

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 114, CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 866, as amended, on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 866 will be followed by a 5-minute vote on the motion to suspend the rules and pass the bill, H.R. 5382.

The vote was taken by electronic device, and there were—yeas 233, nays 158, not voting 42, as follows:

[Roll No. 540]

YEAS—233

Aderholt	Cubin	Hayes
Akin	Culberson	Hayworth
Alexander	Davis, Jo Ann	Hefley
Baker	Davis, Tom	Hensarling
Ballenger	Deal (GA)	Herger
Barrett (SC)	DeLay	Hoekstra
Bartlett (MD)	DeMint	Holden
Barton (TX)	Diaz-Balart, L.	Hostettler
Bass	Diaz-Balart, M.	Houghton
Beauprez	Dicks	Hulshof
Biggett	Dooley (CA)	Hunter
Billirakis	Doolittle	Hyde
Bishop (GA)	Doyle	Isakson
Bishop (UT)	Dreier	Issa
Blackburn	Duncan	Istook
Blunt	Ehlers	Jenkins
Boehlert	Emerson	Johnson (CT)
Boehner	Engel	Johnson (IL)
Bonilla	English	Johnson, Sam
Bonner	Everett	Jones (NC)
Bono	Ferguson	Kanjorski
Boozman	Flake	Keller
Bradley (NH)	Foley	Kelly
Brady (PA)	Forbes	Kennedy (MN)
Brady (TX)	Fossella	King (IA)
Brown (SC)	Franks (AZ)	King (NY)
Brown-Waite,	Frelinghuysen	Kingston
Ginny	Frost	Kirk
Burgess	Galleghy	Kline
Burns	Garrett (NJ)	Knollenberg
Burton (IN)	Gerlach	Kolbe
Butterfield	Gibbons	LaHood
Buyer	Gilchrest	Latham
Calvert	Gingrey	LaTourette
Camp	Goode	Leach
Cantor	Goodlatte	Lewis (CA)
Capito	Gordon	Lewis (KY)
Carter	Granger	Linder
Castle	Graves	LoBiondo
Chabot	Green (WI)	Lucas (OK)
Chocola	Greenwood	Manzullo
Coble	Gutknecht	McCotter
Cole	Hall	McCreary
Cox	Harris	McHugh
Cramer	Hart	McInnis
Crane	Hastert	McKeon
Crenshaw	Hastings (WA)	Mica

Michaud	Pryce (OH)
Miller (FL)	Putnam
Miller (MI)	Radanovich
Miller, Gary	Ramstad
Mollohan	Rangel
Moore	Regula
Moran (KS)	Rehberg
Murphy	Renzi
Murtha	Reynolds
Myrick	Rogers (AL)
Nethercutt	Rogers (KY)
Neugebauer	Rogers (MI)
Ney	Rohrabacher
Northup	Ros-Lehtinen
Nunes	Royce
Nussle	Ryan (WI)
Osborne	Ryun (KS)
Ose	Saxton
Otter	Schrock
Oxley	Scott (GA)
Paul	Sensenbrenner
Pearce	Sessions
Pence	Shadegg
Peterson (PA)	Shaw
Petri	Shays
Pickering	Sherwood
Pitts	Shimkus
Platts	Shuster
Pombo	Simmons
Porter	Simpson
Portman	Smith (MI)

NAYS—158

Abercrombie	Herseth
Allen	Hinchey
Andrews	Hinojosa
Baca	Hoeffel
Baird	Holt
Baldwin	Honda
Becerra	Hooley (OR)
Bell	Hoyer
Berkley	Inslee
Berman	Israel
Berry	Jackson (IL)
Bishop (NY)	Jackson-Lee
Boucher	(TX)
Boyd	Jefferson
Brown (OH)	Johnson, E. B.
Brown, Corrine	Jones (OH)
Capps	Kaptur
Capuano	Kennedy (RI)
Cardin	Kildee
Caroza	Kilpatrick
Carson (IN)	Kucinich
Carson (OK)	Lampson
Chandler	Langevin
Clay	Lantos
Clyburn	Larsen (WA)
Cooper	Larson (CT)
Costello	Lee
Crowley	Levin
Cummings	Lewis (GA)
Davis (AL)	Lofgren
Davis (CA)	Lowe
Davis (FL)	Lucas (KY)
Davis (IL)	Lynch
Davis (TN)	Majette
DeFazio	Maloney
DeGette	Markey
DeLauro	Marshall
Dingell	Matheson
Doggett	Matsui
Edwards	McCarthy (MO)
Emanuel	McCollum
Eshoo	McIntyre
Etheridge	McNulty
Evans	Meek (FL)
Farr	Meeke (NY)
Filner	Menendez
Ford	Miller (NC)
Frank (MA)	Miller, George
Gonzalez	Nadler
Green (TX)	Napolitano
Grijalva	Neal (MA)
Gutierrez	Gutierrez
Harman	Obey
Hastings (FL)	Olver

NOT VOTING—42

Ackerman	Delahunt	Kind
Bachus	Deutsch	Klecicka
Blumenauer	Dunn	Lipinski
Boswell	Fattah	McCarthy (NY)
Burr	Feeney	McDermott
Cannon	Gephardt	McGovern
Case	Gillmor	Meehan
Collins	Hill	Millender-
Conyers	Hobson	McDonald
Cunningham	John	Moran (VA)

Musgrave	Skelton	Waters
Norwood	Toomey	Weller
Quinn	Towns	Wexler
Rothman	Turner (TX)	
Ruppersberger	Upton	

□ 1420

Mr. STRICKLAND changed his vote from “yea” to “nay”.

Mr. TIBERI and Mr. HAYES changed their vote from “nay” to “yea”.

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 540, I was delayed in getting to the floor. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore (Mr. OSE). Pursuant to House Resolution 866, House Concurrent Resolution 528 is adopted.

The text of H. Con. Res. 528 is as follows:

H. CON. RES. 528

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

1. In Division H—Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005, strike all of section 643 and insert:

SEC. 643. Section 653(j) of title 42, United States Code, is amended by adding at the end the following new paragraph:

“(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN FEDERAL DEBT COLLECTION—

“(A) FURNISHING OF INFORMATION BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall furnish to the Secretary, on such periodic basis as determined by the Secretary of the Treasury in consultation with the Secretary, information in the custody of the Secretary of the Treasury for comparison with information in the National Directory of New Hires, in order to obtain information in such Directory with respect to persons—

“(i) who owe delinquent nontax debt to the United States; and

“(ii) whose debt has been referred to the Secretary of the Treasury in accordance with 31 U.S.C. 3711(g).

“(B) REQUIREMENT TO SEEK MINIMUM INFORMATION.—The Secretary of the Treasury shall seek information pursuant to this section only to the extent necessary to improve collection of the debt described in subparagraph (A).

“(C) DUTIES OF THE SECRETARY.—

“(i) INFORMATION DISCLOSURE.—The Secretary, in cooperation with the Secretary of the Treasury, shall compare information in the National Directory of New Hires with information provided by the Secretary of the Treasury with respect to persons described in subparagraphs (A) and shall disclose information in such Directory regarding such persons to the Secretary of the Treasury in accordance with this paragraph, for the purposes specified in this paragraph. Such comparison of information shall not be considered a matching program as defined in 5 U.S.C. 552a.

“(a) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 466(b) of this title shall be given priority over collection of any delinquent federal nontax debt against the same income.

“(D) USE OF INFORMATION BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury may use information provided under this paragraph only for purposes of collecting the debt described in subparagraph (A).

“(E) DISCLOSURE OF INFORMATION BY THE SECRETARY OF THE TREASURY.—

“(i) PURPOSE OF DISCLOSURE.—The Secretary of the Treasury may make disclosure under this subparagraph only for purposes of collecting the debt described in subparagraph (A).

“(ii) DISCLOSURES PERMITTED.—Subject to clauses (iii) and (iv), the Secretary of the Treasury may disclose information resulting from a data match pursuant to this paragraph only to the Attorney General in connection with collecting the debt described in subparagraph (A).

“(iii) CONDITIONS ON DISCLOSURE.—Disclosures under this subparagraph shall be—

“(I) made in accordance with data security and control policies established by the Secretary of the Treasury and approved by the Secretary;

“(II) subject to audit in a manner satisfactory to the Secretary; and

“(III) subject to the sanctions under subsection (l)(2).

“(iv) ADDITIONAL DISCLOSURES.—

“(I) DETERMINATION BY SECRETARIES.—The Secretary of the Treasury and the Secretary shall determine whether to permit disclosure of information under this paragraph to persons or entities described in subclause (II), based on an evaluation made by the Secretary of the Treasury (in consultation with and approved by the Secretary), of the costs and benefits of such disclosures and the adequacy of measures used to safeguard the security and confidentiality of information so disclosed.

“(II) PERMITTED PERSONS OR ENTITIES.—If the Secretary of the Treasury and the Secretary determine pursuant to subclause (I) that disclosures to additional persons or entities shall be permitted, information under this paragraph may be disclosed by the Secretary of the Treasury, in connection with collecting the debt described in subparagraph (A), to a contractor or agent of either Secretary and to the Federal agency that referred such debt to the Secretary of the Treasury for collection, subject to the conditions in clause (iii) and such additional conditions as agreed to by the Secretaries.

“(v) RESTRICTIONS ON REDISCLOSURE.—A person or entity to which information is disclosed under this subparagraph may use or disclose such information only as needed for collecting the debt described in subparagraph (A), subject to the conditions in clause (iii) and such additional conditions as agreed to by the Secretaries.

“(F) REIMBURSEMENT OF HHS COSTS.—The Secretary of the Treasury shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph. Any such costs paid by the Secretary of the Treasury shall be considered costs of implementing 31 U.S.C. 3711(g) in accordance with 31 U.S.C. 3711(g)(6) and may be paid from the account established pursuant to 31 U.S.C. 3711(g)(7).”

2. In section 122 of Title I of Division J—Other Matters, strike “0.83” and insert “0.80”.

COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5382.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROHRBACHER) that the House suspend the rules and pass the bill, H.R. 5382, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 269, nays 120, not voting 43, as follows:

[Roll No. 541]

YEAS—269

- | | | |
|-----------------|---------------|------------------|
| Abercrombie | Emanuel | Lofgren |
| Aderholt | Emerson | Lucas (OK) |
| Akin | English | Maloney |
| Alexander | Eshoo | Manzullo |
| Baca | Everett | Marshall |
| Baker | Farr | Matsui |
| Balenger | Ferguson | McCotter |
| Barrett (SC) | Flake | McCrery |
| Bartlett (MD) | Foley | McHugh |
| Barton (TX) | Forbes | McInnis |
| Beauprez | Fossella | McKeon |
| Bell | Franks (AZ) | McNulty |
| Biggett | Frelinghuysen | Meek (FL) |
| Bilirakis | Gallegly | Meeks (NY) |
| Bishop (GA) | Garrett (NJ) | Mica |
| Bishop (UT) | Gerlach | Miller (FL) |
| Blackburn | Gibbons | Miller (MI) |
| Blunt | Gilchrest | Miller (NC) |
| Boehkert | Gingrey | Miller, Gary |
| Boehner | Goode | Mollohan |
| Bonilla | Goodlatte | Moran (KS) |
| Bonner | Gordon | Murphy |
| Bono | Granger | Murtha |
| Boozman | Green (WI) | Myrick |
| Boucher | Greenwood | Nethercutt |
| Boyd | Gutknecht | Neugebauer |
| Bradley (NH) | Hall | Ney |
| Brady (TX) | Harman | Northup |
| Brown (SC) | Harris | Nunes |
| Brown, Corrine | Hastings (WA) | Nussle |
| Brown-Waite, | Hayes | Ortiz |
| Ginny | Hayworth | Osborne |
| Burgess | Hefley | Ose |
| Burns | Hensarling | Otter |
| Burton (IN) | Herger | Owens |
| Butterfield | Hinojosa | Oxley |
| Buyer | Hoekstra | Pastor |
| Calvert | Holt | Paul |
| Camp | Hostettler | Pearce |
| Cantor | Houghton | Pence |
| Capito | Hulshof | Peterson (MN) |
| Capps | Hunter | Peterson (PA) |
| Cardoza | Hyde | Petri |
| Carson (OK) | Isakson | Pickering |
| Carter | Issa | Pitts |
| Castle | Istook | Platts |
| Chabot | Jackson (IL) | Pombo |
| Chocola | Jackson-Lee | Pomeroy |
| Clay | (TX) | Porter |
| Clyburn | Jenkins | Portman |
| Coble | Johnson (CT) | Price (NC) |
| Cole | Johnson (IL) | Pryce (OH) |
| Cox | Johnson, Sam | Radanovich |
| Cramer | Jones (NC) | Ramstad |
| Crane | Kanjorski | Regula |
| Crenshaw | Keller | Rehberg |
| Cubin | Kelly | Renzi |
| Culberson | Kennedy (MN) | Reyes |
| Cunningham | King (IA) | Reynolds |
| Davis (AL) | King (NY) | Rodriguez |
| Davis (CA) | Kingston | Rogers (AL) |
| Davis, Jo Ann | Kline | Rogers (KY) |
| Davis, Tom | Knollenberg | Rogers (MI) |
| Deal (GA) | Kolbe | Rohrabacher |
| DeLay | LaHood | Ros-Lehtinen |
| DeMint | Lampson | Ross |
| Diaz-Balart, L. | Lantos | Royce |
| Diaz-Balart, M. | Latham | Ruppersberger |
| Dooley (CA) | LaTourrette | Ryan (WI) |
| Doolittle | Leach | Ryun (KS) |
| Doyle | Lewis (CA) | Sanchez, Loretta |
| Dreier | Lewis (KY) | Saxton |
| Duncan | Linder | Schiff |
| Ehlers | LoBiondo | Schrock |

- | | | |
|---------------|---------------|-------------|
| Scott (GA) | Souder | Visclosky |
| Sensenbrenner | Stearns | Vitter |
| Sessions | Strickland | Walden (OR) |
| Shadegg | Sullivan | Walsh |
| Shaw | Sweeney | Wamp |
| Shays | Tancredo | Watt |
| Sherman | Tauzin | Weldon (FL) |
| Sherwood | Taylor (NC) | Weldon (PA) |
| Shimkus | Terry | Whitfield |
| Shuster | Thomas | Wicker |
| Simmons | Thompson (MS) | Wilson (NM) |
| Simpson | Thornberry | Wilson (SC) |
| Smith (MI) | Tiahrt | Wolf |
| Smith (NJ) | Tiberi | Wynn |
| Smith (TX) | Turner (OH) | Young (FL) |
| Smith (WA) | Udall (CO) | |
| Snyder | Van Hollen | |

NAYS—120

- | | | |
|-------------|----------------|----------------|
| Allen | Gutierrez | Oberstar |
| Andrews | Hastings (FL) | Obey |
| Baird | Herath | Olver |
| Baldwin | Hinchee | Pallone |
| Bass | Hoeffel | Pascrell |
| Becerra | Holden | Payne |
| Berkley | Honda | Pelosi |
| Berman | Hoolley (OR) | Rahall |
| Berry | Hoyer | Rangel |
| Bishop (NY) | Inlee | Roybal-Allard |
| Brady (PA) | Israel | Rush |
| Brown (OH) | Jefferson | Ryan (OH) |
| Capuano | Johnson, E. B. | Sabo |
| Cardin | Jones (OH) | Sánchez, Linda |
| Carson (IN) | Kaptur | T. |
| Chandler | Kennedy (RI) | Sanders |
| Conyers | Kildee | Sandlin |
| Cooper | Kilpatrick | Schakowsky |
| Costello | Kucinich | Scott (VA) |
| Crowley | Langevin | Serrano |
| Cummings | Larsen (WA) | Slaughter |
| Davis (FL) | Lee | Solis |
| Davis (IL) | Levin | Spratt |
| Davis (TN) | Lewis (GA) | Stark |
| DeFazio | Lowe | Stenholm |
| DeGette | Lucas (KY) | Majette |
| DeLauro | Matheson | Markey |
| Dicks | McCarthy (MO) | Tanner |
| Dingell | McCollum | Tauscher |
| Doggett | McGovern | Taylor (MS) |
| Edwards | McIntyre | Thompson (CA) |
| Engel | Menendez | Tierney |
| Etheridge | Michaud | Udall (NM) |
| Evans | Miller, George | Velázquez |
| Filner | Moore | Watson |
| Ford | Moran (VA) | Waxman |
| Frank (MA) | Nadler | Weiner |
| Frost | Napolitano | Woolsey |
| Gonzalez | Neal (MA) | Wu |
| Green (TX) | | Young (AK) |
| Grijalva | | |

NOT VOTING—43

- | | | |
|------------|--------------|-------------|
| Ackerman | Graves | Millender- |
| Bachus | Hart | McDonald |
| Blumenauer | Hill | Musgrave |
| Boswell | Hobson | Norwood |
| Burr | John | Putnam |
| Cannon | Kind | Quinn |
| Case | Kirk | Rothman |
| Collins | Kleczka | Skelton |
| Delahunt | Larson (CT) | Toomey |
| Deutsch | Lipinski | Towns |
| Dunn | Lynch | Turner (TX) |
| Fattah | McCarty (NY) | Upton |
| Feeney | McDermott | Waters |
| Gephardt | Meehan | Weller |
| Gillmor | | Wexler |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Members are advised that two minutes remain in this vote.

□ 1432

Messrs. DICKS, DAVIS of Florida and ETHERIDGE changed their vote from “yea” to “nay.”

So (two-thirds having voted in favor thereof) 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.

Stated for: