culberson	Hulshof	Osborne
Cunningham	Hunter	Otter
Davis (KY)	Hyde	Paul
Davis, Jo Ann	Inglis (SC)	Pearce
Davis, Tom	Issa	Pence
Deal (GA)	Istook	Peterson (PA)
DeLay	Jenkins	Petri
Dent	Jindal	Pickering
Diaz-Balart, L.	Johnson (CT)	Pitts
Diaz-Balart, M.	Johnson (IL)	Platts
Doolittle	Johnson, Sam	Poe
Drake	Jones (NC)	Pombo
Dreier	Keller	Porter
Duncan	Kelly	Price (GA)
Ehlers	Kennedy (MN)	Pryce (OH)

Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner

Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry

Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

□ 1548

Messrs. STRICKLAND, MURTHA, LARSON of Connecticut, KANJORSKI, DINGELL and LEACH changed their vote from “yea” to “nay.”

Mr. MILLER of Florida changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. OBEY. 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 220, noes 192, not voting 21, as follows:

[Roll No. 298]

AYES—220

Oberstar	Forbes	Lucas
Obey	Fortenberry	Lungren, Daniel
Olver	Fossella	E.
Ortiz	Fox	Mack
Owens	Franks (AZ)	Manzullo
Pallone	Frelinghuysen	Marchant
Pascrell	Gallely	McCotter
Barrow	Garrett (NJ)	McCrery
Pastor	Gerlach	McHenry
Payne	Gilchrest	McHugh
Pelosi	Gillmor	McKeon
Peterson (MN)	Gingrey	McMorris
Price (NC)	Gohmert	Mica
Rahall	Goode	Miller (FL)
Reyes	Miller (MI)	Miller (MI)
Ross	Goodlatte	Miller, Gary
Rothman	Granger	Moran (KS)
Roybal-Allard	Graves	Murphy
Ruppersberger	Green (WI)	Musgrave
Rush	Gutknecht	Myrick
Ryan (OH)	Hall	Neugebauer
Sabo	Harris	Northup
Salazar	Hart	Norwood
Sánchez, Linda	Hastings (WA)	Nunes
T.	Hayes	Nussle
Sanchez, Loretta	Hayworth	Osborne
Sanders	Hefley	Otter
Schakowsky	Hensarling	Paul
Schiff	Herger	Pearce
Schwartz (PA)	Hobson	Pence
Scott (GA)	Hoekstra	Peterson (PA)
Scott (VA)	Hostettler	Petri
Serrano	Hulshof	Pickering
Sherman	Hunter	Pitts
Skelton	Chabot	Platts
Slaughter	Chocola	Poe
Smith (WA)	Coble	Pombo
Snyder	Cole (OK)	Porter
Solis	Cox	Price (GA)
Spratt	Crenshaw	Jindal
Stark	Cubin	Johnson (CT)
Strickland	Culberson	Johnson (IL)
Stupak	Cunningham	Johnson, Sam
Tanner	Davis (KY)	Jones (NC)
Tauscher	Davis, Jo Ann	Keller
Taylor (MS)	Deal (GA)	Kelly
Thompson (CA)	DeLay	Kennedy (MN)
Thompson (MS)	Dent	King (IA)
Thompson (MS)	Diaz-Balart, L.	King (NY)
Waters	Diaz-Balart, M.	Kingston
Watson	Doolittle	Kirk
Watt	Drake	Kline
Waxman	Dreier	Knollenberg
Weiner	Duncan	Kolbe
Wexler	Ehlers	Kuhl (NY)
Woolsey	Emerson	LaHood
Wu	English (PA)	Latham
Wynn	Everett	LaTourette
	Feeney	Leach
	Ferguson	Lewis (CA)
	Fitzpatrick (PA)	Lewis (KY)
	Flake	Linder
	Foley	LoBiondo

NOT VOTING—18

Akin
Barton (TX)
Bonner
Boyd
Carter
Conaway
Doggett
Hinojosa
Jackson-Lee
(TX)
Kucinich
Lewis (GA)
McCauley (TX)
Ney

Oxley
Pomeroy
Rangel
Smith (TX)
Thomas

Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Sullivan
Sweeney

Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp

Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Barton (TX)	Doggett	Oxley
Bonner	Hinojosa	Pomeroy
Boucher	Jackson-Lee	Rangel
Boyd	(TX)	Sabo
Carter	Kucinich	Smith (TX)
Conaway	Lewis (GA)	Thomas
Davis (AL)	McCaul (TX)	
Davis, Tom	Ney	

□ 1601

Mr. WELLER changed his vote from “no” to “aye.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2985, and that I may include tabular and extraneous material.

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

There was no objection.

LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 334 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2985.

□ 1603

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I might consume.

The legislative branch bill, Mr. Chairman, provides for \$2.870 billion, an increase of only 1.7 percent over the fiscal year 2005. The bill represents a \$270 million reduction from the budget request.

Mr. Chairman, although we did not agree on every item on this bill, we worked very closely with the gentleman from Wisconsin (Mr. OBEY) to produce a bipartisan bill for the legislative branch. I want to thank all the committee members for their contributions in putting this bill together.

While small in size, this is the bill that funds the work of the Congress, and it is a bill that we all can be very proud of.

The bill includes funding for the operations of the House and several joint items, the Capitol Police, the Compliance Board, the Congressional Budget Office, the Architect of the Capitol, the Library of Congress, the Government Printing Office, the General Accountability Office, and the Open World Leadership Program.

There will be no reductions in the current workforce.

The bill provides for all personnel cost-of-living increases and all other pay-related costs.

The bill also was reported out of the full committee on a voice vote.

The Capitol Visitor Center is funded at the cost-to-complete level of \$36.9 million. The bill does not include funding for CVC operating expenses.

The bill establishes an Inspector General for the Capitol Police. The bill terminates the mounted horse unit and transfers the horses and equipment to the U.S. Park Service.

As part of an amendment in the full committee, I offered, and the committee adopted, the Continuity in Representation Act at the Speaker's request. This bill has passed the House twice, and just recently, the vote in March was 329 to 68.

Mr. Chairman, this is a good bill and one that benefits the entire legislative branch. Ultimately, this is the bill that reflects the work of the House. We are all in this together, Mr. Chairman, and because of that, I feel very strongly that this legislation should have the support of the entire House.

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon

Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslie
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loftgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano

Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Kind
Schakowsky
Schiff
Schwartz (PA)
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
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn