that led the team through the series has made Bucks County as well as Pennsylvania proud of their achievement.

I know that the team will remember this summer's season for the rest of their lives. They put their all into their sport, suffering injury and playing the underdog. Every one of the players on the team has done a wonderful job, and I am proud to acknowledge their achievement today.

Madam Speaker, I ask my colleagues to join me in congratulating them on their historic season.

AN OPPORTUNITY FOR APEC AND AMERICA

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

Mr. WILSON of South Carolina. Madam Speaker, next week, President Bush will attend the Asia-Pacific Economic Cooperation Forum in Pusan, Korea, with representatives from 21 other member governments. His attendance at this forum will highlight the significance of the APEC region, which now accounts for nearly 40 percent of the world's population, over half of world trade, approximately 60 percent of the world's gross domestic product and creates millions of American jobs.

By discussing his efforts to maintain a robust trade, security and global health agenda, President Bush will strengthen our valuable partnership with APEC countries.

As co-chair of the Mongolia Caucus, I am particularly proud that President Bush will be the first American President ever to visit the 800-year-old nation of Mongolia, a true ally in the global war on terrorism. Mongolia has troops courageously serving in Iraq and Afghanistan. The President's visit will be a fitting way to express our sincere appreciation for Mongolia's partnership for freedom.

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

IN SUPPORT OF JUDGE SAMUEL ALITO

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

Ms. FOXX. Madam Speaker, I rise today in support of President Bush's well-qualified Supreme Court nominee, Judge Samuel Alito.

Judge Alito has extensive experience in the American legal system. During nearly 30 years of public service, he has handled difficult and complex legal issues. He began his distinguished career with 15 years of service at the U.S. Department of Justice, where he served as an Assistant U.S. Attorney and Assistant to the Solicitor General.

Judge Alito has argued 12 Supreme Court cases and argued at least two dozen court of appeals cases. After being unanimously confirmed by the Senate, Judge Alito served on the Third Circuit Court of Appeals for 15 years. He is widely respected for his fairness and even temperament.

Judge Alito is committed to the rule of law and understands the proper role of a judge in our society. His record as a Federal judge demonstrates that he strictly interprets the law and does not legislate from the bench or create new policies based on personal opinion.

Madam Speaker, Judge Alito has shown a deep commitment to justice and equality, a mastery of the law and strong personal character. I urge the Senate to study his record, hold fair hearings, and give him an up or down vote as soon as possible.

THE WAR IN IRAQ IS JUST

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

Mr. PENCE. Madam Speaker, it has been an extraordinary series of days: closed door sessions in the United States Senate, accusations and recriminations by a former President of the United States.

President Jimmy Carter said in the last 24 hours that intelligence was ''manipulated'' in the runup to the war in Iraq. And yet, as the Wall Street Journal reports today, Madam Speaker, four separate independent investigations found otherwise.

Let me say from my heart, I was here the night we voted to give the President the authority to go to war, and it was a combination: Saddam Hussein's rejection of over a dozen United Nations resolutions, an appalling record on human rights, and the complete agreement of every intelligence service in the western world that he possessed weapons of mass destruction, a confidence that was derived from the fact that he not only had possessed them before, but Saddam Hussein had used weapons of mass destruction against his own people, killing thousands in the early 1990s.

There was no manipulation. The war in Iraq was just, is just, and the freedom of the teeming millions who established a constitutional republic 1 week ago supports that conclusion.

PROVIDING FOR CONSIDERATION OF H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 527 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 527

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant 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. 4128) to protect private property rights. 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 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered 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 subject 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

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

Madam Speaker, House Resolution 527 is a structured rule. It provides 90 minutes of general debate, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking member of the Committee on Agriculture.

It waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary and now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read. It makes in order only those amendments that are printed in the Rules

Committee report accompanying the resolution. It provides that the amendments printed in the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, 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 subject to a demand for division of the question in the House or in the Committee of the Whole. This resolution waives all points of order against the amendments printed in the report, and it provides one motion to recommit, with or without instructions.

Madam Speaker, I rise today in full support of House Resolution 527 and the underlying bill, H.R. 4128, the Private Property Rights Protection Act of 2005. I would like, first, to express my personal pleasure in seeing this important piece of legislation come before the House for consideration.

Since the Supreme Court's now infamous Kelo decision, homes and small businesses across the country have been placed in grave jeopardy and threatened by the government wrecking ball.

□ 1030

Madam Speaker, I also want to take this opportunity to commend Representative SENSENBRENNER, the distinguished chairman of the Judiciary Committee and the author of this legislation; Ranking Member CONYERS; Representative GOODLATTE, the chairman of the Agriculture Committee; and Ranking Member PETERSON not just for the underlying bill, but also for the thorough and expeditious way in which the committees have moved to legislatively address this Kelo decision.

With a margin of only one vote, a very divided Supreme Court struck down over two centuries' worth of precedent and constitutional protections for property owners across this great Nation. In response to the deplorable Kelo decision, this body passed House Resolution 340 that I proudly sponsored along with 78 other Members from both sides of the aisle; and on June 30, 2005, we passed this resolution by a wide margin of 365 to 33.

Madam Speaker, the very last subparagraph of House Resolution 340 states: ''Congress maintains the prerogative and reserves the right to address, through legislation, any abuses of eminent domain by State and local government in light of the ruling in Kelo, et al v. The City of New London, et al.''

Well, Madam Speaker, the day of reform is at hand, and this Congress has an excellent opportunity to set the record straight and to reaffirm the traditional meaning of the fifth amendment that guarantees no private property shall be taken except for public use and with just compensation.

Accordingly, H.R. 4128 will prohibit State and local governments from taking property from one private party and giving it to another private party. If a court determines that a State or a local government violates this prohibition, that State or local government will become ineligible for Federal economic development funds for a period of 2 years.

Nevertheless, any government found in violation of this provision will have an opportunity to restore fully the private property owner in order to preserve Federal economic development dollars; and by ''fully,'' I mean completely restore to its original state prior to the government taking of this property. Additionally, this bill expressly prohibits the Federal Government from exercising its power of eminent domain for economic purposes. So not just the State and local governments, but the Federal Government, as well, is prohibited.

Madam Speaker, while the title of this bill, the Private Property Rights Protection Act, fits this legislation to a tee, one could also accurately call it the Private Property Rights Enhancement Act, for this bill will ensure that private property owners can take States and local governments to court in order to enforce the provisions of this act. And this bill also allows a prevailing property owner to recoup legal and expert fees for litigation involving the enforcement of this bill.

H.R. 4128 answers the call of almost every American and a diverse, expansive array of interest groups who have railed against the Kelo decision and its judicial encroachment on our rights. Listen to these, Madam Speaker: the National Association For the Advancement of Colored People, the NAACP; the American Association of Retired Persons, AARP; the American Farm Bureau; and various religious groups that include the Becket Fund for Religious Liberty are just a few of the organizations who stood up in the face of Kelo to fight for the rights of the disadvantaged who might lose their home, business, or yes, even house of worship to some well-connected developer's sweetheart deal.

These organizations have stood up for the rights of rural America which grows our food and sustains our country. They have stood up for the rights of our houses of worship that should not have to fear because God does not pay enough in taxes. Madam Speaker, I am proud to say that today we in this House stand with them in defense of the private property rights of every American.

In closing, Madam Speaker, I want to again express my gratitude that this House has the opportunity to consider such a fundamentally important and fundamentally just piece of legislation. By a one-vote margin, the Kelo decision ripped from the Constitution the private property rights of the fifth amendment, and we are going to put them back. Madam Speaker, I look forward to the discussion of this rule, and I urge my colleagues to support it and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Madam Speaker, today I rise in support of the underlying legislation.

H.R. 4128, the Private Property Rights Protection Act, demonstrates that a bipartisan, collaborative effort can produce sound legislation. This bill is directly aligned with H. Res. 340, a resolution passed by this House on a vote of 365 to 33, which expressed Congress's disapproval of the Supreme Court's decision in the case of Kelo v. The City of New London.

In taking the next step, H.R. 4128 contains appropriate measures to ensure the protection of private property and addresses the potential for abuse under the power of eminent domain. By providing effective deterrents to abuse, H.R. 4128 protects the constitutional and legal rights of private property owners.

The majority in the Kelo decision found that the City of New London, Connecticut, could condemn and take property as part of its economic revitalization plan. Essentially, this decision grossly expanded the use of eminent domain as granted by the fifth amendment.

Madam Speaker, this decision legitimized an abuse of the fifth amendment, specifically, the takings clause. According to the Constitution, the government's taking authority over land that is restricted for public use. Expanding the government's ability to strong-arm private property, not necessarily for public use, sets a troubling precedent.

Thankfully, H.R. 4128 discourages States and localities from exploiting eminent domain. Overall, this legislation will prohibit State and local governments from receiving Federal economic development funding should they use eminent domain to seize land for private economic development purposes. Federal funding will be lost for 2 fiscal years if a court determines that eminent domain was used improperly.

Madam Speaker, Congress, through its spending powers, is authorized to impose policies on State and local governments through appropriations of Federal funds. In the case of eminent domain abuse, it is the duty of Congress to intercede to protect the property rights of all Americans.

Protecting the constitutional rights of our citizens should continue to be on the forefront of our concerns. Economic development is clearly crucial for every community in this country, but economic development can and must be achieved without compromising our constitutional rights.

I believe that the Kelo case was wrongly decided. Eminent domain

must not grant State and local governments the power to take private property away from one and give it to another, all in the name of economic development. Economic development takings are not necessarily in the essence of public use and, therefore, do not constitute the use of eminent domain.

As Justice Sandra Day O'Connor wrote in her dissent in the case: ''The specter of condemnation hangs over all property. Nothing is to prevent the States from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.''

Madam Speaker, as Members of Congress, we all took oaths to uphold and defend the Constitution. By supporting this bill, Members are fulfilling their constitutional obligations.

This bill, Madam Speaker, is not perfect; but it is needed and it is necessary. I am pleased that the Rules Committee made amendments by our colleagues, Congressman NADLER and Congressman WATT, in order. They and other Members have real concerns with this bill, and their perspectives deserve to be debated and deserve an up-or-down vote.

Madam Speaker, while I would prefer an open rule and I, quite frankly, cannot understand why we do not have an open rule here, the Rules Committee did make all the germane amendments in order, so we are not going to object to this rule.

I have no further speakers. I urge my colleagues on both sides of the aisle to support the underlying bill and to support the rule, and let us move on and get this thing done.

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

Mr. GINGREY. Madam Speaker, I will close the debate by again thanking both the Committees on the Judiciary and Agriculture for all the hard work in bringing this bill to the floor today. H.R. 4128 would restore the centuries-old protections guaranteed by the fifth amendment's takings clause. Property rights have been fundamental to the foundation of our society and have been one of the pillars that have supported our form of government and enabled our Constitution to endure the test of time. While it has only been 4 months since the Kelo decision, 4 months without these fifth amendment protections is 4 months too long; and one abuse of the eminent domain power is one abuse too many.

Therefore, Madam Speaker, following the passage in the House of Representatives today, I would encourage the other body to take up this legislation quickly and to pass it so that we can get it to the President's desk.

I also want to encourage all Members on both sides of the aisle to support this rule and the underlying bill. Let us get this done for the American people because it is simply the right thing to do.

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

The previous question was ordered.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. WALSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 2528.

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

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. WALSH. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WALSH).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Obey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H.R. 2528, be instructed to insist on the House level to support force protection activities in Iraq.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I yield myself 9 minutes.

Madam Speaker, let me say that this motion to instruct is, I think, fairly straightforward and simple, although the context in which it is offered is certainly not.

What this motion attempts to do is simply insist that the $50 million contained in the House bill, but not contained in the Senate bill, for the purpose of retrofitting existing facilities and constructing special overhead cover devices to protect soldiers in bases throughout Iraq, is maintained.

□ 1045

That overhead cover system would provide protection from artillery, rocket-propelled grenades and missile attack up to and including 122 millimeter rockets. That is virtually exactly what this does.

But let me, in the context of offering this proposal, make a few observations. Even if this motion is adopted, and I would certainly expect that it would be, I think that we still must face the fact that our troops will not be adequately protected, nor will American citizens abroad be adequately protected so long as our Government is still taking actions which discredit this Nation and this Congress is continuing to neglect its oversight responsibilities with respect to those actions.

Let me give three examples. In 2003, it came to the Nation's attention that the Secretary of Defense had established an operation known as the Office of Special Programs, the primary purpose of which was to vet intelligence and advise Pentagon leadership and the White House on plans for invading Iraq. That office was staffed by a select group handpicked by then Under Secretary of Defense Douglas Feith and Deputy Secretary Wolfowitz.

It was charged with developing the rationale for invading Iraq, and it was created out of a frustration on the part of the Vice President and the Secretary of Defense and their allies within the administration, their frustration that the normal intelligence operations in our Government were not being ''sufficiently forward leaning,'' as the Secretary of Defense put it, in finding weapons of mass destruction and in building a case for going to war in Iraq.

The problem is that that office was established to provide information outside of the normal channels, and it was even designed to go around the Department of Defense's own intelligence operation unit.

The problem with that Office of Special Programs is that it relied on so-called intelligence from like-minded true believers, primarily Ahmad Chalabi and his allies in Iraq.

At the time, we asked that the Surveys and Investigations staff of the Appropriations Committee look into this matter and determine what the facts were surrounding the creation of this operation. We obtained some support from the majority party but not sufficient support under the rules of the House in order to allow that surveys and investigation study to proceed, and so it never took place.