

Schilling	Stivers	Walz (MN)
Schrader	Sullivan	Wasserman
Schwartz	Sutton	Schultz
Scott (VA)	Terry	Watt
Scott, David	Thompson (CA)	Waxman
Serrano	Thompson (MS)	Weiner
Sewell	Thompson (PA)	Welch
Sherman	Tierney	Whitfield
Shimkus	Tipton	Wilson (FL)
Shuler	Tonko	Wittman
Sires	Towns	Womack
Slaughter	Tsongas	Woolsey
Smith (NE)	Upton	Wu
Smith (NJ)	Van Hollen	Yarmuth
Smith (TX)	Velázquez	Young (AK)
Smith (WA)	Visclosky	Young (FL)
Speier	Walberg	
Stark	Walden	

NAYS—138

Adams	Gohmert	Mulvaney
Amash	Gosar	Myrick
Bachmann	Gowdy	Neugebauer
Bachus	Granger	Nugent
Benishkek	Graves (GA)	Olson
Bilirakis	Guinta	Paul
Black	Hastings (WA)	Paulsen
Blackburn	Hayworth	Pearce
Bonner	Heller	Pence
Bono Mack	Hensarling	Poe (TX)
Boustany	Herger	Posey
Brady (TX)	Herrera Beutler	Quayle
Brooks	Huelskamp	Reed
Broun (GA)	Huizenga (MI)	Renacci
Buchanan	Hultgren	Ribble
Buerkle	Hunter	Roby
Burton (IN)	Hurt	Rohrabacher
Camp	Issa	Rokita
Campbell	Johnson (OH)	Rooney
Canseco	Johnson, Sam	Roskam
Cantor	Jordan	Ross (FL)
Carter	King (IA)	Royce
Chaffetz	Kingston	Ryan (WI)
Coffman (CO)	Kinzinger (IL)	Scalise
Conaway	Kline	Schmidt
Crenshaw	Labrador	Schock
Culberson	Lamborn	Schweikert
Davis (KY)	Landry	Scott, Austin
Denham	Lankford	Sensenbrenner
DesJarlais	Latta	Sessions
Dreier	Long	Shuster
Duffy	Lungren, Daniel	Southerland
Duncan (SC)	E.	Stearns
Duncan (TN)	Mack	Stutzman
Ellmers	Manzullo	Thornberry
Farenthold	Marchant	Tiberi
Fincher	McCarthy (CA)	Turner
Flake	McCaul	Walsh (IL)
Fleischmann	McClintock	Webster
Fleming	McCotter	West
Flores	McHenry	Westmoreland
Foxx	McMorris	Wilson (SC)
Franks (AZ)	Rodgers	Wolf
Gallely	Mica	Woodall
Garrett	Miller (FL)	Yoder
Gibbs	Miller (MI)	Young (IN)
Gibson	Miller, Gary	

NOT VOTING—14

Davis (CA)	Lipinski	Reichert
Giffords	Markey	Scott (SC)
Graves (MO)	Nunes	Simpson
Hanna	Pelosi	Waters
Israel	Rehberg	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

□ 1901

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

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. DAVIS of California. Mr. Speaker, on Tuesday, March 8, 2011, I missed the following votes due to illness.

Had I been present, I would have voted:

“Yea” on rollcall No. 163.

“Yea” on rollcall No. 164.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 149

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

(1) COMMITTEE ON ENERGY AND COMMERCE.—Mrs. Christensen.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 830, FHA REFINANCE PROGRAM TERMINATION ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112-27) on the resolution (H. Res. 150) providing for consideration of the bill (H.R. 830) to rescind the unobligated funding for the FHA Refinance Program and to terminate the program, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 836, EMERGENCY MORTGAGE RELIEF PROGRAM TERMINATION ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112-28) on the resolution (H. Res. 151) providing for consideration of the bill (H.R. 836) to rescind the unobligated funding for the Emergency Mortgage Relief Program and to terminate the program, which was referred to the House Calendar and ordered to be printed.

ALL-OF-THE-ABOVE ENERGY POLICY

(Mr. GUINTA asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GUINTA. Mr. Speaker, in my home State of New Hampshire, I have had the pleasure of talking to many constituents over the course of the last several days who have expressed their great concern relative to the rising gas prices not just in New Hampshire, but all across the country. Just today, gas prices are now at \$3.45 a gallon, minimum.

This and many Congresses have failed their obligation and responsibility to have an approach to solving the energy crisis and the energy challenges that are before us. And I call both on this body and the President of the United States to come with an all-of-the-above energy policy so we can once and for all look the American people in the eye, my constituents in New Hampshire, and give them hope for a true reduction not just in gas prices, but to have long-term sustainability and viability from our own country in how we have our oil and other opportunities to reduce our dependence on foreign oil.

This is something that is critical not just today and in the coming weeks, but its been critical for our Nation's infrastructure as well as our economy. I again hope that this body acts swiftly and promptly.

□ 1910

CONSTITUTION CAUCUS

The SPEAKER pro tempore (Mr. FLEISCHMANN). Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. STUTZMAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. STUTZMAN. Mr. Speaker, I am honored to represent the people of Indiana's Third District, and I am also proud to serve as a cochair of the Constitution Caucus here in Congress. The hottest fires make the strongest steel. After seeing Washington assail the Constitution, Americans went to the polls last November and demanded a return to our first principles. As a result, the membership of this caucus has more than doubled. We began this Congress by reading the Constitution right here on the floor. We have come here this evening in that same spirit.

I rise today to continue a conversation that used to fill the halls of this great building. There was a time in our Nation's past when Members of Congress openly and passionately debated the interpretation of the Constitution. We are here tonight to renew that discussion.

When we were sworn in, each of us took an oath to uphold and defend the Constitution. This means that we are required to interpret and apply it to our daily work. I am sure that we all take that oath very seriously. However, I am also sure that, without vigilance, we slip out of tune with the principles enshrined in that founding document.

Today, we have an opportunity to rededicate ourselves to those principles, to limited government and individual equality. In the coming months, my colleagues and I will come again to the floor to discuss federalism, checks and balances, and enumerated powers.

Today, however, we ought to begin by asking ourselves a very simple question: "What is so wonderful about the Constitution?" After all, I believe, the last election was a mandate to return to its wisdom and guidance. We ought to at least begin by asking why it should hold such prominence in our hearts. Why, for example, did Abraham Lincoln declare so forcefully, "Don't interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties"?

The answer is elegantly simple. The Constitution enshrines the enduring principles of limited government, and limited government is the surest guardian of human dignity. The Constitution gave form and shape to the philosophy put forth in the Declaration of Independence. The Declaration, it has been said, was the promise; the Constitution is the fulfillment.

I cannot overemphasize the truly revolutionary nature of our War for Independence. For the first time in human history, when a group of people overthrew an oppressive regime, they began by espousing a vigorous and eloquent philosophy: That all men are created equal. They are endowed by their Creator with certain unalienable rights. Even as lives, fortunes, and sacred honor hung in the balance, these men began with a summary of human nature.

America was founded on the idea that humans have a specific character. We are wired a certain way. Our Founding Fathers understood two basic and profound truths about human nature. First, we are not perfect. We err. We will never reach perfection. To believe that man is perfectible is to engage in fanciful speculation. Second, in spite of our fallen natures, we are dignified and equal. We each possess reason and the ability to determine our own lives.

As James Madison, the Father of the Constitution, eloquently stated: "What is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."

How then can imperfect beings govern in a way that respects human dignity? The answer is found in limited government. Again, James Madison said this: "You must first enable the government to control the governed; and in the next place oblige it to control itself."

Limited government justly defends the dignity of the individual through specific and checked powers. Do not confuse limited for weak. Government

ought to be strong in those areas where strength is required and specifically enumerated. In all other areas, the government must defer to the judgments of free men and women.

In our Republic, the dignity of the individual citizen is paramount. It would be arrogant to believe that a few elite can discern and direct over 300 million souls here in America. I fear, with ballooning government and near unstoppable deficits being run every year, we are dangerously close to abandoning the principles that brought us here safely thus far. As regulations infringe on nearly every aspect of daily life, human dignity is endangered.

Those of us here this evening are ready to work against this tide, to return our government to its proper role of defending individual freedoms. I am eager to continue this conversation in the coming months, because there is much work to be done.

Mr. Speaker, I would now like to yield to the gentleman from New Jersey (Mr. GARRETT), the original founder of this caucus.

Mr. GARRETT. I thank the gentleman from Indiana for being here tonight as we talk about the Constitution. And who was it that said that the Constitution, it may not be perfect, but it's better than what we have now?

As we talk about kicking off tonight's Special Order, this series here in the 112th Congress, I am pleased to be here with my colleague from Indiana and my colleague also behind me, the gentleman from Utah (Mr. BISHOP), to talk about these most important issues, the foundation of the Constitution.

Back at the very beginning, back in 2004, 2005, there really were not that many Americans talking about the proper role of the Constitution and the limitations that it does place both on the size and also on the scope of the Federal Government. But as the years went by, over the last several years at least, interest in the Constitution has grown as new government programs have whittled away basically at the protections in the Constitution that guarantee to us certain liberties to the people and authorities to the States. So, as we come here tonight, and as we have pointed out in the past, we will continue to highlight until Congress' recent course is reversed.

This body has drifted away from the principles of limited government enshrined in this, the Constitution. This document, the finely crafted sections and verses that are in it, the guidelines and the limitations that we see in it of the powers of government it was written to impose, does not have the same personal meaning and importance to Americans it seems it had during the times of the federalist and anti-federalist debates.

Is that because it is a different time, and now we're in a different age where we have long since forgotten what it is like to live under tyrannical rule? It may be, Mr. Speaker, because of that,

or perhaps otherwise, it could also be because we don't simply cherish and study the Constitution like our forefathers once did.

So we come to the floor tonight, through these Constitution hours, if you will, and we hope to, by them, increase the knowledge not only of this body but also of the American public as well. And we do so, taking a look at the intricacies and the nuances of this, the Constitution. Also, I think, we also help to shed some light on the circumstances and the times that inspired the Founding Fathers to write our country's founding document.

Tonight, we specifically want to spend some time talking about limited government and its role in protecting human dignity. "Liberty to all," President Lincoln once wrote, back in 1861, "is the summation of the Declaration of Independence." He said further, "the principles which have proved an apple of gold to all of us."

Yet the mere assertion of those principles for him was not enough. As Lincoln later pointed out, for liberty to have real meaning, it must be enshrined, and it must be enshrined in law. The Constitution, as he put it, is the picture of silver subsequently framed around. Then he went on to say that the picture was made not to conceal or to destroy that apple as it was framed, but rather to adorn and to preserve it.

This, Lincoln said, drawing upon the book of Proverbs, is "a word fitly spoken." So to understand America, you must understand our founding principles. To understand the Constitution and why government should be limited, you must then, therefore, understand also the Declaration of Independence.

So, the structure of the Constitution follows the principles and the arguments of the Declaration, where it says, of course, all men are created equal; they are endowed by their Creator with certain unalienable rights. This great statement, that we are hopefully all familiar with, at the outset of the Declaration, a truly revolutionary claim at the time, is followed by a list of complaints lodged against the king at that time, King George III.

To just spend a moment or two to go into this in a little bit more detail and to delve down into it, these then can be divided into three categories, corresponding with the legislative, executive, and judicial foundations of government.

□ 1920

So to step back for a moment, the list takes up over half of the Declaration, and the complaints there specify exactly where their King had failed. And so, too, why government by consent is therefore necessary. Now he refused to enact necessary laws, they said. Harmful ones took their places, they said. Judges entirely dependent upon the King's will were rendered mere puppets at the time; and when the King did act, he flooded American shores with soldiers and bureaucrats.

Their complaints there were specific. The King suspended representative Houses for opposing with manly firmness invasions on the rights of the people, he wrote. He went on to say, he has obstructed the administration of justice. How? By refusing his assent of laws for establishing judiciary powers. He went on to say he was also guilty of imposing taxes on us without our consent and also suspending our very own legislatures and declaring themselves vested with powers to legislate for us in all cases whatsoever.

Yet another complaint alleged against the King was that he “erected a multitude of new offices and thereby sent hither swarms of officers to harass the people and eat out their substance.”

So, when all power is taken from the hands of the people and accumulated in the hands of a single person, or single head, if you will, it breeds a similar power grab by who else? The bureaucrats, who have no job but to consume the productivity and resources of the people, of the populace. So the overweening Federal Government today is guilty of the same offenses of liberty as back then as well.

Americans who are desperately trying to figure out and file their own income tax returns right now know this all too well, I think. And so the Declaration anticipates what we have here, the necessity of separation of powers and just society.

So its message is clear: No single person or political force can rightfully possess all the powers of the one government. Only the Divine, only the Divine who is named in the Declaration of Independence as the Author of the laws of nature, also named as the Creator, also named as the Supreme Judge of the entire world, and finally also named as Divine Providence, only the Divine justly exerts complete power. But in the hands of a human being, such power is, as it's stated there, absolute despotism.

Our Founding Fathers did not believe that human beings could be perfected. We were not divine. We were capable of both good and evil. James Madison later wrote in defense of the Constitution: “As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust: So there are other qualities in human nature which justify a certain portion of esteem and of confidence.”

So to assume that man's goodness will always direct his actions is to ignore reality. People, therefore, are imperfect and cannot be perfected. And so no edict of government will change that fundamental fact.

To step back again, what, then, is the role of government? Calling government the greatest of all reflections of human nature, James Madison said that the government must start where? Well, with the understanding that men are not angels, as the gentleman from Indiana stated before. And as he said, were they perfect or angelic, no government would be necessary.

Jefferson, Madison's friend, implicitly argued the same thing in the Declaration. So, today, when we speak of “the government,” we often think of an impersonal force, somehow out there and above everything, above human nature, if you will.

But what is government? Government is composed of what you see here. It is composed of human beings, all of whom are imperfect. And so to be in the public sector or to be elected to office does not automatically, by any means, transform a human being into that angel. And so for that very same reason, that very same reason that human beings are not perfect, government therefore must be limited and its duties therefore must be delineated.

Going back to what President Lincoln once said, he further elaborated on the importance of human dignity, which is our discussion tonight, back in 1861 where he said a couple of things, and I will close on this: “Without the Constitution and the Union, we could not have attained the result; but even these are not the primary cause of our great prosperity. There is something back of these, entwining itself more closely about the human heart.” And what is that? “That something is the principle of ‘liberty to all’—the principle that clears the path for all—gives hope to all—and, by consequence, enterprise and industry to all.”

Over the course of this 112th Congress, this caucus and my colleagues, hopefully, on both sides of the aisle will continue to sponsor these discussions, these Constitution hours, if you will, to expand upon our understanding of these core principles of limited government enshrined in our Constitution.

Mr. Speaker, I appreciate this opportunity to speak tonight on this very important topic, and I yield back to the gentleman from Indiana.

Mr. STUTZMAN. It is my pleasure to now yield such time as he may consume to the fellow chair, the cochair of the Constitutional Caucus, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman from Indiana. Mr. Speaker, it is a pleasure for me to be here and be part of this significant issue.

In the Constitution it says that certain things are self-evident. And what are the things that were self-evident in the Declaration of Independence? I have to get words right, don't I? In the Declaration of Independence there are things that are self-evident. And what was self-evident is that all men are created equal in a political sense. And because of that, because all men are equal, the Creator has given us certain inalienable rights.

And then it goes on to say the next step in that process is once you have those inalienable rights, it is the purpose of government to secure those rights. That's what we are talking about here, that within the concept of our country, which was written and established in the brilliant prose of Thomas Jefferson, every individual has

an innate—almost divine—worth within them which signifies that they all have certain rights that are there from the Creator.

In England, those rights were established in law starting with the Magna Carta and then building on, so that at the time of our country's founding, everyone knew what the rights of Englishmen were. Our Revolutionary War was not about taxes being too high. It was, not as some revisionist historians will say, about impressment of colonials into the British Navy. It was about the rights of Englishmen which were being denied British subjects living in America at the time. That's what they argued about. That's what in Philadelphia they were talking about is the denial of those individual rights which are basic to all people because we all have that spark of divinity and we have those inalienable rights.

That's why as part of the debate that was established there was an exchange in which Benjamin Franklin took part in which he was talking with another person that said, there are more important things in life than simply having our rights protected. The fact is we are British citizens. To which Franklin then said, to be called a British citizen without given the rights of a British citizen is like calling an ox a bull. He is grateful for the honor, but would much rather have restored what was rightfully his. That's the key element to which we were talking here. With that, the Constitution was written as a fortification of those individual rights and freedoms.

And it is the purpose of limited government to protect those individual liberties. The Constitution created limited government, the purpose of which was to protect our individual liberties.

Now as I try and talk to my old students to try and sometimes define the term “individual liberties,” because it becomes somewhat vague in the minds of people, I look at individual liberties as the concept that individuals have choices in their personal lives. It is not the role of government to pick winners and losers in society, whether that be socially or economically. That is our rights as individuals.

□ 1930

It is the right to have choices in my life. You know, I look around the world in which we are, and it seems like all the time I am given choices and options, even when I don't want them. I can pick a cell phone plan from a myriad of options that are there. If I want a breakfast cereal, there is a whole row of choices that are there. Even if I want Pringles potato chips, there are 16 kinds of varieties for me.

The entrepreneurial world has understood that people in America want choices and options. That's their liberty. It is only government, especially here in Washington, that seems to see that one size fits all and mandates so that the government chooses winners and losers rather than allowing that

for individuals. It is only us it seems who have not learned what is yearning within the soul of all Americans that they understood when they wrote the Declaration of Independence and then formalized the Constitution of the United States.

I wish to quote someone here, and I don't know who actually wrote this, but it is brilliant so I am going to claim that I said it: In the first 150 years of this country, under the Constitution, we can sum up in the following way. In the early years of this country, measures to expand government's power beyond those enumerated in the Constitution rarely got out of Congress because they were stopped by the objections in that branch. Constitutional objections in Congress.

Members of Congress actually debated whether they had the power to do whatever it was that was being proposed. They didn't simply assume they had the power and then leave it to the courts to check them, Congress took the Constitution and the limits it imposed on congressional action seriously. Then when constitutionally dubious bills did by chance get out of Congress, Presidents vetoed them not simply on policy but on constitutional grounds. Indeed, the first six Presidents thought the veto was supposed to be used only for constitutional purposes. And finally, when that brake failed, the courts stepped in. In short, the system of checks and balances worked because the Constitution was taken seriously by a sufficient number of those who had sworn to uphold it. We seem to have forgotten that in probably the last 60, 70, maybe even 100 years.

If I can give a religious reference, at some time the children of Israel, as we read in the Old Testament, wanted to have a king so they could be likened to all other nations. They went to the prophet who tried to dissuade them, but they were insistent that they have a king to be likened to all other nations, so the king could do marvelous things. And, indeed, they had a king. And the first kings did great things. They unified a nation; they built a beautiful temple. But ultimately, those kings became the millstone around the neck of the people that brought them down to destruction.

We have a change that took place almost 100 years ago where people decided to change what the Federal Government was designed to do. It is not that they did not understand the Constitution. They understood it perfectly; they just didn't like it because it prohibited us from doing marvelous things. We have now run through almost two generations, three generations of individuals under a system of government in which we look not to limit what government does to protect individual liberties, but to try to make sure that government does those marvelous things. We have come to a period of time where economically and socially we are now in a period of dis-

tress simply because we forgot the original foundation of this country, the purpose of the Constitution, the joy and brilliance of limited government whose sole purpose should be to protect individual liberties, not for government to do marvelous things.

If we restore ourselves to that purpose and reinvigorate the concepts for which this country was established, which I do believe to be the concepts of federalism and limited government here, then indeed we have a chance of restoring this country and solving our problems. If not, we face very dark and difficult times indeed.

For the first 150 years, they understood that. They acted that way. We can do the same thing again. We have the same spark of divinity within us that they had back then. We can do it; we should do it.

I thank you for this opportunity of being here. I know you have other speakers who will speak on this particular issue far more eloquently than I, and I yield back to the gentleman from Indiana.

Mr. STUTZMAN. Next I yield to the gentleman from South Carolina, District Three, JEFF DUNCAN.

Mr. DUNCAN of South Carolina. As a new Congressman back in January, I was never prouder than when I took this floor to take part in reading the United States Constitution. That day, I brought with me to the podium a copy of the Constitution that I carry in my pocket every day.

Ronald Reagan, in his farewell address to the American people in January 1989, said: Ours was the first revolution in the history of mankind that truly reversed the course of government, and with three little words, "We the people."

We tell the government what to do, President Reagan stated, it does not tell us. A simple phrase, "We the people . . ." put down by our Founding Fathers who defined self-government. Self-government. Those words ring true.

I think daily about that government that they formed—a limited government, one with powers for each branch that are clearly spelled out in this document, clearly defined. And, you know, we are a long ways from the limited government and enumerated powers that they strived to corral.

I am concerned that we don't read and study the United States Constitution enough in our public schools like we used to when I grew up. I am worried that we the people don't know or remember why our Founding Fathers divided power into three separate branches of government, why they defined the powers of each, and why they were inclined to spell out our liberties in a Bill of Rights.

They formed this government that has lasted well over 200 years. But after they formed that government, they decided that they better spell out the liberties. In fact, they had to do that in order to have the States ratify this great document.

Everywhere I travel around my beloved Palmetto State and around this country, I ask folks: What are your First Amendment rights? And almost to a person, they mostly answer: Freedom of speech. But, you know, let me remind you here today that the first thing our Founding Fathers addressed was your freedom of religion. In fact, the first sentence in the First Amendment to the United States Constitution says Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

They do that before they address your freedom of speech, before they address your freedom of the press, before they address your right to peacefully assemble or your right to petition this government for redress of grievances. Folks, I remind you that our freedoms are slowly being eroded in this country, and I believe that we as Americans need to get back to doing what we did in that first week in this United States Congress, and that is take this document out, read it, understand what our Founding Fathers were trying to do when they said we the people will govern ourselves.

Mr. STUTZMAN. Thank you. Very eloquently said.

I would like to touch on a couple of things that the gentleman from South Carolina said, Mr. Speaker. As we did have a great opportunity to read the Constitution on the House floor, I found it not only to be one that should be a lesson for all of us, but also one that will remind each American of the great document that we have that governs our land.

I would like to read just a couple of statements that some of our Founding Fathers made that I believe are so important for each one of us to remember today. First of all, I would like to start with George Washington, who is my political hero. What a great man who not only was so willing to sacrifice and was willing to serve his great country, and he could have been king if he was wanting to, but instead knew that limited power was going to be the real answer to America's new Constitution and to its new Government.

George Washington said: "The power under the Constitution will always be in the people. It is entrusted for certain defined purposes and for a certain limited period to representatives of their own choosing. And whenever it is executed contrary to their interest or not agreeable to their wishes, their servants can and undoubtedly will be recalled."

Mr. Washington was referring to elections. I think what has not only solidified our government for years and years has been that it is the people, the people's government. The people have the ability to recall those who are elected to go to their representative capitals, whether it is in the State governments or here in Washington, D.C., and if their wishes are not received by the people, the people can recall them back to their State and elect someone new.

□ 1940

Also, I would like to read another statement by Thomas Jefferson: "On every question of construction let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed."

Thomas Jefferson was our third President and was one of the great men who took part in building our great democracy and our Republic here in the great country of the United States.

I would also like to refer a little bit to my time in having the opportunity to serve in the Indiana State legislature and knowing that Thomas Jefferson was a Federalist who believed in States' rights. And one of the things I have seen in my short time in Washington is that the States have so much flexibility, have so much more ability to serve the people, as well as our local governments. And that is one of the reasons that I believe the Constitution was formed to protect that local control.

As we've seen time and time again, there is more influence by our Federal Government in reaching further and further into our communities with more mandates, with more legislation that continues to take away our freedoms.

And having the opportunity to serve in the State legislature in Indiana, I would also share that we can see how each State has different needs, and the Constitution addresses that by limiting the powers of the Federal Government. And we're seeing more and more waste of tax dollars, something that I believe that the American people are tired of, and they want to see Washington fix its problems just like the American people do every day in tightening their own belt.

We tighten our belt in our small family farming operation back in Indiana. We do that with our family budget. And people are asking across the country, If we can do it, why can't Washington?

And we're seeing overlap of Federal and State and local governments; and I believe if we would get back to the constitutional roles, the constitutional role that the Federal Government is given, and focus on the priorities that our Founding Fathers gave to us and the Constitution as a government, then we will be more effective, we will serve the people who have elected us to serve, and instead of infringing upon the responsibilities and the rights of those in our States that we will have a more efficient government and we will also have a government that is closer to the people and one that I believe serves best when government is close to the people and will serve and respond to the needs of them.

At this time I would like to yield to the gentleman from Texas (Mr. CONAWAY).

Thank you for being here and I look forward to your comments.

Mr. CONAWAY. I thank the gentleman for yielding.

I appreciate being here to participate in the Constitution Caucus's comments on our Constitution.

We labor under sometimes, basically all times, the misguided idea that we're the smartest people that ever walked the face of the Earth, that no new ideas are created except through us. Sometimes it's helpful to look back at some of the things folks who have gone before us have said to help us reflect on those and see how they apply to today's circumstances.

A couple of those things, one is from a speech that Robert Kennedy made on the Day of Affirmation address that he gave in South Africa back in 1966. And while much of what he talked about, the revolution of youth and the civil rights movement and other things, are not germane to what we're talking about tonight, there is a section that is particularly relevant to this conversation, and I would like to read into the RECORD his comments in some of those early paragraphs.

He started off by saying: "We stand here in the name of freedom."

"Freedom" is that wonderful word that conjures up inside of all of us those kinds of feelings that are unique to just certain words. "Liberty" is another word that does that, that has that kind of visceral experience inside each one of us. It's different but nonetheless inspiring almost every single time you hear that.

Kennedy went on to say: "At the heart of that Western freedom and democracy is the belief that the individual man, the child of God, is the touchstone of value, and all society, groups, the state, exist for his benefit. Therefore, the enlargement of liberty for individual human beings must be the supreme goal and the abiding practice of any Western society."

"The first element of this individual liberty is the freedom of speech, the right to express and communicate ideas, to set oneself apart from the dumb beasts of the field and the forest; to recall governments to their duties and obligations; above all, the right to affirm one's membership and allegiance to the body politic, and to society, to the men with whom we share our land, our heritage and our children's future."

"The essential humanity of men can be protected and preserved only where government must answer, not just to the wealthy, not just to those of a particular religion, or a particular race, but to all its people."

"And even government by the consent of the governed, as in our Constitution, must be limited in its power to act against its people so that there may be no interference with the right to worship or with the security of the home, no arbitrary imposition of pains or penalties by high officials or low; no restrictions on the freedom of men to

seek education or work or opportunity of any kind so that each man may become all he is capable of becoming. These are the sacred rights of Western society."

Senator Kennedy got it right. These are the sacred rights of Western society, and we are in danger of having those rights trampled on by this continued growth in the size of our Federal Government.

If you look at the trajectory that we find ourselves on from a financial standpoint, you can have estimates by think tanks on the left, estimates by think tanks on the right, the CBO, the GAO—all of these have 75-plus-year projections on the path that we're currently on. If you stack each of those projections on a light table to look through all of them at the same time, there's not a chigger's whisker difference between the path that we're on.

Nobody disagrees that the path that we're on is absolutely unsustainable. I tell my constituents back home we're very much like the fellow who fell off the 10-story building. As he passed the fifth floor, he said, So far so good, so far so good. Well, we are that guy; and although our financial wreck is 10, 15, 20 years down the road, we are in a free-fall that has an abrupt immediate stop somewhere in our future.

We are bright, intelligent, smart people, present company excepted. We ought to be able to look at those projections, Mr. Speaker, and take action. We have for 5 years now, 6 years this August, failed to reform Social Security. When I first joined Congress in 2005, that was one of the leading issues on our table at that time. And, yes, we got distracted about whether or not part of it should be personally owned and part of it should not; but at the end of the day, we had set the predicate for why Social Security needed to be adjusted. Most of us spent that first 8 months in 2005 trying to lay out to our constituents exactly what the issues were that are familiar to all of us in this Chamber. That lasted until the end of August 2005. And then Hurricane Katrina happened and distracted us from the goal of getting it done, and we have not touched Social Security since.

We've continued to choose each and every year to not adjust and not renegotiate Social Security. That choice has a consequence, and the consequence is that we're adding about \$600 billion of unfunded mandates to the debt of future generations of Americans because we choose not to take action.

That choice is ours to take. It is our freedom to take that choice. It's our liberty to take that choice. But collectively both sides of the aisle—this isn't a Republican issue or Democrat issue—both sides of the aisle have, for good or for bad—I would argue for ill—chosen to not address a fundamental spending issue that, among those that we have to face, I would argue is the least difficult.

Let me finish a quote from George Washington in his first inaugural address. George Washington declared: "The preservation of the sacred fire of liberty and the destiny of the republican model of government are finally staked on the experiment entrusted to the hands of the American people." Trust is placed in the people precisely because they are, in the words of the Declaration, equally created and endowed by their Creator with certain unalienable rights.

We have that precious gift in our hands: those of us in the 435 of us who get to vote in this House, the 100 on the other side of this building who get to vote, the man, the woman who occupies 1600 Pennsylvania Avenue. We have the tools of choice in our hands. Do we choose to preserve liberty and freedom for future generations, or do we choose to continue, as that fellow falling off the 10-story building said, So far so good, so far so good? I argue that we should not. I argue let us use our intellect, let us use our will, let us use the wisdom of the American people who last November made a pretty dramatic statement as to what they thought we ought to do.

□ 1950

We now need to take those reins of choice in our hands and lead this Nation to a sustainable Federal Government that does not mortgage our grandchildren's future and that does not hand off to them an America that is less prosperous and that has less opportunity for standard of living increases that you and I enjoyed as we stepped into adulthood.

If we continue to ignore the problem and stick our heads in the sand, as the ostrich sometimes does—a pretty unflattering position, quite frankly, for any of us, including for the ostrich—then the future generations will simply ask: Why did they do that? They saw it coming. They understood the consequences. They had within their power the ability to make it different.

We have chosen so far not to do that. We have chosen so far to expand the Federal Government at an unprecedented rate. We have chosen to take away from States the rights to conduct those affairs that are individualized, that are properly left to the States and to our local governments and that are, quite frankly, left to us alone, as individuals. We have chosen as a Nation to empower this Federal Government, year in and year out, to take away our freedoms and our liberties.

All I can say to that, Mr. Speaker, is shame on us. Shame on us if we don't right this ship of state by shrinking the size of this Government, by limiting what it does in our day-to-day lives, by getting back to the fundamental founding principles that our Founding Fathers built this country on: that of a limited Federal Government, one with limited powers and everything else being reserved to the States and/or to the local municipali-

ties—or not at all—and left to the people.

So, Mr. Speaker, I appreciate the opportunity to express these comments tonight, and I yield back.

Mr. STUTZMAN. Thank you.

I would like to yield again to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. Again, I thank the gentleman from Indiana for hosting tonight's Special Order dealing with the Constitution. More specifically tonight, we are spending a little time talking about, as the previous gentleman just did, unlimited government and its role in protecting human dignity.

Now, the gentleman from Texas was just referencing the issue with regard to the unsustainable projection and trajectory of spending at the Federal level, and with regard to the burden, therefore, that we place on untold generations that follow after ours. You have to then ask: What sort of respect does this generation have for the human dignity of future generations who encompass their lives with the specter of having limitations on their abilities to make fundamental choices for themselves because of the obligations that have been placed upon them by this generation?

Earlier, I spoke about the Divine, and I think you need to do so when you're asking the fundamental question, as we're doing tonight, with regard to the issue of human dignity. I was quoting, not from myself, but from Lincoln and also from our founding documents, which speak of the Divine and name the Declaration as the Laws of Nature by the Creator—the Supreme Judge of the world, the Divine Providence. All areas of this, as is set forth in our documents, talk about human dignity coming not from man, himself, but from the Creator, from the Divine. Then it's the imperfect—man, human beings—who distort that in some way. Government, as I said before, being not perfect and not capable of being perfected, has the obligation to protect human dignity as best it can, but it obviously does so in an imperfect manner.

The gentleman from Utah talked about its not just occurring over the recent decades but over the last generations—probably going back over 100 years, he said. Actually, if you think about it, it was probably to the beginning of—what?—the Progressive Movement, I guess you would say here in this country, where there began this distortion of the understanding of the Constitution.

The Progressive Movement elaborated upon the powers of the Federal Government to expand in areas that never were envisioned by our Founders. As a matter of fact, as I talk about the Progressive Movement, we have the Progressive Caucus here on the other side of the aisle, I guess, which speaks about these things all the time but in a much more favorable light than we

talk about it from this side of the aisle. So, if you go back about 80, 90, 100 years, to the Progressive Movement, it began to crimp upon the human being and the rights of man—basically, therefore, what we're talking about tonight, human dignity—in some very profound and fundamental ways.

What are some of the basic issues that a man is able to decide about himself? What he is able to eat and what he is able to grow to eat.

It was the Progressive Movement. It was during the time of Roosevelt, who finally said the Federal Government knows better when it comes to what man can eat and what he can grow for himself, and he put a limitation on an individual farmer as to what he could grow in his own backyard to sustain himself and his family. The Federal Government said, No, we are going to have the long arm of the powers of the Federal Government reach into that farmer's backyard and dictate to him that, no, he cannot grow those particular crops even though he was not selling them, and they were not in the stream of commerce, and he was not transporting them across State lines, and interstate commerce was not involved whatsoever. Rather, the Government said: We, the Federal Government here in Washington, can constrict him as to the very food that he provides for his own family.

Now fast-forward to this generation and to this past Congress, and you'll see that the same sort of thing goes on here. It's not only food but all the regulations that entwine in that area, which have grown into a multitude of regulations over the years—from food to water. Washington now dictates your very own water use, and we're all familiar with that infamous decision with regard to the toilets that you have in your own house and with regard to the water consumption that you have. These are not even things that you can decide for yourselves. The Government steps in.

How about the lights that you turn on? How are you going to illuminate your home so you can have a light to read your book in the evening? Now the Federal Government says that is not the province of man. That is the province of the Federal Government's to dictate as well. So, in each area, we take one more chip away at individual human dignity—in deciding how you're going to control and live your own life. Washington is now the arbiter in those things.

We rise now to, perhaps, one of the most fundamentals after food and water and light—and that's health care. Of course we saw what happened in the last session of Congress here when the Federal Government said that we here—the bureaucrats, the elected officials, the politicians—know better than you as to just what sort of health care you need, as to just what sort of doctor you should see, how often you should go, and all the other myriad of decisions that were wrapped

up in that semblance of: How do I take care of my own human body? How do I take care of my own health decisions?

Now we have passed a bill, under our objection, of course, on this side of the aisle, but with the complete support on the other side of the aisle and with the White House as well, saying, No. Washington can now dictate those areas to a point that we have never seen before in the history of this Government and in the history of this country, which is that the price of citizenship is the purchase of a particular product that the Federal Government bureaucrats dictate. The price of citizenship, the price of freedom, the price of liberty—the price of being an American—is now dictated to you by the Federal Government and by bureaucrats here in Washington. They will dictate and control your health care just as the previous Progressive Era politicians said they would dictate with regard to the food that you grow, with regard to the water that you use, with regard to the lights that you light—and now in the area of health care as well.

So where do we then end up going from all this? What is the next step?

As I said before, government is not perfect, and man cannot be perfected, so we should not look to the government, as we said before, as the angelic beings who are going to give us all the right rules and regulations in this area. We should not look to the government to provide for us in these respective areas. Rather, that we are individuals made by our Creator, and we have our own worth and our own human dignity, and Washington should not take that away from us.

So I will close where I began some time ago.

□ 2000

We will look then not to the imperfect bureaucrats or to the imperfect politicians but, rather, to the people who inherently have the power to send us here or to return us, those people who have the power to create governments or not: the population of this country, the citizens of this country, from which all power truly emanates originally, for them to speak up loudly, to have their voices heard as they did in this past election in November, to make sure that their human dignity is protected, that it is not eroded upon anymore, and that, rather, it can grow and prosper and expand as our Founding Fathers intended and why these rights and limitations on powers were rather limited in the founding documents that we cherish so greatly.

And that is why, as I said at the beginning, I appreciate so much the gentleman from Indiana for your working in bringing this message here to the floor, the Members that are here, the Members that are listening, and to the American public. I look forward to further work from you and the rest of the caucus and other the members of this conference to expound upon these areas, not only of human dignity but

also of our issues of federalism and protected rights to the States and the individuals as well.

I look forward to those discussions on the floor in the future.

Mr. STUTZMAN. Mr. Speaker, I would inquire how much time we have remaining.

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. STUTZMAN. Mr. Speaker, I just would like to make a couple of comments in closing. I have appreciated the comments that were made by the other gentlemen that were here this evening.

You know, one of the things I believe is that the American people that have been given the rights and the responsibilities to elect those of us who are fortunate enough and honored to come to Washington to serve are paying attention and that they are paying attention to what we are doing in response to the actions that have been taken over the years here in Washington. Washington seems to be the problem.

When I go back home to Indiana, I hear repeatedly from folks that, you know, Republican, Democrat, we can point the finger from side to side, but it has been Washington that has been out of touch with the American people, and that Washington needs to be changed, not necessarily America needing to be changed.

And that is why I believe it is so important for us as Americans that we get back to our founding documents, to realize the truths and the principles that are in these documents that our Founding Fathers wrote over 200-some years ago.

And I would like to read just a couple of lines from the Declaration of Independence, as Mr. GARRETT was referring to earlier, the freedom and the opportunity that each of us as Americans has is given to us by our Creator, but also the Declaration of Independence and our Constitution give us rights and freedoms as well.

I'd like to refer to these lines in the Declaration of Independence. Many of these are obviously very familiar to us, but: We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Now, I would submit, Mr. Speaker, that the people are the ones who are giving us the power to govern and that the Constitution, as it was written back by our Founding Fathers, was written in the effort to protect each individual and to protect each individual freedom that we have and enjoy every day.

I would also mention, as was mentioned before, that it is important for us as Americans to not only take on that personal responsibility but also to

realize that our freedoms are given from our Creator, and it's important for each one of us to not only fight to protect those freedoms but remember some of the words that our Founding Fathers used as well, going back to what Benjamin Franklin said, and I quote, Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters, end quote.

So it is up to each one of us as Americans, Mr. Speaker, that we are, first of all, as individuals and as communities involved in our communities, whether it's our churches, whether it's our schools, that we are taking on each responsibility and looking around us and who can we help, how can we make a difference in someone else's life.

I'd also read John Adams. He said this, quote, Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other, end quote.

How fortunate we as Americans are to have not only this founding document but many other founding documents written by men who were given such a great responsibility and a great opportunity to create one of the longest-lasting governments in world history; and I'm so proud to be an American tonight and believe that, even though we have many challenges in front of us, we have great debt, we have great deficits, and this is because of the irresponsible actions taken by those in Washington.

I believe that today it is important for each one of us as Americans to become more familiar with our Constitution and to read the words, as it may seem sometimes dry and not as exciting, but this document, these words give each one of us as Americans the opportunity to make life better than what we may have entered.

I know for myself as a son of a farmer in northern Indiana, I was raised in an old farmhouse; and now I have the great opportunity to serve in Congress, that each one of us can do great things if we set our minds to it, and it's because of this document that gives us that liberty and that freedom.

So I have great hope that the American people and that those who are elected to serve will make those choices that will not only continue to grant us those freedoms but also steer the ship and turn the ship and change the mindset of Washington and the way that our Federal Government has responded and acted over the years recently, that will not only give our children and our grandchildren the same opportunities that we have but to work together across the aisle, knowing that we all serve and have sworn to uphold the Constitution to make those changes.

I'm optimistic, I'm hopeful; but I know that we have a lot of work ahead. And I believe that the document we have been given and was signed by our Founding Fathers has given us that guiding light, and I am looking forward

to working together with the Members in this Chamber, both sides of the aisle, to making a difference and to getting back to our constitutional responsibilities.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, JANUARY 25, 2011, AT PAGE H462

OFFICE OF COMPLIANCE TEXT OF REGULATIONS FOR THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix "H." When approved by the Senate for the Senate, these regulations will have the prefix "S." When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix "C."

In this draft, "H&S Regs" denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and "C Reg" denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

Subpart A—Matters of General Applicability to All Regulations Promulgated under Section 4 of the VEOA

Sec.

1.101 Purpose and scope.

1.102 Definitions.

1.103 Adoption of regulations.

1.104 Coordination with section 225 of the Congressional Accountability Act.

SEC. 1.101. PURPOSE AND SCOPE.

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act of 1998 (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

H Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by

the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101(9)(A-C) of the CAA, 2 U.S.C. §1301(9)(A-C); (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

S Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made or directed by a Member of Congress within an employing office, as defined by Sec. 101(9)(A-C) of the CAA, 2 U.S.C. §1301(9)(A-C); (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed pursuant to section 105(a) of the Second Supplemental Appropriations Act, 1978; or (5) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

C Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

SEC. 1.102. DEFINITIONS.

Except as otherwise provided in these regulations, as used in these regulations:

(a) "Accredited physician" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices. The phrase "authorized to practice by the State" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

(b) "Act" or "CAA" means the Congressional Accountability Act of 1995, as amended (Pub. L. 104-1, 109 Stat. 3, 2 U.S.C. §§1301-1438).

(c) "Active duty" or "active military duty" means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) "Appointment" means an individual's appointment to employment in a covered po-

sition, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) "Board" means the Board of Directors of the Office of Compliance.

H Regs: (g) "Covered employee" means any employee of (1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; or (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

S Regs: (g) "Covered employee" means any employee of (1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; or (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made or directed by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (dd) who is appointed pursuant to section 105(a) of the Second Supplemental Appropriations Act, 1978; or (ee) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

C Regs: (g) "Covered employee" means any employee of (1) the Office of Congressional Accessibility Services; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; or (6) the Office of Compliance, but does not include an employee: (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

(h) "Covered position" means any position that is or will be held by a covered employee.

(i) "Disabled veteran" means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected