

The Conference Report adopts the Senate provision.

Section 706. Coast Guard property in Portland, Maine

Senate Section 1115 changes the conveyance date for United States Coast Guard Property in Portland, Maine.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision.

Section 707. Methamphetamine and methamphetamine precursor chemicals

Senate Section 1116 requires the Commissioner of the United States Customs and Border Protection to conduct a study and submit a report on matters relating to Methamphetamine and Methamphetamine Precursor Chemicals.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision, as modified to specify that the Commissioner consult with the Attorney General of the United States in addition to the United States Immigration and Customs Enforcement, the United States Drug Enforcement Administration, and the United States Department of State. The House also requested that the Committee on the Judiciary in the House of Representatives receive a copy of the report and that the word "international" be inserted before the word "mails."

Section 708. Aircraft charter customer and lessee prescreening program

Senate Section 1117 requires the Comptroller General to assess and report on the status, implementation, and use of the Department of Homeland Security's aircraft charter customer and lessee pre-screening process. This section requires the report to be submitted to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives within 180 days of the date of enactment.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision, as modified to require the Comptroller to submit the report within 270 days of the implementation of the Department of Homeland Security's aircraft charter customer and lessee prescreening process.

Section 709. Protection of health and safety during disasters

Senate Section 1104 authorizes the Department of Health and Human Services to establish a coordinated protection, assessment, and monitoring program for individuals that suffer from a high exposure level to a substance of concern in disaster areas. The program informs these individuals of the health hazards associated with such releases, and monitors the short and long-term health affects of such a release. It allows for the voluntary registry in any such program. The section requires the National Academy of Sciences to gather a series of subject matter experts and provide a report on disaster area health and environmental monitoring and provide for recommendations to improve monitoring and response activities at the Federal, State, and local level.

The House has no comparable provision.

The Conference Report adopts the Senate language. The Conference clarifies that the intent of this provision is to provide for the protection, assessment, and monitoring of all responders, whether uniformed or volunteer, and those individuals living, working,

or attending school within the disaster area involving any mode of transportation that suffer from a high exposure level to a substance of concern in the disaster area.

COMPLIANCE WITH HOUSE RESOLUTION 1000

In compliance with H. Res. 1000, (109th Congress), the following provisions have been included in H.R. 4954:

The bill contains language requiring disclosure under House Resolution 1000 on page 46, lines 16 through page 47, line 10. This section requires the establishment of an intermodal rail radiation detection test center to be located at a port with the majority of its cargo leaving the facility using on-dock, intermodal rail. The language is from an amendment offered by Senator Cantwell.

The bill also contains language requiring disclosure on page 50, lines 1 through 10. This section requires the establishment of a Border Patrol unit in the United State Virgin Islands. The language is from an amendment offered by Delegate Christensen.

The bill also contains language requiring disclosure on page 190, line 16 through page 191, line 3. This section authorizes such sums as may be necessary for the Northern Border Air Wing Branch located in Great Falls, Montana. The language is from an amendment offered by Senator Baucus.

The bill also contains language requiring disclosure on page 193, lines 8 through 12. This section amends the conveyance date for United States Coast Guard Property in Portland, Maine. The language is from an amendment offered by Senator Collins.

From the Committee on Homeland Security:

PETER KING,
DANIEL E. LUNGREN,
JOHN LINDER,
ROB SIMMONS,
DAVID REICHERT,
MICHAEL T. MCCAUL,
DON YOUNG,
BENNIE G. THOMPSON,
LORETTA SANCHEZ,
JANE HARMAN,
BILL PASCRELL, Jr.,

From the Committee on Energy and Commerce:

JOE BARTON,
FRED UPTON,

From the Committee on Transportation and Infrastructure:

BILL SHUSTER,
From the Committee on Science:
SHERWOOD BOEHLERT,
MIKE SODREL,
CHARLIE MELANON,

From the Committee on Ways and Means:

WM. THOMAS,
E. CLAY SHAW, Jr.,

Managers on the Part of the House.

From the Committee on Homeland Security and Governmental Affairs:

SUSAN COLLINS,
NORM COLEMAN,
R.F. BENNETT,

From the Committee on Commerce, Science, and Transportation:

TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,

From the Committee on Finance:

CHUCK GRASSLEY,
ORRIN HATCH,
MAX BAUCUS,

From the Committee on Banking, Housing, and Urban Affairs:

RICHARD SHELBY,

Managers on the Part of the Senate.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4954, SAFE PORT ACT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the chairman of the Committee on Rules or his designee, without intervention of any point of order, to call up House Resolution 1064; that the resolution be considered as read; and that the resolution be debatable for 20 minutes equally divided and controlled by the proponent and an opponent.

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, pursuant to the previous order of the House and as the designee of the chairman of the Committee on Rules, I call up House Resolution 1064 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1064

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. Pursuant to the order of the House, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Florida (Mr. HASTINGS) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, I rise in support of this consent agreement providing for the consideration of a conference report for the Security and Accountability for Every Port Act. This port security bill, which has been agreed to now by the conference committee, came as a result of House action that was made on May 4 that passed this House 421-2.

Mr. Speaker, I want you to know that there are four major provisions within this SAFE Act: number one, enhancing security at U.S. ports; number two, preventing threats from reaching the United States of America; number three, tracking and protecting containers en route to the United States; and, number four, establishing the Domestic Nuclear Detection Office.

Mr. Speaker, we have spent a lot of time in this House of Representatives speaking about and working with our counterparts in the United States Senate as well as the administration on better ways that we can enhance port security. This conference report which we bring tonight, the last night before we go to recess, is an important victory for the American people. It stands to continue the safeguard position that this great Nation expects not only of

its government but expects from the House of Representatives. I am proud that we are able to bring this bill forward tonight.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, as has already been pointed out, today, at least tonight, we consider the conference report for the major security legislation for this year. I voted for this bill in May, and I likely will vote for this conference report.

I point out, however, that this bill could have and should have been much better. If the majority really cared about safety and security and if they cared more than they do about naked partisanship and political advantage, this would be a bill that we could all be proud to pass.

For example, Mr. Speaker, when the bill was considered this spring and again now, we were prohibited from considering a Democratic amendment offered by Representatives NADLER, OBERSTAR, MARKEY, and others which requires that every shipping container be scanned and sealed before being loaded onto a ship destined for the United States. The scary fact remains that less than 5 percent of all containers coming into the United States through our ports are scanned.

Mr. Speaker, as someone who represents a district which depends greatly upon three major international ports for economic activity, I took considerable umbrage with the majority's not allowing this amendment to be considered. I take issue with your conscious decision to block the House from considering proposals which would have, without a doubt, made my constituents and the American people safer.

Moreover, the rule this past spring prohibited the ranking Democratic member of the Homeland Security Committee, an expert in this field, BENNIE THOMPSON, from making constructive changes to the bill. Ranking Member THOMPSON's changes address the fact that we cannot continue asking Customs officials to do more with less. His amendment authorized funding for U.S. Customs and Border Patrol to hire 1,600 more officers at seaports.

Mr. Speaker, as I previously mentioned, I am proud to represent a region in our country which is home to some of our largest international seaports. Port Everglades in Fort Lauderdale, Port of Palm Beach in Riviera Beach, and the Port of Miami, each within or just minutes from the district I am privileged to represent, have led the way in security improvements in America. The three, Port Everglades in particular, have all enjoyed national and international best practices recognition.

So when I come to the floor today and consider the underlying legisla-

tion, I have to ask does this legislation get our ports to where they need to be regarding security. The answer is it gets us closer, but we can and must do better.

Mr. Speaker, we had an opportunity in May to do something about a real problem which we all know exists at America's seaports. We will accomplish some with the passage of this bill, but we must return to this topic when the new Congress convenes next January after a new direction. We can do better and we will do better for the American people. When we come next year, Democrats will give our Customs and Border Patrol officers the necessary tools and directives to do everything that they can possibly do to stop attacks from happening here in the United States. Until this time we have this bill, which is a first step, and that is all it is, a first step.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, my colleague from Florida has pointed up not only the hard work that we have been doing on this bill, bipartisan work for a number of years, but also really about the effort or the direction, the direction that we are aiming at. And, in fact, under this SAFE Port Act of 2006, we are setting a timeline by which 100 percent of all containers will be scanned for radiation, by requiring the Department of Homeland Security to set the timeline for deploying these radiation detectors.

Mr. Speaker, we are also making sure that we are adding the number of people to the Customs and Border Patrol who will conduct these validations. We are going to make sure that we continue to add, as necessary, the numbers of people pointed at the right direction.

The gentleman from Florida is correct: we are not exactly where we want to be. But for us to think that 100 percent of everything can just be done overnight is not the reality of where the threat is at this country. I believe this President, I believe this administration, I believe this Congress have been aware of the frailties of our systems. We are trying to match our dollars, the resolve of this great Nation, with the ability on all of our borders to be able to make sure that we are looking at the threats of the 21st century that come to us as a result of terrorist organizations. We want to make sure that by doing this bill tonight that we allow and put into motion the opportunity for the Department of Homeland Security to be better prepared to face those threats that come against the United States.

This passed 421-2. It is an indication, it was in May, that we are headed in the right direction. I am confident tonight that the final answer that comes from the negotiation with the Senate can be on the President's desk as early as tomorrow, ready and waiting to protect this country.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. I heard that the conference was a farce. My colleague from Texas said we are headed in a new direction.

People don't need no new direction. What people need is an absolute destination. And the fact of the matter is there were people who could have made this bill better and we are shut out of the process the same as we have been all the way down the line.

Mr. Speaker, I am very pleased to yield 3 minutes to my very good friend, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I want to thank my very dear friend, the outstanding congressman from Florida (Mr. HASTINGS) for yielding me this time.

On Wednesday morning I came to the floor of the House to protest the fact that the Republican leadership was holding up the Department of Defense bill because they wanted to attach a ban on Internet gaming. It was more important to the Republican leadership to keep people from playing poker on their computers in their homes than passing a defense bill that would help protect our troops serving this Nation in Iraq, Afghanistan, and the rest of the world. So the last bill that we pass before we adjourn on the vital and important issue of port security contains the ban on Internet gaming.

What does a ban on Internet gaming have to do with port security? Absolutely nothing.

This section was added to the bill in an attempt to fire up the far-right anti-gaming element of the Republican Party in time for this year's election. They could not sneak it into the defense bill, so they put it into the port security bill.

What does banning Internet gaming have to do with port security? I cannot think of a single thing.

To ensure that this provision stayed in, they actually prevented the conferees from meeting and offering amendments. That is taking partisanship to a new low even in this Congress where partisanship is the rule rather than the exception.

If we must resign ourselves to adding extraneous provisions to conference reports, why don't we add something meaningful that could actually help people? How about stopping the cut in Medicare physicians' reimbursement so that the doctors can continue to treat older Americans? How about something like that that can do millions of Americans some good? But that wouldn't please the far-right ultraconservative anti-gaming types in the Republican Party as much as preventing individuals from wagering on the Internet in the comfort of their own homes.

Mr. Speaker, I will vote for this bill because it addresses important national security issues. But I hope that

the American people, those that are listening to us debate tonight, are aware of the partisan games that are being played with this bill by the Republican leadership in this Congress.

I support all of the strenuous objections you have, Mr. HASTINGS, to this piece of legislation that is important, could have been good, should have been better, and isn't.

Mr. SESSIONS. Mr. Speaker, I came down to speak about the bill, the SAFE Port Act of 2006, and to move this bill forward.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule that instructs the enrolling Clerk to modify the conference report and add important provisions from the Senate version of this bill. These provisions are virtually identical to those in the motion to instruct that the House overwhelmingly adopted just 24 hours ago by a vote of 281-140.

□ 2145

Any Member who supported that motion last night should support my amendment today.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, when the House passed this bill in May, it passed by a wide bipartisan margin and focused exclusively on port security issues. When the Senate took up this bill, however, it broadened the scope of this legislation to address the gaping security holes in our country's rail, subway, bus and trucking system.

Secretary Chertoff and the House Republicans called these new sections "goulash." I think they are good policy, and I think they should be part of the bill we send to the President today. If we can stick unrelated gambling legislation into this conference report, Mr. Speaker, why cannot we include legislation that will improve our mass transit and rail security?

Mr. Speaker, the 9/11 Commission noted in its final report that our surface transportation systems such as railroads and mass transit remain hard to protect because they are so accessible and extensive. We all know that Congress has not done enough to address this problem. So let's take this final opportunity to make some progress by including the Senate language.

Mr. Speaker, I want to stress that a "no" vote on the previous question will not stop consideration of the port security conference report, but a "no" vote will allow the House to include in the conference report the critical Senate provisions that were contained in yesterday's motion to instruct that passed this House by a bipartisan and overwhelming vote.

Again, vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentleman from Florida, my friend, who has engaged this entire year in attempting to work with us the best as possible, despite some objections, on getting these bills to the floor.

The Rules Committee does have a job to do. That is our job tonight. Our job is to make sure that this rule is brought forward. I am asking all Members to vote "aye" on the previous question, to vote "aye" and then to get this bill on the floor with an overwhelming bipartisan vote, 421-2 the last time we voted on this bill.

It is the right thing. It makes sure that we provide the tools that are necessary to the President of the United States effective immediately. I think we are going to get it done, Mr. Speaker. I am very proud of the work that is happening in the U.S. House of Representatives.

I am proud to know that tonight we will be through, we will be home, we will be with our families, but we should not leave until we get our work done, and that we are doing.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to the rule on H.R. 4954, the Security and Accountability for Every Port Act of 2006.

This rule is furtherance of a process that can be summed up in two words—a joke.

After weeks of negotiations, Republicans refused to share the final conference report on legislation that was supposed to be bipartisan.

Indeed, this is legislation that builds on what my colleague LORETTA SANCHEZ did last Congress and that JANE HARMAN took up this Congress.

Last night at 7:30, a conference report meeting was called and it was missing the key ingredient—a conference report.

After opening statements, Chairman PETER KING closed the meeting, telling us it was his intention "that amendments would be offered."

And, at 11:30 last night, we finally received the report with a very clear P.S. from Mr. KING—there would be no amendments offered.

His actions contradicted the will of this House, which voted yesterday 281-140 to instruct conferees to consider specific issues that the amendments to be offered would have covered.

Now, the Committee on Homeland Security has been a bipartisan committee to date. These questionable processes undermine our homeland security efforts—all in the name of politics.

I know the elections are important to my colleagues across the aisle but they should not take precedent over America's homeland security efforts.

Adding even more insult to the process, the Republicans have attached internet gambling to the port security bill.

Now, Mr. Speaker, I ask someone to explain to me how prohibiting internet gambling is more important to our homeland security than making our trains, subways, and buses safe?

You will hear excuses about why we can't do mass transit and rail security and that we will "take it up soon."

When?

Madrid happened in 2004. London happened in 2005. Mumbai happened only a few months ago.

Are we waiting for New York City's Long Island Railroad to be attacked to pass sensible security for trains?

If so, at least we'll have comfort in knowing that Americans can't bet on the Superbowl online.

Now, I have signed on to the conference report because there are good things, but they aren't enough.

Frankly, this body can and should do better. We need to put America's security first and foremost before politics.

I urge all Members to oppose the rule.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR RULE ON CONFERENCE REPORT FOR H.R. 4954—"SAFE" PORT ACT

Strike all after the resolved clause and insert:

"That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4954) To improve maritime and cargo security through enhanced layered defenses, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

Sec. 2. (a) A concurrent resolution specified in subsection (b) is hereby adopted.

(b) The concurrent resolution referred to in subsection (a) is a concurrent resolution

(1) which has no preamble;

(2) the title of which is as follows: "Providing for Corrections to the Enrollment of the Conference Report on the bill H.R. 4954"; and

(3) the text of which is as follows:

"That, in the enrollment of the bill H.R. 4954 entitled 'An Act to improve maritime and cargo security through enhanced layered defenses, and for other purposes', the Clerk of the House of Representatives is hereby authorized and directed to make the following corrections:

"(1) Insert title V of the Senate amendment to the bill (relating to the Rail Security Act of 2006).

"(2) Insert title VII of the Senate amendment to the bill (relating to mass transit security).

"(3) Insert title IX of the Senate amendment to the bill (relating to improved motor carrier, bus, and hazardous material security).

"(4) Insert the following sections of title XI of the Senate amendment to the bill:

"(A) Section 1101 (relating to certain TSA personnel limitations not to apply).

"(B) Section 1102 (relating to the Rural Policing Institute).

“(C) Section 1103 (relating to evacuation in emergencies).

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon’s Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker’s ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here’s how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Florida. 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 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 1064 will be followed by 5-minute votes on adopting House Resolution 1064, if ordered; and suspending the rules and passing S. 3661.

The vote was taken by electronic device, and there were—yeas 220, nays 189, not voting 23, as follows:

[Roll No. 512]

YEAS—220

Aderholt	Dreier	King (NY)
Akin	Duncan	Kingston
Alexander	Ehlers	Kirk
Bachus	Emerson	Kline
Baker	English (PA)	Knollenberg
Barrett (SC)	Everett	Kolbe
Bartlett (MD)	Feeney	Kuhl (NY)
Barton (TX)	Ferguson	LaHood
Bass	Fitzpatrick (PA)	Latham
Beauprez	Flake	LaTourrette
Biggart	Forbes	Leach
Bilbray	Fortenberry	Lewis (CA)
Bilirakis	Fossella	Lewis (KY)
Bishop (UT)	Fox	Linder
Blackburn	Franks (AZ)	LoBiondo
Blunt	Frelinghuysen	Lucas
Boehlert	Gallely	Lungren, Daniel
Boehner	Garrett (NJ)	E.
Bonilla	Gerlach	Mack
Bonner	Gibbons	Manzullo
Bono	Gilchrest	Marchant
Boozman	Gillmor	McCaul (TX)
Boustany	Gingrey	McCotter
Bradley (NH)	Gohmert	McCrery
Brady (TX)	Goode	McHenry
Brown (SC)	Goodlatte	McHugh
Brown-Waite,	Granger	McKeon
Ginny	Graves	McMorris
Burgess	Green (WI)	Rodgers
Burton (IN)	Gutknecht	Mica
Buyer	Hall	Miller (FL)
Calvert	Harris	Miller (MI)
Camp (MI)	Hart	Miller, Gary
Campbell (CA)	Hastings (WA)	Moran (KS)
Cannon	Hayes	Murphy
Cantor	Hayworth	Musgrave
Capito	Hefley	Myrick
Carter	Hensarling	Neugebauer
Chabot	Herger	Northup
Chocola	Hobson	Norwood
Coble	Hoekstra	Nunes
Cole (OK)	Hostettler	Osborne
Conaway	Hulshof	Otter
Crenshaw	Hunter	Oxley
Cubin	Inglis (SC)	Paul
Culberson	Issa	Pearce
Davis (KY)	Istook	Pence
Davis, Jo Ann	Jenkins	Peterson (PA)
Davis, Tom	Jindal	Petri
Deal (GA)	Johnson (CT)	Pickering
Dent	Johnson, Sam	Pitts
Diaz-Balart, L.	Keller	Platts
Diaz-Balart, M.	Kelly	Poe
Doolittle	Kennedy (MN)	Pombo
Drake	King (IA)	Porter

Price (GA)	Schwarz (MI)	Thornberry
Pryce (OH)	Sensenbrenner	Tiahrt
Putnam	Sessions	Tiberi
Radanovich	Shadegg	Turner
Ramstad	Shaw	Upton
Regula	Sherwood	Walden (OR)
Rehberg	Shimkus	Walsh
Reichert	Shuster	Wamp
Renzi	Simmons	Weldon (FL)
Reynolds	Simpson	Weldon (PA)
Rogers (AL)	Smith (NJ)	Weller
Rogers (KY)	Smith (TX)	Westmoreland
Rogers (MI)	Sodrel	Whitfield
Rohrabacher	Souder	Wicker
Ros-Lehtinen	Stearns	Wilson (NM)
Royce	Sullivan	Wolf
Ryan (WI)	Sweeney	Young (AK)
Ryun (KS)	Taylor (NC)	Young (FL)
Saxton	Terry	
Schmidt	Thomas	

NAYS—189

Abercrombie	Green, Gene	Obey
Ackerman	Grijalva	Oliver
Allen	Harman	Ortiz
Andrews	Hastings (FL)	Owens
Baca	Hersteth	Pallone
Baird	Higgins	Pascrell
Baldwin	Hinchey	Pastor
Barrow	Hinojosa	Payne
Bean	Holden	Pelosi
Becerra	Holt	Peterson (MN)
Berkley	Honda	Pomeroy
Berman	Hooley	Price (NC)
Berry	Hoyer	Rahall
Bishop (GA)	Inslee	Rangel
Bishop (NY)	Israel	Reyes
Blumenauer	Jackson (IL)	Ross
Boren	Jackson-Lee	Rothman
Boswell	(TX)	Roybal-Allard
Boucher	Jefferson	Ruppersberger
Boyd	Johnson, E. B.	Rush
Brady (PA)	Jones (OH)	Ryan (OH)
Brown (OH)	Kanjorski	Salazar
Brown, Corrine	Kaptur	Sánchez, Linda
Butterfield	Kennedy (RI)	T.
Capps	Kildee	Sanchez, Loretta
Capuano	Kilpatrick (MI)	Sanders
Cardin	Kind	Schakowsky
Cardoza	Kucinich	Schiff
Carnahan	Langevin	Schwartz (PA)
Carson	Lantos	Scott (GA)
Chandler	Larsen (WA)	Scott (VA)
Clay	Larson (CT)	Serrano
Cleaver	Lee	Shays
Clyburn	Levin	Sherman
Conyers	Lipinski	Skelton
Cooper	Lofgren, Zoe	Slaughter
Costa	Lowey	Smith (WA)
Costello	Lynch	Snyder
Cramer	Maloney	Solis
Crowley	Markey	Spratt
Cuellar	Matheson	Stupak
Cummings	Matsui	Tanner
Davis (AL)	McCarthy	Tauscher
Davis (CA)	McCollum (MN)	Taylor (MS)
Davis (FL)	McDermott	Thompson (CA)
Davis (IL)	McGovern	Thompson (MS)
Davis (TN)	McIntyre	Tierney
DeFazio	McKinney	Towns
DeGette	McNulty	Udall (CO)
Delahunt	Meeke (FL)	Udall (NM)
DeLauro	Meeks (NY)	Van Hollen
Dingell	Melancon	Velázquez
Doggett	Michaud	Visclosky
Doyle	Millender-	Wasserman
Edwards	McDonald	Schultz
Emanuel	Miller (NC)	Waters
Engel	Miller, George	Watson
Eshoo	Mollohan	Watt
Etheridge	Moore (KS)	Weiner
Farr	Moore (WI)	Wexler
Fattah	Murtha	Woolsey
Filner	Nadler	Wu
Gonzalez	Napolitano	Wynn
Gordon	Neal (MA)	
Green, Al	Oberstar	

NOT VOTING—23

Case	Frank (MA)	Marshall
Castle	Gutierrez	Meehan
Dicks	Hyde	Moran (VA)
Evans	Johnson (IL)	Ney
Foley	Jones (NC)	Nussle
Ford	Lewis (GA)	

Sabo
Stark

Strickland
Tancredo

Waxman
Wilson (SC)

□ 2219

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

Mr. WALSH and Mr. BOOZMAN changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family matter, and subsequently missed a recorded vote on rollcall No. 512, on ordering the Previous Question on H. Res. 1064, waiving points of order against the conference report to accompany the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—PRIVILEGED RESOLUTION REQUIRING INVESTIGATION OF KNOWLEDGE OF OFFENSES OF REPRESENTATIVE MARK FOLEY

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise in regard to a question of the privileges of the House and I send to the desk a privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas for more than 150 years, parents from across the country have sent their children to be pages in the U.S. Capitol, the Page School is a national treasure, and the children who attend it and work in the Congress are our special trust;

Whereas, according to press reports, Representative MARK FOLEY (R-FL) reportedly engaged in highly inappropriate and explicit communications with a former underage page;

Whereas these allegations were so severe that Representative FOLEY immediately resigned his seat;

Whereas the page worked for Congressman RODNEY ALEXANDER (R-FL) and, according to press reports, Representative ALEXANDER learned of the e-mails “10 to 11 months ago”; (AP, September 29, 2006)

Whereas Rep. ALEXANDER has said, “We also notified the House leadership that there might be a potential problem”, and the Democratic leadership was not informed; (AP, September 29, 2006)

Whereas all Members of Congress have a responsibility to protect their employees, especially young pages who serve this institution;

Whereas these charges demand immediate investigation, including when the e-mails were sent, who knew of the e-mails, whether there was a pattern of inappropriate activity by Mr. FOLEY involving e-mail or other con-

tacts with pages, when the Republican leadership was notified, and what corrective action was taken once officials learned of any improper activity;

Whereas given the serious nature of these charges, the pages, their parents, the public, and our colleagues must be assured that such egregious behavior is not tolerated and will never happen again;

Therefore be it resolved,

That the Chairman and Ranking Member of the Committee on Standards of Official Conduct are directed to immediately appoint a Subcommittee, pursuant to Rule 19 of the Rules of the Committee, to fully and expeditiously determine the facts connected with Representative FOLEY’s conduct and the response thereto; and

That the Chairman and Ranking Minority Member of the Committee on Standards are further directed to make a preliminary report within 10 days.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO REFER THE RESOLUTION

Mr. BOEHNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BOEHNER moves that the resolution be referred to the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The majority leader is recognized under the hour rule.

Mr. BOEHNER. Mr. Speaker and my colleagues, I think all of us realize this is a very serious matter. We have not seen this resolution nor known of its contents until this moment; and, given the seriousness of the matter, I would ask that the House refer this issue to the Committee on Ethics immediately.

Again, this is a very serious matter, and I think we all realize it is a serious matter, but I would ask we do this under the rules of the House. Referring this to the Ethics Committee is the appropriate place to do it.

Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 0, not voting 22, as follows:

[Roll No. 513]

AYES—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird

Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra

Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn

Blumenauer
Blunt
Boehert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeoney
Ferguson
Filner

Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinche
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)

Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert