



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, THURSDAY, SEPTEMBER 28, 2006

No. 124—Book II

House of Representatives

PROVIDING FOR CONSIDERATION OF H.R. 5825, ELECTRONIC SURVEILLANCE MODERNIZATION ACT—Continued

(By unanimous consent, Mr. BOEHNER was allowed to speak out of order.)

LEGISLATIVE SCHEDULE

Mr. BOEHNER. Mr. Speaker, I want to give all Members an update on where we are so Members can make their travel arrangements if they would like to.

I believe that we are going to be able to complete all of our work by the end of tomorrow. I would like to be able to tell you it is going to be 4 o'clock or 6 o'clock or 8 o'clock or midnight. I can't do that, so don't ask. But here is what I would expect our schedule is for tomorrow.

We are completing the action on the terrorist surveillance bill tonight.

Tomorrow we expect a same-day rule, and Private Property Rights Implementation will be considered tomorrow. We believe the Department of Homeland Security appropriations conference report will be up tomorrow. The terrorist tribunal bill that we passed yesterday, the identical bill passed the Senate today; but under the rules we will likely take up the terrorist tribunal bill here tomorrow. And we have in conference the SAFE Ports Act which is moving along and could be considered tomorrow. We also have the DOD authorization bill which could be considered tomorrow.

So I am trying to do my best in giving all the Members, and I see my friend Mr. MILLER over there smiling at me, I am trying to give Members as much notice as I can. But I do expect that I will meet the commitment that I have made to all of you over the last couple of months that we will be finished tomorrow, and I hope tomorrow doesn't last any longer than it has to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 220, noes 199, not voting 13, as follows:

[Roll No. 499]

AYES—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito

Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons

Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston

Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin

Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg

NOES—199

Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLahunt
DeLauro

Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Fiener
Flake
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hastings (FL)
Herseth
Higgins
Hinche

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H7849

Hinojosa	McKinney	Sánchez, Linda	Blumenauer	Herseth	Owens	Chocola	Jindal	Pitts
Holden	McNulty	T.	Boehlert	Higgins	Pallone	Coble	Johnson, Sam	Price (GA)
Holt	Meek (FL)	Sanchez, Loretta	Bono	Hinchey	Pascarell	Cole (OK)	King (IA)	Putnam
Honda	Meeks (NY)	Sanders	Boren	Hinojosa	Pastor	Conaway	King (NY)	Radanovich
Hooley	Melancon	Schakowsky	Boswell	Holden	Payne	Crenshaw	Kline	Regula
Hoyer	Michaud	Schiff	Boucher	Holt	Pelosi	Cubin	Knollenberg	Rehberg
Insole	Millender-	Schwartz (PA)	Boyd	Honda	Peterson (MN)	Culberson	Kolbe	Reichert
Israel	McDonald	Scott (GA)	Bradley (NH)	Hooley	Platts	Deal (GA)	Latham	Rogers (AL)
Jackson (IL)	Miller (NC)	Scott (VA)	Brady (PA)	Hostettler	Poe	Doolittle	Lewis (CA)	Rogers (KY)
Jackson-Lee	Miller, George	Serrano	Hoyer	Brown (OH)	Pombo	Drake	Linder	Rogers (MI)
(TX)	Mollohan	Shays	Hulshof	Brown (SC)	Pomeroy	Dreier	Lucas	Rohrabacher
Jefferson	Moore (KS)	Sherman	Insole	Brown, Corrine	Porter	Duncan	Lungren, Daniel	Royce
Johnson, E. B.	Moore (WI)	Skelton	Butterfield	Israel	Price (NC)	Ehlers	E.	Ryan (WI)
Jones (NC)	Moran (VA)	Slaughter	Capito	Jackson (IL)	Pryce (OH)	Everett	Mack	Ryan (KS)
Jones (OH)	Murtha	Smith (WA)	Capps	Jackson-Lee	Rahall	Feeney	Manzullo	Schmidt
Kanjorski	Nadler	Snyder	Capuano	(TX)	Ramstad	Flake	McCaul (TX)	Schwarz (MI)
Kaptur	Napolitano	Solis	Cardin	Jefferson	Rangel	Forbes	McCrery	Sensenbrenner
Kennedy (RI)	Neal (MA)	Spratt	Cardoza	Johnson (CT)	Renzi	Fortenberry	McHenry	Sessions
Kildee	Oberstar	Stark	Carmanah	Johnson (IL)	Reyes	Foxx	McKeon	Shadegg
Kilpatrick (MI)	Obey	Tanner	Carson	Johnson, E. B.	Reynolds	Franks (AZ)	McMorris	Shaw
Kind	Olver	Tauscher	Case	Jones (NC)	Ros-Lehtinen	Frelinghuysen	Rodgers	Shuster
Kucinich	Ortiz	Taylor (MS)	Chandler	Jones (OH)	Ross	Gallely	Mica	Simmons
Langevin	Owens	Thompson (CA)	Clay	Kanjorski	Rothman	Gingrey	Miller (FL)	Simpson
Lantos	Pallone	Thompson (MS)	Cleaver	Kapoor	Roybal-Allard	Goodlatte	Miller, Gary	Sodrel
Larsen (WA)	Pascarell	Tierney	Clyburn	Keller	Ruppersberger	Granger	Moran (KS)	Stearns
Larson (CT)	Pastor	Towns	Conyers	Kelly	Rush	Graves	Myrick	Sullivan
Leach	Paul	Cooper	Cooper	Kennedy (MN)	Ryan (OH)	Hall	Neugebauer	Taylor (NC)
Lee	Payne	Costa	Costa	Kennedy (RI)	Salazar	Hastert	Northup	Terry
Levin	Pelosi	Costello	Costello	Kildee	Sánchez, Linda	Hastings (WA)	Norwood	Thomas
Lipinski	Peterson (MN)	Cramer	Cramer	Kilpatrick (MI)	T.	Hayas	Nunes	Thornberry
Lofgren, Zoe	Pomeroy	Velázquez	Crowley	Kind	Sanchez, Loretta	Hensarling	Nussle	Tiahrt
Lowe	Price (NC)	Visclosky	Cuellar	Kingston	Sanders	Herger	Osborne	Walden (OR)
Lynch	Rahall	Wasserman	Cummings	Kirk	Saxton	Hobson	Otter	Wamp
Maloney	Rangel	Schultz	Davis (AL)	Kucinich	Schakowsky	Hoekstra	Paul	Weldon (FL)
Markey	Reyes	Waters	Davis (CA)	Kuhl (NY)	Schiff	Hyde	Pearce	Westmoreland
Marshall	Ross	Watson	Davis (FL)	LaHood	Schwartz (PA)	Inglis (SC)	Pence	Wicker
Matheson	Rothman	Watt	Davis (IL)	Langevin	Scott (GA)	Issa	Peterson (PA)	Wilson (SC)
Matsui	Roybal-Allard	Waxman	Davis (KY)	Lantos	Scott (VA)	Istook	Petri	Young (AK)
McCarthy	Ruppersberger	Weiner	Davis (TN)	Larsen (WA)	Serrano	Jenkins	Pickering	
McCollum (MN)	Rush	Wexler	Davis, Jo Ann	Larson (CT)	Shays			
McDermott	Ryan (OH)	Woolsey	Davis, Tom	LaTourrette	Sherman			
McGovern	Sabo	Wu	DeFazio	Leach	Sherwood	Castle	Hunter	Oxley
McIntyre	Salazar	Wynn	DeGette	Lee	Shimkus	Chabot	Lewis (GA)	Sabo
			Delahunt	Levin	Skelton	Evans	Meehan	Strickland
			DeLauro	Lewis (KY)	Slaughter	Green (WI)	Ney	Stupak
			Dent	Lipinski	Smith (NJ)			
			Diaz-Balart, L.	LoBiondo	Smith (TX)			
			Diaz-Balart, M.	Lofgren, Zoe	Smith (WA)			
			Dicks	Lowe	Snyder			
			Dingell	Lynch	Solis			
			Doggett	Maloney	Souder			
			Doyle	Marchant	Spratt			
			Edwards	Markey	Sweeney			
			Emanuel	Marshall	Tancredo			
			Emerson	Matheson	Tanner			
			Engel	Matsui	Tauscher			
			English (PA)	McCarthy	Taylor (MS)			
			Eshoo	McCollum (MN)	Thompson (CA)			
			Etheridge	McCotter	Thompson (MS)			
			Farr	McDermott	Tiberi			
			Fattah	McGovern	Tierney			
			Ferguson	McHugh	Towns			
			Filner	McIntyre	Turner			
			Fitzpatrick (PA)	McKinney	Udall (CO)			
			Foley	McNulty	Udall (NM)			
			Ford	Meek (FL)	Upton			
			Fossella	Meeks (NY)	Van Hollen			
			Frank (MA)	Melancon	Velázquez			
			Garrett (NJ)	Michaud	Visclosky			
			Gerlach	Millender-	Walsh			
			Gibbons	McDonald	Wasserman			
			Gilchrest	Miller (MI)	Schultz			
			Gillmor	Miller (NC)	Waters			
			Gohmert	Miller, George	Watson			
			Gonzalez	Mollohan	Watt			
			Goode	Moore (KS)	Waxman			
			Gordon	Moore (WI)	Weiner			
			Green, Al	Moran (VA)	Weldon (PA)			
			Green, Gene	Murphy	Weller			
			Grijalva	Murtha	Wexler			
			Gutierrez	Musgrave	Whitfield			
			Gutknecht	Nadler	Wilson (NM)			
			Harman	Napolitano	Wolf			
			Harris	Neal (MA)	Woolsey			
			Hart	Oberstar	Wu			
			Hastings (FL)	Obey	Wynn			
			Hayworth	Olver	Young (FL)			
			Hefley	Ortiz				

NOT VOTING—13

Ackerman	Green (WI)	Ney
Bilbray	Harman	Strickland
Castle	Hunter	Stupak
Chabot	Lewis (GA)	
Evans	Meehan	

□ 1915

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 4954, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

MOTION TO INSTRUCT OFFERED BY MR. THOMPSON OF MISSISSIPPI

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 4954 offered by the gentleman from Mississippi (Mr. THOMPSON) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 281, nays 140, not voting 12, as follows:

[Roll No. 500]

YEAS—281

Abercrombie	Barrow	Berman
Ackerman	Bartlett (MD)	Berry
Allen	Bass	Bigert
Andrews	Bean	Billray
Baca	Beauprez	Bilirakis
Baird	Becerra	Bishop (GA)
Baldwin	Berkley	Bishop (NY)

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn

NAYS—140

Blunt
Boehner
Bonilla
Bonner
Boozman
Boustany
Brady (TX)
Brown-Waite
Ginny

Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter

□ 1924

Mr. MARKEY changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the Chair appoints the following conferees:

From the Committee on Homeland Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. KING of New York, YOUNG of Alaska, DANIEL E. LUNGRON of California, LINDER, SIMMONS, MCCAUL of Texas, REICHERT, THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Ms. HARMAN, and Mr. PASCARELL.

From the Committee on Energy and Commerce, for consideration of titles VI and X and section 1104 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, UPTON, and DINGELL.

From the Committee on Science, for consideration of sections 201 and 401 of the House bill, and sections 111, 121, 302, 303, 305, 513, 607, 608, 706, 801, 802, and 1107 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, SODREL, and MELANCON.

From the Committee on Transportation and Infrastructure, for consideration of sections 101–104, 107–109, and 204 of the House bill, and sections 101–104, 106–108, 111, 202, 232, 234, 235, 503,