

ranking minority party member of that Committee.

If any member of the panel withdraws from a particular review, the appointing authority for such member shall appoint another officer, employee, or Member of the House of Representatives, as the case may be, to be a temporary member of the panel for purposes of that review only.

“(b) The review under this clause shall consist of a hearing (conducted in the manner described in clause 6(b)(3)), if such hearing is considered necessary by the panel, and an examination of the record, together with any statements or other documents the panel deems appropriate. A tie vote by the panel is an affirmation of the decision of the Office. The panel shall complete the review and submit a written decision to the parties and to the Committee on House Administration not later than sixty days after filing of the request under paragraph (a), except that when the House has adjourned sine die, in which case an extension of up to sixty additional days is authorized.

“resolution by agreement

“8. If, after a formal complaint is filed under clause 6, the parties resolve the issues involved, the parties shall enter into a written agreement, which shall be effective—

“(1) in the case of a matter under review by the Office under clause 6, if approved by the Office; and

“(2) in the case of a matter under review by a panel under clause 7, if approved by the panel.

“remedies

“9. The Office or a review panel, as the case may be, may order one or more of the following remedies:

“(a) monetary compensation, to be paid from the clerk-hire allowance of a Member, or from personnel funds of a committee of the House or other entity, as appropriate;

“(b) monetary compensation, to be paid from the contingent fund of the House of Representatives;

“(c) injunctive relief;

“(d) costs and attorney fees; and

“(e) employment, reinstatement to employment, or promotion (with or without back pay).

“costs of attending hearings

“10. An individual with respect to whom a hearing is held under this rule shall be reimbursed for actual and reasonable costs of attending the hearing, if the individual resides outside the location of the hearing. Witnesses required to attend the hearings by the Hearing Officer as necessary to a fair and justiciable hearing shall be reimbursed for actual and reasonable costs of attending the hearing if they reside outside the location of the hearing. Expenses are to be paid from the contingent fund of the House of Representatives.

“prohibition of intimidation

“11. Any intimidation of, or reprisal against, any person by an employing authority because of the exercise of a right under this rule is a violation of clause 2.

“closed hearings and confidentiality

“12. All hearings under this rule shall be closed. All information relating to any procedure under this rule is confidential, except that a decision of the Office under clause 6 or a decision of a review panel under clause 7 shall be published, if the decision constitutes a final disposition of the matter.

“exclusivity of procedures and remedies

“13. The procedures and remedies under this rule are exclusive except to the extent that the Rules of the House of Representatives and the Rules of the House Committee on Standards of Official Conduct provide for additional procedures and remedies.

“requests for witnesses and information

“14. The Office of Fair Employment Practices and the Fair Employment Practices Review Panel may issue, and the addressees shall comply with, written requests for the production of documents and the attendance of witnesses, if such requests are necessary and relevant to the proper examination of the issues.

“internal procedures for resolution of possible violations

“15. It is the policy of the House of Representatives to encourage each employing authority to establish internal procedures for examining and resolving possible violations of this rule. To the greatest extent practicable, the Office of Fair Employment Practices shall take such action (consistent with the rights of the parties) as may be necessary to encourage initial use of such procedures.

“definitions

“16. As used in this rule—

“(a) the term “employment position” means, with respect to the House of Representatives, a position the pay for which is disbursed by the Clerk of the House of Representatives, or other official designated by the House of Representatives, and any employment position in a legislative service organization or other entity that is paid through funds derived from the clerk-hire allowance;

“(b) the term “employing authority” means, the Member of the House of Representatives or elected officer of the House of Representatives, or the Director of the Congressional Budget Office, with the power to appoint the employee;

“(c) the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress; and

“(d) the term “elected officer of the House of Representatives” means an elected officer of the House of Representatives (other than the Speaker and the Chaplain).”.

(20) Strike rules LII and LIII.

Pending consideration of said resolution,

Mr. SOLOMON moved to refer the resolution to a select committee of five members, to be appointed by the Speaker, not more than three of whom shall be from the same political party, with instructions not to report back the same until it has conducted a full and complete study of, and made a determination on, the constitutionality of those provisions which would grant voting rights in the Committee of the Whole to the Resident Commissioner from Puerto Rico and the Delegates from American Samoa, the District of Columbia, Guam and the Virgin Islands.

Mr. GEPHARDT moved to lay the motion on the table.

The question being put, viva voce,

Will the House lay on the table the motion to refer?

The SPEAKER announced that the yeas had it.

Mr. SOLOMON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 224 Nays ..... 176

¶1.16 [Roll No. 3] YEAS—224

Table listing names of members: Abercrombie, Ackerman, Andrews (ME), Andrews (TX), Applegate, Bacchus (FL), Baesler, Barlow, Barrett (WI), Becerra, Beilenson, Berman, Bevill, Bilbray, Bishop, Blackwell, Bonior, Borski, Boucher, Brewster, Brooks, Browder, Brown (CA), Brown (FL), Brown (OH), Bryant, Byrne, Cantwell, Cardin, Clay, Clyburn, Coleman, Collins (IL), Collins (MI), Conyers, Cooper, Coppersmith, Costello, Coyne, Cramer, Danner, Darden, de la Garza, Deal, DeFazio, DeLauro, Dellums, Derrick, Deutsch, Dicks, Dingell, Dixon, Dooley, Edwards (CA), Edwards (TX), Engel, English (OK), Eshoo, Espy, Evans, Fazio, Fields (LA), Filner, Fingerhut, Flake, Foglietta, Ford (MI), Ford (TN), Frost, Furse, Gejdenson, Gephardt, Gibbons, Glickman, Gonzalez, Green, Hall (OH), Hamburg, Hamilton, Harman, Hastings, Hayes, Hefner, Hilliard, Hoagland, Hochbrueckner, Hoyer, Hughes, Inslee, Jacobs, Jefferson, Johnson, E.B., Johnston, Kanjorski, Kaptur, Kennedy, Kennelly, Kildee, Kleczka, Klein, Klink, Kopetski, Kreidler, LaFalce, Lambert, Lancaster, Lantos, LaRocco, Laughlin, Lehman, Conyers, Cooper, Coppersmith, Costello, Coyne, Cramer, Danner, Darden, de la Garza, Deal, DeFazio, DeLauro, Dellums, Derrick, Deutsch, Dicks, Dingell, Dixon, Dooley, Edwards (CA), Edwards (TX), Engel, English (OK), Eshoo, Espy, Evans, Fazio, Fields (LA), Filner, Fingerhut, Flake, Foglietta, Ford (MI), Ford (TN), Frost, Furse, Gejdenson, Gephardt, Gibbons, Glickman, Gonzalez, Green, Hall (OH), Hamburg, Hamilton, Harman, Hastings, Hayes, Hefner, Hilliard, Hoagland, Hochbrueckner, Hoyer, Hughes, Inslee, Jacobs, Jefferson, Johnson, E.B., Johnston, Kanjorski, Kaptur, Kennedy, Kennelly, Kildee, Kleczka, Klein, Klink, Kopetski, Kreidler, LaFalce, Lambert, Lancaster, Lantos, LaRocco, Laughlin, Lehman, Levin, Lewis (GA), Lipinski, Lloyd, Long, Lowey, Maloney, Mann, Manton, Markey, Martinez, Mazzoli, McCloskey, McCurdy, McDermott, McHale, McKinney, McNulty, Meehan, Meek, Mfume, Miller (CA), Mineta, Minge, Mink, Moakley, Mollohan, Montgomery, Moran, Murphy, Murtha, Nadler, Natcher, Neal (MA), Neal (NC), Oberstar, Obey, Olver, Ortiz, Orton, Owens, Pallone, Panetta, Parker, Pastor, Payne (NJ), Payne (VA), Pelosi, Penny, Peterson (FL), Peterson (MN), Pickle, Pomeroy, Price (NC), Rahall, Rangel, Reed, Richardson, Roemer, Rose, Rostenkowski, Rowland, Roybal-Allard, Rush, Sabo, Sanders, Sangmeister, Sarpalis, Sawyer, Schenk, Schroeder, Schumer, Scott, Serrano, Sharp, Shepherd, Sisisky, Skaggs, Skelton, Slattery, Slaughter, Smith (IA), Spratt, Stark, Stokes, Strickland, Studds, Stupak, Swett, Swift, Synar, Tanner, Tauzin, Tejada, Thornton, Thurman, Towns, Traficant, Unsoeld, Valentine, Velazquez, Vento, Visclosky, Volkmer, Washington, Waters, Watt, Whitten, Wilson, Wise, Woolsey, Wyden, Wynn, Yates

NAYS—176

Table listing names of members: Allard, Archer, Arney, Bachus (AL), Baker (CA), Baker (LA), Barrett (NE), Bartlett, Barton, Bateman, Bentley, Bereuter, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bunning, Burton, Buyer, Callahan, Calvert, Camp, Canady, Castle, Clinger, Coble, Collins (GA), Combest, Condit, Cox, Crane, Crapo, Cunningham, DeLay, Diaz-Balart, Dickey, Doolittle, Dornan, Dreier, Duncan, Dunn, Emerson, Everett, Ewing, Fawell, Fields (TX), Fish, Fowler, Frank (MA)

Franks (CT)	Kyl	Rohrabacher	Cantwell	Hancock	Mfume	Smith (NJ)	Tauzin	Visclosky
Gallegly	Lazio	Ros-Lehtinen	Cardin	Harman	Mica	Smith (OR)	Taylor (MS)	Volkmer
Gekas	Leach	Roth	Carr	Hastert	Michel	Smith (TX)	Taylor (NC)	Vucanovich
Geren	Lewis (CA)	Roukema	Castle	Hastings	Miller (CA)	Snowe	Tejeda	Walker
Gillmor	Lewis (FL)	Royce	Chapman	Hayes	Miller (FL)	Solomon	Thomas (CA)	Walsh
Gilman	Lightfoot	Santorum	Clay	Hefley	Minetta	Spence	Thomas (WY)	Washington
Gingrich	Schaefer	Linder	Clement	Hefner	Minge	Stearns	Thornton	Waters
Goodlatte	Livingston	Schiff	Clinger	Herger	Mink	Stenholm	Thurman	Watt
Goodling	Machtley	Sensenbrenner	Clyburn	Hilliard	Moakley	Stokes	Torkildsen	Weldon
Goss	Manzullo	Shaw	Coble	Hinchey	Molinari	Strickland	Torres	Wilson
Gradison	McCandless	Shays	Coleman	Hoagland	Mollohan	Studds	Torricelli	Wise
Grams	McCollum	Shuster	Collins (GA)	Hobson	Montgomery	Stump	Towns	Wolf
Grandy	McCrery	Skeen	Collins (IL)	Hochbrueckner	Moorhead	Stupak	Traficant	Woolsey
Greenwood	McDade	Smith (MI)	Collins (MI)	Hoekstra	Moran	Sundquist	Tucker	Wyden
Gunderson	McHugh	Smith (NJ)	Combust	Hoke	Morella	Swett	Unsoeld	Wynn
Hall (TX)	McInnis	Smith (OR)	Condit	Holden	Murphy	Swift	Upton	Young (FL)
Hancock	McKeon	Smith (TX)	Conyers	Horn	Murtha	Synar	Valentine	Zeliff
Hansen	McMillan	Snowe	Cooper	Houghton	Myers	Talent	Velazquez	Zimmer
Hastert	Meyers	Solomon	Coppersmith	Hoyer	Nadler	Tanner	Vento	
Hefley	Mica	Spence	Costello	Huffington	Natcher			
Herger	Michel	Stearns	Cox	Hughes	Neal (MA)			
Hobson	Molinari	Stenholm	Coyne	Hunter	Neal (NC)			
Hoekstra	Moorhead	Stump	Cramer	Hutchinson	Nussle			
Horn	Morella	Sundquist	Crane	Hutto	Oberstar			
Houghton	Myers	Talent	Crapo	Hyde	Obey			
Huffington	Nussle	Taylor (MS)	Cunningham	Inglis	Olver			
Hunter	Oxley	Taylor (NC)	Danner	Inhofe	Ortiz			
Hutchinson	Packard	Thomas (CA)	Darden	Inslee	Orton			
Hutto	Paxon	Thomas (WY)	Deal	Istook	Owens			
Hyde	Petri	Torkildsen	DeFazio	Jacobs	Oxley			
Inglis	Pombo	Upton	DeLauro	Jefferson	Packard			
Inhofe	Porter	Vucanovich	DeLay	Johnson (CT)	Pallone			
Istook	Poshard	Walker	Dellums	Johnson (GA)	Panetta			
Johnson (CT)	Pryce (OH)	Walsh	Derrick	Johnson (SD)	Parker			
Johnson (SD)	Quillen	Weldon	Derrick	Johnson, E.B.	Pastor			
Johnson, Sam	Quinn	Williams	Deutsch	Johnson, Sam	Paxon			
Kasich	Ramstad	Wolf	Diaz-Balart	Johnston	Payne (VA)			
Kim	Ravenel	Young (AK)	Dickey	Johnston	Pelosi			
Kingston	Regula	Young (FL)	Dicks	Kanjorski	Penny			
Klug	Ridge	Zeliff	Dingell	Kapturn	Peterson (FL)			
Knollenberg	Roberts	Zimmer	Dixon	Kasich	Peterson (MN)			
Kolbe	Rogers		Dooley	Kennedy	Petri			
			Doolittle	Kennelly	Pickett			
			Dornan	Kildee	Pickle			
			Dreier	King	Pombo			
			Duncan	Kingston	Pomeroy			
			Dunn	Klecza	Porter			
			Durbin	Klein	Poshard			
			Edwards (CA)	Klink	Price (NC)			
			Edwards (TX)	Klug	Pryce (OH)			
			Emerson	Knollenberg	Quillen			
			Engel	Kolbe	Quinn			
			English (AZ)	Kopetski	Rahall			
			English (OK)	Kreidler	Ramstad			
			Eshoo	Kyl	Range			
			LaFalce	LaFalce	Rangel			
			Lambert	Evans	Ravenel			
			Lancaster	Everett	Reed			
			Lantos	Ewing	Regula			
			LaRocco	Fawell	Reynolds			
			Laughlin	Fazio	Richardson			
			Lazio	Fields (LA)	Ridge			
			Lehman	Fields (TX)	Roberts			
			Filner	Filner	Roemer			
			Fingerhut	Levin	Rogers			
			Flake	Lewis (CA)	Rohrabacher			
			Foglietta	Lewis (FL)	Ros-Lehtinen			
			Ford (MI)	Lewis (GA)	Rose			
			Ford (TN)	Lightfoot	Rostenkowski			
			Franks (CT)	Linder	Roth			
			Franks (NJ)	Lipinski	Roukema			
			Furse	Livingston	Rowland			
			Gallegly	Lloyd	Roybal-Allard			
			Gallo	Long	Royce			
			Gejdenson	Lowey	Rush			
			Gekas	Machtley	Sabo			
			Gephardt	Maloney	Sanders			
			Geren	Mann	Sangmeister			
			Gibbons	Manton	Santorum			
			Gilchrist	Manzullo	Sarpalio			
			Gillmor	Margolies-Mezvinsky	Sawyer			
			Gilman	Martinez	Saxton			
			Gingrich	Matsui	Schaefer			
			Glickman	Mazzoli	Schenk			
			Gonzalez	McCandless	Schiff			
			Goodlatte	McCloskey	Schroeder			
			Goodling	McCollum	Schumer			
			Gordon	McCrery	Scott			
			Goss	McCurdy	Sensenbrenner			
			Gradison	McDade	Sharp			
			Grams	McDermott	Shaw			
			Grandy	McHale	Shays			
			Green	McHugh	Shepherd			
			Greenwood	McInnis	Sisisky			
			Gunderson	McKeon	Skaggs			
			Gutierrez	McKinney	Skeen			
			Hall (OH)	McMillan	Skelton			
			Hall (TX)	McNulty	Slattery			
			Hamburg	Meehan	Slaughter			
			Hamilton	Meyers	Smith (IA)			
					Smith (MI)			

NOT VOTING—31

Andrews (NJ)	Gordon	Matsui
Barcia	Gutierrez	Menendez
Carr	Henry	Miller (FL)
Chapman	Hinche	Pickett
Clayton	Hoke	Reynolds
Clement	Holden	Saxton
Durbin	Johnson (GA)	Torres
English (AZ)	King	Torricelli
Franks (NJ)	Levy	Tucker
Gallo	Margolies-Mezvinsky	Waxman
Gilchrist		

So the motion to lay the motion to refer on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

When said resolution was considered. After debate,

¶1.17 CALL OF THE HOUSE

Mr. PORTER made the point of order that a quorum was not present.

A quorum not being present,

By unanimous consent, a call of the House was ordered.

The call was taken by electronic device, and the following-named Members responded—

¶1.18 [Roll No. 4]

ANSWERED "PRESENT"—409

Abercrombie	Bartlett	Bonior
Ackerman	Barton	Borski
Allard	Bateman	Boucher
Andrews (ME)	Becerra	Brewster
Andrews (NJ)	Brooks	Brooks
Andrews (TX)	Bentley	Browder
Applegate	Bereuter	Brown (CA)
Archer	Berman	Brown (FL)
Armey	Bevill	Brown (OH)
Bacchus (FL)	Bilbray	Bryant
Bachus (AL)	Bilirakis	Bunning
Baessler	Bishop	Burton
Baker (CA)	Blackwell	Buyer
Baker (LA)	Bliley	Byrne
Barcia	Blute	Callahan
Barlow	Boehlert	Calvert
Barrett (NE)	Boehner	Camp
Barrett (WI)	Bonilla	Canady

Thereupon, the SPEAKER pro tempore, Mr. EDWARDS of California, announced that 409 Members had been recorded, a quorum.

After further debate,

Ms. SLAUGHTER moved the previous question on the resolution to its adoption or rejection.

The question being put, vica voce,

Will the House now order the previous question on said resolution?

The SPEAKER pro tempore, Mr. EDWARDS of California, announced that the yeas had it.

Mr. SOLOMON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 249  
affirmative ..... } Nays ..... 176

¶1.19 [Roll No. 5] YEAS—249

Abercrombie	Darden	Hayes
Ackerman	de la Garza	Hefner
Andrews (ME)	Deal	Hilliard
Andrews (NJ)	DeFazio	Hinche
Andrews (TX)	DeLauro	Hoagland
Applegate	Dellums	Hochbrueckner
Bacchus (FL)	Derrick	Holden
Baessler	Deutsch	Hoyer
Barlow	Dicks	Hughes
Barrett (WI)	Dingell	Hutto
Becerra	Dixon	Insee
Beilenson	Dooley	Jefferson
Berman	Durbin	Johnson (GA)
Bevill	Edwards (CA)	Johnson (SD)
Bilbray	Edwards (TX)	Johnson, E. B.
Bishop	Engel	Johnston
Blackwell	English (AZ)	Kanjorski
Bonior	English (OK)	Kapturn
Borski	Eshoo	Kennedy
Boucher	Espy	Kennelly
Brewster	Evans	Kildee
Brooks	Fazio	Klecza
Browder	Fields (LA)	Klein
Brown (CA)	Filner	Klink
Brown (FL)	Fingerhut	Kopetski
Brown (OH)	Flake	Kreidler
Bryant	Foglietta	LaFalce
Byrne	Ford (MI)	Lambert
Cantwell	Ford (TN)	Lancaster
Cardin	Frank (MA)	Lantos
Carr	Frost	LaRocco
Chapman	Furse	Laughlin
Clayton	Gejdenson	Lehman
Clement	Gephardt	Levin
Clyburn	Geren	Lewis (GA)
Coleman	Gibbons	Lloyd
Collins (IL)	Glickman	Long
Collins (MI)	Gonzalez	Lowey
Condit	Gordon	Maloney
Conyers	Green	Mann
Cooper	Gutierrez	Manton
Coppersmith	Hall (OH)	Margolies-Mezvinsky
Costello	Hall (TX)	Markey
Coyne	Hambilton	Martinez
Cramer	Harman	Matsui
Danner	Hastings	Mazzoli