

Saxton	Sodrel	Turner
Schwarz (MI)	Souder	Upton
Scott (GA)	Stearns	Walden (OR)
Sensenbrenner	Strickland	Walsh
Sessions	Sullivan	Wamp
Shadegg	Sweeney	Weldon (FL)
Shaw	Tancredo	Weldon (PA)
Shays	Tanner	Weller
Sherwood	Taylor (MS)	Westmoreland
Shimkus	Taylor (NC)	Whitfield
Shuster	Terry	Wicker
Simmons	Thomas	Wilson (SC)
Simpson	Thornberry	Wolf
Skelton	Tiahrt	Young (FL)
Smith (TX)	Tiberti	

NAYS—161

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

NOT VOTING—11

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

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.

PERSONAL EXPLANATION

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.

PERSONAL EXPLANATION

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 gentleman 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 DEPARTMENT ENFORCEMENT ACT 2005

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