NOT VOTING—9

Carter
Eshoo
Feeney
Green, Gene
Hinchey
Hinojosa
Honda
Sanchez, Loretta
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Acting SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1432

So the motion to recommit with instruction was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 261, nays 161, not voting 11, as follows:

[Roll No. 31]

YEAS—261

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NAYS—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pombo
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—11

Bartlett (MD)
Carter
Eshoo
Feeney
Ferguson
Green, Gene
Hinchey
Hinojosa
Honda
Sanchez, Loretta
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1441

Mrs. DAVIS of California changed her vote from ''yea'' to ''nay.''

So 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:

Mr. FERGUSON. Mr. Speaker, I missed the vote on final passage of H.R. 418. Had I been able, I would have cast a vote in the affirmative as I am a strong proponent of the legislation and the goals it sets to achieve in reforming immigration policy in our country.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I had to return to my district last evening and today. Had I been present, I would have voted "no" on rollcall 27 and 31. I would have voted "yes" on rollcall 24, 25, 26, 28, 29, and 30.

Mr. CARTER. Mr. Speaker, on February 10, 2005, during rollcall votes 28, 29, 30 and 31, I had to return to my Congressional district on an urgent matter and was unavoidably detained. If I had been present, I would have voted "no" on rollcall votes 28, 29, 30 and "yea" on rollcall vote 31, final passage.

Mr. HONDA. Mr. Speaker, on rollcall votes Nos. 28, 29, 30 and 31, I was unavoidably detained. Had I been present, I would have voted: "yea" on rollcall vote No. 28, the Nadler/Meek Amendment, which would strike section 101 of the bill which imposes new burdens on persons seeking asylum: "yea" on rollcall No. 29, the Farr Amendment, which would strike section 102 of the bill regarding waivers to expedite construction of physical barriers and roads along the border; "yea" on rollcall No. 30, the motion to recommit; and "no" on rollcall No. 31, final passage of H.R. 418—REAL ID Act of 2005.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the majority leader, the gentleman from Texas (Mr. DELAY), for the purposes of informing us of the schedule.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. The final list of those bills will be sent to Members' offices at the end of the week and any votes called for on these will be rolled to 6:30 p.m.

On Wednesday and Thursday the House will convene at 10 a.m. We will likely consider additional legislation under suspension of the rules, as well as H.R. 310, the Broadcast Decency Enforcement Act. In addition, we are working on the continuity of government legislation. It is anticipated to be similar to H.R. 2844, the Continuity in Representation Act passed by the House last year. We hope to move quickly and bring that legislation to the floor next week.

Finally, assuming the other body passes S. 5, the Class Action Fairness Act of 2005, in a form identical to what the Senate Committee on the Judiciary passed last week, we expect to consider that legislation next week as well.

Mr. HOYER. I thank the gentleman for that information. With respect to the class action, the gentleman indicated, as I understand it, that that bill has passed the Committee on the Judiciary?

Mr. DELAY. What I was talking about is, as the gentleman knows, the Senate is debating that bill as we speak. If indeed that bill comes out as it passed by the Senate Committee on the Judiciary with no amendments, then we could very well pick up that bill and just consider it here without going through committee.

Mr. HOYER. Mr. Leader, I know in the past the gentleman has been very reluctant to simply take the Senate's work product, and I am somewhat shocked that the gentleman apparently suggests that process now. I do not know whether that is going to be a precedent for the future. But may I ask the gentleman, is it his contemplation that it would come directly to the floor and not go to committee for consideration?

Mr. DELAY. It is a new Congress and a new Senate, and the work that they are doing over there, at least the beginning of the work that they are doing over there, is pretty impressive, particularly the work they have done on this very important bill.

We have gone through regular order on this side of the House in many different steps on this class action issue; and if the Senate does what I think it is going to do, yes, we would bring it straight to the floor and consider it without committee action.

Mr. HOYER. As the leader knows, we have been for that process from time to time when there seemed to be agreement between the two Houses. Obviously, however, Mr. Leader, as the gentleman knows, what that does is it precludes Democrats from participating in committee consideration, offering amendments in committee to the subject legislation.

My question to the gentleman is, in the event that that is done, would the gentleman bring that to the floor with an open rule that would allow amendments to be offered as Members see fit so that we could have some full consideration of that piece of legislation on the floor of the House of Representatives?

Mr. DELAY. I thank the gentleman for yielding. As the gentleman knows, the Committee on Rules will take that up under consideration and perhaps the gentleman should contact the gentleman from California (Mr. DREIER) on that question as it relates to this bill. I am not advised as to what the Committee on Rules will do.

Mr. HOYER. Reclaiming my time, the reason, Mr. Leader, I asked that question because of the very high respect I have for the gentleman's influence with that committee; and I thought, therefore, the gentleman might have some inkling as to what might be done. I say that somewhat jokingly, but I really do believe that if we are going to take the bill that the Senate sends over, bring it directly to the floor without committee consideration, that not only in a sense of fairness but in a sense of getting the input of the 125 to 130 million people that this side of the aisle represents, that we give us the opportunity to offer such amendments as we think to be appropriate with respect to that legislation.

Mr. Leader, with respect to the continuity of Congress, this has been an issue we tried to deal with in the past. It is a very important issue with which we should deal. I know at times I have talked to the gentleman and the Speaker and particularly to my friend, the majority whip, with reference to having a bipartisan proposal so that both parties, on an issue of great magnitude to this institution in terms of continuity and how do we form a majority to take action, has this been to the gentleman's knowledge, and I do not have that knowledge. I have not talked to anybody on the Committee on Rules or any other committee out of which this might have come. Does the gentleman know whether or not we have bipartisan agreement with respect to the legislation the gentleman intends to put on the floor next week?

Mr. DELAY. I thank the gentleman for yielding. There are ongoing discussions about this bill with the minority and particularly with the minority leader's office. We are continuing those discussions.

I remind the gentleman that this bill got 306 votes last year. I think that is pretty bipartisan.

□ 1445

So as we work through this, we will continue to discuss and work with the minority to make it even more bipartisan than it is.

Mr. HOYER. I appreciate that.

And reclaiming my time, Mr. Leader, I understand what you are saying in terms of the number of folks who voted for it. There were a very substantial number who voted for it.

This is not a partisan issue. It should not be a partisan issue. This is a practical judgment as to how constitutionally and appropriately within the framework of our democracy and representation that we frame or have legislation framed so that does reflect the interests of our democracy as well as the interest of ensuring continuity.

From that perspective of not just having a number of votes for it, but having the leadership on both sides, I do not mean necessarily the gentlewoman from California (Ms. PELOSI) and myself, but the committee leadership on both sides, whether it is the Committee on Rules, Committee on the Judiciary or any other committee that might consider it somewhat in agreement.

Mr. DELAY. Will the gentleman yield?

Mr. HOYER. I yield to my friend.

Mr. DELAY. I hope the gentleman is not raising a standard that is even higher than given to the Constitution, in that when two-thirds of this House has voted for a measure, in order for it to be bipartisan, we have to go even higher than two-thirds of the House.

We are continuing to work with the minority leader. We understand her concerns and your concerns. But when you have well over two-thirds of the House voting for a bill, it gets more and more difficult to write a bill that requires unanimity.

Mr. HOYER. Reclaiming my time, no one is suggesting unanimity. I understand that. We are suggesting, though, that we work together on this issue. And the mere fact that we have the ability to get a large number of votes for a bill is critically important. Your observation is correct in terms of numbers necessary to pass the constitutional amendment or to pass other legislation by two-thirds. It is obviously important.

But it is equally important, it seems to me, and might facilitate passage of this through the entire Congress, not just through the House of Representatives, to have input from the leadership of both parties to try to come to grips with what I perceive not to be a partisan issue, but a difficult issue on which constitutional scholars have differed as to how we can do this, on which Members of this House on both sides of the aisle have differed.

But we do not need to pursue it. I understand the gentleman's point. But I would hope that we could have significant discussions about this and hopefully come to agreement of the minds.

Mr. Leader, we are not going to have a scheduling colloquy next week because it will be the Presidents' Day recess. But can you indicate what we may have on the floor the week that we return from the Presidents' Day recess?

Mr. DELAY. Frankly, I do not know. We will just have to get back to you on that.

Mr. HOYER. Mr. Leader, thank you for that.

I understand we may receive the President's tsunami supplemental appropriations next week. Do you anticipate we may also receive the Iraq-Afghanistan supplemental request as well?

Mr. DELAY. If the gentleman would yield.

Mr. HOYER. Yield to my friend.

Mr. DELAY. I appreciate the gentleman yielding. The White House has indicated to us that they will submit, as the gentleman said, the supplemental request on the tsunami next week. But we also expect the supplemental requests on the war on terror, and I would expect the House to consider some supplemental sometime in the month of March.

Mr. HOYER. Thank you for that. And you answered my second question. The energy bill you had brought up in our previous colloquy, can you tell us where that might stand at this point this time?

Mr. DELAY. If the gentleman would yield.

Mr. HOYER. Yield to my friend.

Mr. DELAY. The energy bill, we are continuing to work on that bill, just working on putting it together in order to introduce it. It is not ready, and I do not know, frankly, when it will be ready to even introduce, much less think about committee action and when the House might consider it.

Mr. HOYER. It would be fair to assume, then, that certainly it is not going to be in the next 2 or 3 weeks?

Yield to my friend.

Mr. DELAY. If the gentleman would yield, I think that is fair to assume.

Mr. HOYER. I thank the gentleman.

ADJOURNMENT TO MONDAY, FEBRUARY 14, 2005 AND HOUR OF MEETING ON TUESDAY, FEBRUARY 15, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon at Monday next; and further, when the House adjourns on that day it adjourn to meet at 12:30 p.m. on Tuesday, February 15, 2005 for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 310, BROADCAST DECENCY ENFORCEMENT ACT 2005

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, I take this time for the purpose of making an announcement

The Committee on Rules may meet the week of February 14 to grant a rule which could limit the amendment process for floor consideration of H.R. 310, the Broadcast Decency Enforcement Act of 2005. Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 12 noon on Tuesday, February 15, 2005.

Members should draft their amendments to the bill as reported by the Committee on Energy and Commerce on February 9, 2005, which is expected to be filed on Monday, February 14. Members are also advised that the text should be available for their review on the Web site of the Committee on Energy and Commerce and the Committee on Rules by Friday, February 11, 2005. Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate form and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

SOCIAL SECURITY SYSTEM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-Lee of Texas. Mr. Speaker, we have heard the President over the last 3 or 4 days present to the American people the idea of the crisis nature of revising, reforming, or altering completely the Social Security system. I go home and look forward to holding one of the first town hall meetings with my constituents to really lay out how we can work in a bipartisan manner and save Social Security.

It is important for the American people to realize that $1.5 trillion will be needed to take away from Social Security to establish what one would call ''private accounts,'' private accounts that could be seperate and apart from Social Security. Many Americans do not realize it is not just a retirement benefit, it is a survivor benefit. It helps children of those who are deceased.

More importantly, we forged a bipartisan response to Social Security in 1983 with Tip O'Neill and Ronald Reagan that caused this to be solvent for at least 60 years.

This proposal will not only undermine, but it will destroy Social Security as we know it. Does it need reforming and fixing? Absolutely, and we can do that with a number of suggestions, but the plan that has now been proposed by the administration is one that will undermine and eliminate Social Security.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHY WE NEED THE OMNIBUS NONPROLIFERATION AND ANTI-NUCLEAR TERRORISM ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, this morning the North Korean Government acknowledged publicly for the first time that it has nuclear weapons. In a statement issued by the North Korean Foreign Ministry, Pyongyang also said that it will boycott the six-party talks designed to end its nuclear program.

North Korea's surprising declaration has again reminded us of the most pressing national security challenge that we face: the proliferation of nuclear weapons and the possibility that a terrorist group will acquire a nuclear bomb and use it against the United States.

Earlier this week, my colleague, the gentleman from Connecticut (Mr. SHAYS) and I introduced the Omnibus Nuclear Nonproliferation and Anti-Nuclear Terrorism Act of 2005 to better enable the United States to prevent what Graham Allison of Harvard University has termed ''the ultimate preventable catastrophe.'' I am pleased that we were joined as original cosponsors by 11 of our colleagues.

Over the past several months, the gentleman from Connecticut (Mr. SHAYS) and I have consulted with a range of experts to produce a set of policies that we believe will be effective and which can be implemented quickly. Our bill will do the following:

It creates an Office of Nonproliferation Programs in the White House to centralize budgetary and policy authority. Since nonproliferation programs are spread across the U.S. Government, it makes sense to have one office overseeing all of it, signing off on budgets and developing a coordinated strategy.

The bill enhances the Cooperative Threat Reduction, CTR, program by streamlining and accelerating Nunn-Lugar implementation and granting more flexibility to the President and the Secretary of Defense to undertake nonproliferation projects outside the former Soviet Union. Our bill does this by removing conditions on Nunn-Lugar assistance that in the past have forced the suspension of time-sensitive efforts.

In 2002, President Bush was unable for the first time to certify that Russia had met all of its program-wide conditions, resulting in a halt to all CTR funding until he was able to obtain and use authority to waive the certification requirement in early 2003.

The conditions have also provided CTR opponents within Russia with an excuse to blame the United States for delays caused by a lack of access and transparency on the part of Moscow.

We also ask for the President, in our bill, to catalog impediments to renegotiation of the CTR umbrella agreement and other bilateral programs with Russia. The hope is that by identifying them all, the Congress and the administration can better solve them quickly.