residents. They can be designated as enemy combatants if they have contributed money to a Middle Eastern charity, and they can be held indefinitely in a military prison.

Not to worry, say the bill's defenders. The president can't detain somebody who has given money innocently, just those who contributed to terrorists on purpose.

But other provisions of the bill call even this limitation into question. What is worse, if the federal courts support the president's initial detention decision, ordinary Americans would be required to defend themselves before a military tribunal without the constitutional guarantees provided in criminal trials.

Legal residents who aren't citizens are treated even more harshly. The bill entirely cuts off their access to federal habeas corpus, leaving them at the mercy of the president's suspicions.

We are not dealing with hypothetical abuses. The president has already subjected a citizen to military confinement. Consider the case of Jose Padilla. A few months after 9/11, he was seized by the Bush administration as an ''enemy combatant'' upon his arrival at Chicago's O'Hare International Airport. He was wearing civilian clothes and had no weapons. Despite his American citizenship, he was held for more than three years in a military brig, without any chance to challenge his detention before a military or civilian tribunal. After a federal appellate court upheld the president's extraordinary action, the Supreme Court refused to hear the case, handing the administration's lawyers a terrible precedent.

The new bill, if passed, would further entrench presidential power. At the very least, it would encourage the Supreme Court to draw an invidious distinction between citizens and legal residents. There are tens of millions of legal immigrants living among us, and the bill encourages the justices to uphold mass detentions without the semblance of judicial review.

But the bill also reinforces the presidential claims, made in the Padilla case, that the commander in chief has the right to designate a U.S. citizen on American soil as an enemy combatant and subject him to military justice. Congress is poised to authorize this presidential overreaching. Under existing constitutional doctrine, this show of explicit congressional support would be a key factor that the Supreme Court would consider in assessing the limits of presidential authority.

This is no time to play politics with our fundamental freedoms. Even without this massive congressional expansion of the class of enemy combatants, it is by no means clear that the present Supreme Court will protect the Bill of Rights. The Korematsu case—upholding the military detention of tens of thousands of Japanese Americans during World War II—has never been explicitly overruled. It will be tough for the high court to condemn this notorious decision, especially if passions are inflamed by another terrorist incident. But congressional support of presidential power will make it much easier to extend the Korematsu decision to future mass seizures.

Though it may not feel that way, we are living at a moment of relative calm. It would be tragic if the Republican leadership rammed through an election-year measure that would haunt all of us on the morning after the next terrorist attack.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in opposition to S. 3930, the Military Commission Act of 2006 because it is too broad, overly inclusive and potentially unconstitutional. While I also vividly remember the horrors of the 9/11 terrorist attacks, I believe that Congress should carefully and constitutionally craft a bill which effectively punishes all terrorists and potential terrorists while at the same time maintaining the safety and security of our citizens from future terrorist attacks.

The definition of an ''unlawful combatant'' in Section 948(a.) of this bill is indicative of its over-inclusiveness. It creates legal loopholes and in my view, leaves even U.S. Citizens vulnerable to being classified as unlawful combatants. This definition does not exclude nor does it seek to exclude U.S. Citizens from being indefinitely detained. The President or one of his designees can simply determine that a fellow U.S. Citizen is an ''unlawful enemy combatant'' and this would suffice as sufficient evidence to detain this citizen indefinitely without any access to his family, an attorney or any form of judicial review.

Furthermore, the term ''purposefully and materially supported hostilities'' is overly broad and would lead to many innocent acts being transformed into terrorist activities.

In an article, Aziz Huq astutely demonstrates the broadness of the term by showing how a fictional character that owns a bodega and allowed Lebanese immigrants to use its services to send money to ''West Beqaa'', an area within the Hezbollah controlled area of Lebanon protectorate is found to have ''purposefully and materially supported hostilities. This scenario is not very far-fetched, this piece of legislation has the potential to impact the very foundation of civil liberties and fundamental freedoms on which this country is built. It will impact the American Citizen's freedom of speech, freedom of association and the list could go on.

The bill also further undermines U.S. credibility in the eyes of the international community by granting the President the authority to interpret Art. III of the Geneva Convention an international treaty to which the U.S. is a signatory. This language sets a bad precedence in the international community and only frustrates the goals of established international laws, norms and customs.

If the U.S. President is allowed to reinterpret and apply an international treaty, what would stop other nations from doing the same? Additionally, as noted in his letter to Senator MCCAIN, former U.S. Secretary of State Colin Powell, posited that allowing the President to interpret the Geneva Convention would expose U.S. soldiers to more dangers. Colin Powell emphatically opposed this provision.

S. 3930 also violates separation of powers and the constitutional protection this provides, by stripping the federal court of its habeas review. The independence of the judiciary is one of the fundamental principles on which this democracy is built. Under this bill, the normal appeals process would not be available to the detained ''unlawful enemy combatant.'' Instead the detainee who wishes to appeal an adverse decision has to appeal to a newly established ''Court of Military Commission Review''.

Terrorists must be brought to justice and we must act accordingly to secure our country and our citizens. However, these same goals can be achieved in a constitutional manner. I urge my colleagues to oppose this unworthy bill.

Mr. MICHAUD. Mr. Speaker, the final language for the bill was brought to the floor quickly and without thorough review by the House. I believe that it is important to have a system to try accused terrorists for their war crimes in a quick and fair way. In my original review of the bill, I believed that it took steps to protect fundamental human rights, prevent torture and provide for a fair legal process.

As I have heard from more and more legal experts and from my constituents, it is clear that this bill does not create a system that meets our high American standards for a fair trial and human rights.

Make no mistake; I believe that convicted terrorists must be punished for their war crimes. But it must be done in such a way that the American people are confident that our values are upheld. I do not believe that this bill makes this clear to the American people or to the international community that looks to us as a place of human rights and fairness.

Some people may question me for changing my vote. I believe that elected officials must have the strength to recognize new information and to take it into account to make the right decision. I wish President Bush would do the same thing with our policies in Iraq.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1054, the Senate bill is considered read and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate 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. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HUNTER of California (during consideration of H. Res. 1053) submitted the following conference report and statement on the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes:

[Conference Report will appear in Book II of CONGRESSIONAL RECORD dated September 29, 2006.]

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1053 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1053

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of September 29, 2006.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and insert tabular and extraneous material into the RECORD.

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

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Thursday night the Rules Committee met and reported a rule for consideration of resolutions reported by the Rules Committee on the same day. The rule waives clause 6(a) of rule XIII and applies a special waiver to any resolutions reported this legislative day.

Mr. Speaker, it is of the utmost importance for the House to pass this rule and move the debate along so that important legislation may be considered before the House adjourns. Legislation that may be considered under this same-day rule may include the fiscal year 2007 National Defense Authorization Act and the Port Security Act and other measures brought to the floor through a special rule reported by the committee. This rule will provide the House the flexibility and ability to move the remaining legislation in a timely and efficient manner so that we can adjourn this legislative day.

To that end, Mr. Speaker, I urge support of the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this martial law rule.

It is not unusual for a rush of bills, especially conference reports, to come to the House floor in the final hours before a recess or a final adjournment no matter who holds the majority. We are used to seeing that. But the manner in which this House has conducted business over the past week should be a matter of grave concern to all Members no matter what side of the aisle they sit on.

Closed rules have become a norm in this Chamber. Bills that have not gone through committee hearings, markup, or open debate or with a chance for Members to offer and debate thoughtful amendments, bills that magically appear out of thin air with the Republican leadership asking Members to vote ''yes'' on far-reaching legislation that nobody has actually read.

Mr. Speaker, we cannot continue to operate the United States House of Representatives in such a fashion.

□ 1315

It demeans our democracy. It is bad enough that this House is passing bills that will be signed into law that undermine our system of justice and due process both here at home and internationally. But the very way in which this House has carried out legislative business this week is an affront to the Democratic process.

I know that we all want to return home to our districts to meet with our constituents and prepare for the upcoming elections, but I genuinely worry about how we are living up to our oaths of office when I look at how the Republican leadership has shut down debate on some of the most significant issues facing our country.

Mr. Speaker, there are only a few hours left before Congress adjourns to go home. After the most do-nothing Congress in the history of the country, Republican leadership continues to ignore critical issues that are absolutely important to the American people in a rush to get out of Washington.

Some of us, Mr. Speaker, have spoken in the past about the culture of corruption that exists in this institution; and it is more than just about the antics of Mr. DeLay and Mr. Cunningham and Mr. Abramoff. This culture of corruption that we talk about is also about a corruption of the process that allows for this Congress to become a place where trivial issues get debated passionately and important ones not at all. It is a process where rank and file Members of both parties, not just Democrats but Republicans, routinely get locked out of the ability to offer amendments and to be heard on the floor of the people's House.

Now, Mr. Speaker, when gas prices went sky high, President Bush and the Republican-controlled Congress gave tax breaks to the oil companies. They did not give us an opportunity to debate and to vote on a real energy bill that would provide funding for alternative sources of renewable energy. But that is how they responded to that crisis.

When our troops in Iraq and Afghanistan needed body armor, we got ''mission accomplished''. Mr. Speaker, the headlines of the last week alone should show not only how messed up things are in Iraq but how this administration has deceived the American people and deceived this Congress.

And what has been the response of Congress over these many months? Has it been to hold the administration accountable? Has it been to conduct proper oversight?

No. It has been a rubber stamp. Just let things go on as they are. Stay the course, which has become code for stay forever. With American workers crying out for an increase in the minimum wage, President Bush and the Republican-controlled Congress forced through an estate tax cut benefiting only the wealthiest people in this country.

Mr. Speaker, the Federal minimum wage is at $5.15 an hour. $5.15 an hour. It has been frozen that way for 9 years. Now, during those same 9 years, this Congress has given itself pay increases of $31,600. I mean, we have the time. We have the time to give ourselves a pay raise in this body, but we do not have the time to give the American workers a pay raise? $5.15 an hour is what the current Federal minimum wage is.

And would you not think that there would be a sense of urgency in this House of Representatives to not adjourn until we have a clean up or down vote on the minimum wage? No, that is not part of why we are having a martial law rule here today. They are not doing this so they can bring up the Federal minimum wage, an increase in the Federal minimum wage. That is not what this is about.

Mr. Speaker, with the cost of college tuition skyrocketing and student aid not meeting the need, President Bush and the Republican-controlled Congress instead give us a bill congratulating Little League teams. We have done nothing in this Congress to address the real concern and the real need out there by so many American families to help pay for the cost of a college education.

And as thousands of our senior citizens fall into the doughnut hole of the Medicare Prescription Drug Plan, President Bush and the Republican-controlled Congress answered their pleas for help by naming more post offices. We were not given the opportunity to fix the doughnut hole in that prescription drug bill.

We have not been given the opportunity to do what Democrats have been demanding for a long time, and that is to give the Federal Government the ability to negotiate lower drug prices for our senior citizens. That is how the Veterans Administration does it. The VA negotiates on behalf of all of our veterans, thereby getting a better price so that our veterans do not have to pay as much for prescription drugs.

Why cannot we do the same thing for Medicare beneficiaries? We are not doing it because the prescription drug industry and the pharmaceuticals do not want it, and they have contributed mightily to the majority party's campaign for reelection.

Mr. Speaker, it is time for a new direction; and I hope that my colleagues will indicate their frustration with the

way this House has been run and demonstrate their dismay at the lack of accomplishment of this Congress by voting ''no'' on this martial law rule.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to just disagree with my good friend from Massachusetts on his characterization of the accomplishments of this Congress. As a matter of fact, if you start ticking off the record, it is pretty impressive: bankruptcy reform, class action lawsuit reform, a transportation bill that put more money into our infrastructure than any transportation bill in American history, significant energy legislation passed last year, dealing with the entitlement spending problem, an across-the-board budget cut.

All of those are genuine accomplishments. Pension reform, bill after bill after bill. Some of them bipartisan, some of them, frankly, passed without the cooperation of our friends.

And, frankly, to criticize us for minimum wage, when in this House we have voted on and passed the minimum wage increase and passed, along with it, a reform of the death tax and tax extender bills that are important, I think is somewhat disingenuous.

That legislation passed with a majority vote on this floor; and, frankly, a majority of the other body favored that legislation. Our friends on the other side of the aisle used their friends on the other side of the rotunda to routinely block progress. Even when the majority of the United States Senate agrees with the will of this House, as was the case with the minimum wage, with ANWR, and another piece of legislation with the tax extenders, with reform of the death tax, an obstructionist minority of Democrats on the other side keep a bipartisan majority from actually reaching the magic 60 vote level that is required in moving legislation forward.

We are not responsible for that. Frankly, I am proud of what we have moved through the floor here.

I also want to disagree with my good friend on the Medicare measure that he discussed in his remarks. Quite frankly, it is something that I think our good friends on the other side of the aisle are embarrassed that they did not support. It was the largest expansion of spending for senior citizens and entitlement spending since 1965. Since 1965.

Now the argument that the Democrats advanced that night, and I was here, was it is not enough. They were not willing to vote for something that was the largest increase in almost 40 years. It simply was not enough. And I think now that tens of thousands of seniors are getting health care that in the past they were not able to get, and that our friends on the other side had nothing to do with that accomplishment puts them in the position where they feel like they have to take away from the achievement that they could have been part of but rejected the opportunity to participate in.

Finally, let me just conclude my observation that there are only two times when we get criticized from the other side of the aisle. That is when we do something and when we do not.

Day after day, and particularly morning after morning this week, we have heard demands from the floor or from the well of this body on the floor that we have up or down votes on issue after issue after issue. Now when we are bringing important issues for up or down votes, issues that in many cases have been dealt with for months through the committee process, we are dealing with conference reports or providing an up or down opportunity, we are criticized for that. So I suspect we are going to be criticized regardless of what we do.

What I am pleased with is the record of accomplishment that this Congress has to offer to the American people in issue after issue. My only regret is that, frankly, our friends on the other side of the aisle have so often chosen to obstruct rather than participate, in my opinion, constructively in this process.

I hope that that changes ahead. Frankly, there have been times when it has been different on this floor. I would hold the pension reform bill out as an example of that. I would also point out on things like the PATRIOT Act, where we had 40 odd of our friends from the other side participating; tort reform, where 70 odd of our friends participated on the other side; there have been many instances of bipartisan reform cooperation. Unfortunately, in my opinion, it has diminished as we have moved forward in the Congress and moved closer to November.

I hope on the other side of November that will change. But I, for one, am very proud of this Congress and what it has accomplished; and I look forward to working with our friends on the other side of the aisle so we can accomplish more in the months that remain in this Congress and, frankly, in the next one.

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

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate my friend saying he looks forward to working with us. I look forward to the day that the majority decides to work with those of us in the minority in this Congress.

You know, one of the frustrations that we have, and, again, we have not been given an answer to this question, is why on some of the most important pieces of legislation that have come before this Congress, issues involving wire tapping, issues involving torture, would these bills be brought to the floor under a closed process when there were Democrats and Republicans both coming before the Rules Committee who wanted to have input, who wanted to make their amendments in order, who had some good ideas.

You may not agree with everything. You do not have a monopoly on good ideas. But the fact of the matter is, to shut people down, to just shut everybody out, that not only diminishes this institution, it diminishes this democracy. It is why we believe that there is a culture of corruption that exists in this Congress. You have corrupted this process.

You know, my friend likes to say he is very proud of the record of the Republican Congress. Well, the fact of the matter is, he and a handful of others may be the only people who think that this Congress has done a good job. There is a reason why only 25 percent of the American people approve of the job that this Congress is doing. They are disgusted with the lack of accomplishment on issues that make a difference in their lives.

I do not know about my colleague from Oklahoma, but when I go home, you know, I have a lot of seniors telling me that they have hit that doughnut hole in the prescription drug bill. They do not know what to do about it. I have a lot of my senior citizens say to me, why in the world will you not give the Federal Government the ability to negotiate lower drug prices for our senior citizens? What is so radical about that?

I mean, that is one of those best-business type practices. Why cannot you allow our Government to negotiate lower drug prices for our senior citizens? The reason why is because the people who have funded the Republican National Committee and the campaigns, the pharmaceutical industries, do not want that.

There are people asking me all of the time, you know, why has this Congress not implemented the 9/11 Commission recommendations to make our country safer? You know, a nonpartisan commission that has set forth an agenda that I think almost everybody agrees with, and yet we cannot implement those recommendations.

On the minimum wage, you play politics with the minimum wage. If you cared about the workers of this country who are earning a minimum wage, then you would bring up a minimum wage that would pass. But, no, in order to help low-income workers, you have got to help the richest people in this country. You want to play politics with that issue.

The minimum wage has been stuck at $5.15 an hour for 9 years. You do not have the time to give these workers an increase, but yet we can all give ourselves a pay increase. No wonder why the American people are so fed up with this Congress.

On student aid, students returning to college continue to confront skyrocketing tuition costs; and yet the Republican Congress made it harder to pay for college by cutting $12 billion in student aid. Congress needs to pass and approve the Labor-HHS appropriations bill that restores the massive cuts in college tuition and expands the size and availability of Pell Grants.

You know, why cannot we focus on that? Pass an energy plan that decreases our dependence on foreign oil. Your energy law, you know, written in secret by the Cheney task force and Big Oil and energy lobbyists, gives billions of special interest giveaways to oil and gas companies that are enjoying record profits.

I mean, yeah, you passed some things but things that really do not make a difference to the average working person out there. So you can be proud of your record in this Congress. But I want to tell you, there is a reason why only 25 percent of the American people approve of the way that this Congress has handled its job.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield to the gentleman from California (Mr. HUNTER) to file a conference report.

Mr. HUNTER. Mr. Speaker, I am going to ask to submit a conference report. I just wanted to say that this conference report is largely the product of Mr. Bob Cover, who after many, many years is leaving the Office of Legislative Counsel. We appreciate his great service to our country.

□ 1330

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

I want to take a moment to respond to my good friend from Massachusetts. We simply, I guess, see the world differently. The reality is most of the legislation that comes to this floor that passes is bipartisan, passes with at least a bipartisan vote. It is my friends on the other side who so often find themselves in lonely partisan isolation, less frequent on this side of the aisle.

Again, I could go issue after issue, whether it is tort reform, the PATRIOT Act, bankruptcy reform, the transportation bill, defense bills, there are overwhelming bipartisan votes.

Frankly, I think our friends at this point are more interested in problems than solutions. They simply do not want to run on them. They want to create the impression that the Congress has been neither productive and is overly partisan. That is something we are going to have to agree to disagree on.

I also want to again remind my friend, on the Medicare bill, it is this side of the aisle that provided tens of millions of seniors with prescription drug coverage for the first time ever, and I think if my friend checked the polling reports or checked the rates of satisfaction he would find that it is very, very high. I personally think our friends are disappointed in themselves for not having participated, not having worked with us.

Many times our friends want to negotiate, but they also tell us what is nonnegotiable before we sit down to negotiate. They certainly did that during the Medicare situation. They certainly did that when the administration wanted to discuss Social Security earlier last year: these are the things we will not talk about; now, let us sit down and talk. That is not a negotiation in my opinion.

Finally, I want to remind my friends, when they move on education spending, I would be delighted to debate the record of this Congress and frankly this administration in the area of funding education. The largest increase in spending for education at all levels has occurred during the Bush administration, over 50 percent since 2001. It is this party that has delivered time and time and time again when it came to funding.

Finally, last point, my friend made the point that the minimum wage would pass quote ''if.'' It did pass. This is the point. It came to this floor and passed. It went to the United States Senate. Over half, 57 of our Senators out of a body of 100 of the other body, were in favor of that legislation. It was a minority that blocked the passage of the minimum wage and a minority in the United States Senate. I regret that. We still have time before the Congress is finished to deal with that, and I hope that we do after the election.

I think there are some that would rather have election issues than have a solution. I think when you offer a compromise solution, we had many Members in this body who did not want to raise the minimum wage. We had many Members in this body that did want to raise it. We had also Members that wanted to reform the death tax, those that did not. Most of us on both sides of the aisle were in favor of the extenders. That was actually a very finely crafted compromise that had something for everybody. Our good friends wanted everything for themselves, but nothing for anybody else in terms of the compromise.

I think we have put on this floor a fair bill, a bill we can be proud of. I am very proud to be able to go home and say I voted for a minimum wage increase; when it came to the floor of the House, I voted to reform the death tax; and I voted to extend some important economic tax incentives and a reduction. I wish more of the Congress could, but the majority of us actually can go home and say that.

The majority in the United States Senate can say it. It is the obstructionist minority in the other body that chose not to participate in the compromise with us, but again, there is still time left in the Congress. We will be back here in all likelihood in November and December. I hope that opportunity on the other side of the election will lead us to be able to pass significant compromise legislation. Frankly, I trust that it will.

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

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just again remind those who may be listening that the Republicans control the White House, they control the House of Representatives, and they control the United States Senate. So if they really wanted to increase the minimum wage, they would be able to do it, but they do not; and if anybody believes that it is in their heart to try to increase the minimum wage somehow after the elections are all over with, I think you are in for a rude awakening.

For 9 years, Republicans in Congress proudly refused to raise the minimum wage for hardworking Americans, even as their own pay increased by $31,600. This year the Republicans are playing politics with a pay raise for millions of Americans, killing a minimum wage by attaching it to tax cuts for the wealthiest people in this country. This is how they chose to kill it this year, and they have been killing it every year for 9 years. I mean, that is their legacy and we need to change that, and hopefully come November that will change.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), a champion for increasing the minimum wage.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to thank you for your leadership on this matter.

The people on the other side of the aisle, Republicans, always want to talk about the Bible, and you know, the Bible said the poor will always be with us. But our jobs as Members of Congress is to help raise the standard.

A few months ago, I voted against raising the minimum wage. Well, why would I vote against raising the minimum wage? Because I do not think there is anybody in this body supports raising the minimum wage more than I do.

Well, it was a poison pill. It was a kiss of death because what the Republicans did, they tied raising the minimum wage to passing an estate tax. I mean, that would have taken trillions of dollars out of the budget just to help what I call their rich friends.

The Republicans have practiced over and over again what I call reverse Robin Hood, robbing from the poor and working people to give tax breaks to their friends.

So now they put the minimum wage on the floor, but tied it to an estate tax that would have taken thousands and thousands of dollars out of the budget. Yes, we have not dealt with the agenda of the American people.

In closing, the Bible says the poor will always be with us, but our job is to help raise the standard. Give us a clean bill on this floor on minimum wage, and let us vote to help the American people.

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

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want to associate myself with the comments of the gentlewoman from Florida who just spoke. Again, the leadership in this Congress, the majority in this Congress, gave themselves a

pay raise, but they cannot bring themselves to giving hardworking American families a pay raise, those who earn the minimum wage. There is something wrong with that equation.

The bottom line is we work for the people of this country, and the Federal minimum wage has been stuck at $5.15 for 9 years. It is disgraceful; and for 9 years this leadership, this majority has proudly stood to fight against increasing the minimum wage. They should be ashamed of themselves. We give ourselves a pay raise, but we cannot give hardworking American families a pay raise.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Massachusetts, and I certainly appreciate his leadership in this matter.

Mr. Speaker, as I hear this discussion today, it is a heartbreaking thing to see this body completely engaged in partisan politics because it does not matter to the American people when they cannot afford their medicine, when they cannot afford health insurance anymore.

Health insurance, the cost has doubled under the Bush administration. They come and pretend and posture and try to give the impression that they care about what happens to the American people.

When America fails, we all share in that failure. We all suffer. We all get part of the pain. When we cannot afford to fill our automobiles up with gasoline, we all suffer. When Social Security is threatened, we all suffer. When the minimum wage is not raised to a reasonable level, we all pay the price.

It is very distressing to know that under the Bush administration and the majority Republican Party leadership in this Congress that we have failed on every count. Not only can we not afford our gasoline or our health care or to educate our children because they have raised the cost of student loans, we know what a mess we have in Iraq. We know what a failure our borders have been under the direction of the Bush administration and the Republican majority in this Congress.

It makes me very distressed to know that we are going to leave here this week very likely without doing anything substantive on any of these issues.

The good news is this: we can go in a new direction. We know how to provide health care to the American people. We know how to provide gasoline they can afford. Is it not a sad state of affairs when we think $2.15 gas is a good deal? We know how to provide prescription medicine to our people at a fair and reasonable price that they can afford and they will not need any government help to purchase it.

One of the great Arkansas companies just came out with a new plan this week that demonstrates the power of massive buying. That is Wal-Mart, and they have a new prescription drug plan that they are going to present to America.

All of these are good things.

We know how to get the job done, and the Democrats cannot wait to get started to see that our people do not have to go to bed wondering if they are going to be able to afford their medicine or their gasoline or their light bill, thinking that they are going to work tomorrow and still be working for $5.15 an hour, wondering if Social Security is going to be there for them. That should be something that there is no question about.

As I said, the Democrats cannot wait to get started in the right direction. We know how to do these things. We are excited about being part of it, and to continue to play these political games on the floor of this great institution is a sad commentary on the corruption of absolute power.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

I want to just note for the record I am delighted to finally hear something good about Wal-Mart coming from the other side because generally that is not what we hear, but I agree with my good friend. It is a great company and not just a great Arkansas company, but a great American company.

I also want to say, Mr. Speaker, that I am very proud when I had the opportunity to vote to give tens of millions of seniors drug coverage for the first time in the history, I did.

I am very happy and very proud that when I had the opportunity on this floor to vote for an increase in the minimum wage, I did.

I am very happy when I had the opportunity to vote for, first, the elimination and then the reform of the death tax so small business people and farmers can keep their properties, I did.

I am very glad when the PATRIOT Act came up for reauthorization I had the opportunity to vote to make our country safer and stronger, and I did.

I am very glad I had the opportunity to vote for liability reform for medical cases, and when the opportunity came to vote on the floor, I was pleased to do so.

Finally, when I have had on a number of occasions the opportunity to vote for measures that would increase the energy independence of this country and hold down the escalation of gasoline prices, I have done that. I am very pleased that I had an opportunity to do so.

I think what we are hearing today is unfortunately regret that so many of our friends on the other side of the aisle did not vote for those things when they had the opportunity; and rather than simply express their disagreement, they are simply trying to denigrate the work of the Congress, which has been productive and good for the American people.

So I am pleased with the record of Congress and look forward to going home to talk about it and look forward, again, to the balance of the Congress after the election.

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

Mr. MCGOVERN. Mr. Speaker, could I inquire from the gentleman from Oklahoma how many more speakers he has on his side.

Mr. COLE of Oklahoma. I am prepared to close when the gentleman is.

Mr. MCGOVERN. I thank my friend. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 10½ minutes remaining. The gentleman from Oklahoma has 18 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I once again want to express my deep disappointment in the lack of accomplishment of this Congress. I mean, this really is a do-nothing Congress, and there are issues that one would have thought we could have come together in a bipartisan way on, for example, allowing the Federal Government to negotiate cheaper drug prices for our senior citizens that the majority in this House chose not to want to reach out and work with us.

□ 1345

There are issues of energy independence that we could have worked together on that they did not want to work with us on. In fact, as I said in the very beginning, every time we have an idea, every time we want to express a different opinion or want to present a different alternative, we go to the Rules Committee and we are told, no, you are not welcome; no, you are not allowed; no, we are going to shut you out.

That has been the hallmark of this Congress. This is probably the most closed Congress in the history of the country. I don't remember a time when we have had more closed rules, more restrictive rules than we have in this Congress. I am going to tell you, that is something maybe my friend from Oklahoma wants to take some pride in, but I find that shameful. My expectation is that if the Democrats have the privilege of taking over this Congress, Leader PELOSI has already indicated we will have a whole different tone here, and all ideas, not just Democrat ideas but Republican ideas, will be welcome as well.

That is what the American people expect. Every one of us represents the same amount of people in our congressional districts, yet you would never know that when you go to the Rules Committee and people routinely get shut out.

We debated a bill on torture, we debated a bill on wiretaps dealing with people's civil liberties, dealing with the values of this country, and people had some strong opinions, not just Democrats but Republicans, and they were told no, no, no, no, no, you have no

right to come to the floor and offer your opinion.

That is not a democracy. That is not the way this place is supposed to run. This is supposed to be a deliberative body, and we are routinely shut out. I think people are sick of that. People don't want politics as usual. People want a change. They want a new direction. And a new direction is not just in terms of policies but also in terms of tone.

My friends on the other side of the aisle run everything. They run the White House, they run the House of Representatives, and they run the Senate. Yet they cannot get things done. They can't even work with their own Members in the other body. So I think it is time for a change to get people put in places of power who are going to actually be not only advocates for working families in this country but who will deliver and who are going to reach out a hand and try to work in a bipartisan way. That doesn't exist here. There is no bipartisanship here at all. There is none.

So this talk about we want to work together in the future on this issue or that issue, it has not happened in the past, so why should it happen in the future?

Mr. Speaker, before I talk about the previous question, I want to urge Members of this House to vote against this martial law rule. This rule allows the Republican leadership to bring up virtually any piece of legislation with only a few minutes notice to this House. That is just plain wrong. We have no idea what may be coming our way. I mean, they could bring anything up with a few minutes notice. I do not think that is the right way to do business here. I do not think that is the way we should conduct ourselves in the House.

Mr. Speaker, before I get into my previous question speech, my good friend from Virginia (Mr. MORAN) just came to the floor, and I want to yield him 3½ minutes.

Mr. MORAN of Virginia. I thank my very good friend from Massachusetts, who has done such a fine job in succeeding Mr. Moakley on the Rules Committee.

Mr. Speaker, we are about to adjourn, and yet we are going to leave the American people without the resources and the legislation they need to provide the kind of security that the bipartisan 9/11 Commission said was necessary. Five F's and 14 D's on the Commission's scorecard, yet we can't act on the 9/11 Commission's recommendations.

Mr. Speaker, we have the greatest gap in compensation between the rich and the poor that we have ever had since the days of the Great Depression in this country, and yet we can't even see our way through to raising the minimum wage from $5.15 to $7.25 an hour. Shame on this Congress.

Mr. Speaker, there are hundreds of thousands of senior citizens who are being dumped into the doughnut hole as we speak, who are going to have to pay 100 percent of the cost of their prescription drugs. And do you know that there are hundreds of thousands of additional senior citizens, Mr. Speaker, who are going to be stuck with a penalty of paying an extra 7 percent premium for the rest of their lives because we couldn't fix the Medicare prescription drug program to eliminate the monthly penalty and the prohibition on the government's ability to negotiate lower prices? It was written for and passed for the benefit of the drug companies, not the senior citizens of America.

Mr. Speaker, the average college student is graduating from college with a $20,000 debt. They can't afford to go into public service because they have to go into a job that is going to give them the maximum compensation so that they can spend the first few years after graduation in order to pay back their debt.

We have thousands of students who have worked so hard to become eligible for a college education, to become all that their parents want them to be, all that we need them to be, but they can't afford college. Yet we have seen massive cuts in college tuition assistance imposed by this Congress, a Congress that has refused to provide the kind of size and availability of Pell Grants that would have enabled these young people to get to college and to afford college.

Mr. Speaker, not to provide the resources for our students when we will spend over $400 billion on a misguided mission in Iraq is unbelievable, and yet we are ready to recess.

Mr. Speaker, I will conclude with this. I mentioned four reasons why this Congress shouldn't even think of recessing, but there is another one. There is billions of dollars that the large oil companies are getting in tax breaks. They have had more revenue than at any time, more than they could have ever imagined. In fact, in the last quarter, they showed $47 billion of profit, all coming out of the pockets of hard-working Americans, and yet we continue to give them tax breaks. Unbelievable.

Mr. Speaker, this Congress has no business recessing, and this martial law rule certainly should be defeated.

Mr. MCGOVERN. Mr. Speaker, once again, I will be asking Members to vote ''no'' on the previous question so that I can amend this rule and allow for the immediate consideration of the five bills that we on this side of the aisle believe will really make a difference to our Nation's working families.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, these bills are the same ones I talked about yesterday; the same ones I have talked about today. Every Member of this House of Representatives should support the goal of these important legislative initiatives. My amendment would allow each of them to be considered immediately.

The first bill will implement the long-overdue recommendations of the highly respected bipartisan 9/11 Commission. My friends on the other side like to talk about their great record on national security, yet the 9/11 Commission has given them D's and F's for the implementation of their recommendations to better protect our homeland. This would allow that bill to come up immediately.

The second bill would allow us to bring the minimum wage up to $7.25 per hour. It has been stuck at $5.15 an hour for 9 years. You have given yourselves pay raise after pay raise after pay raise. How about giving the American worker a pay raise?

The third bill would let the Secretary of Health and Human Services negotiate for lower prescription drug prices for senior citizens and people with disabilities. Why not? What is wrong with free enterprise? What is wrong with doing what the Veterans Administration has done so effectively? Let us get those prices down lower and keep them low.

The fourth bill would repeal the massive cuts in college tuition assistance opposed by the Congress, and it will expand the size and availability of Pell Grants. People can't afford to go to college any more, and you have made it more difficult. We say we want a 21st century workforce, that we need to make sure our young people get the education they need, and that means they have to be able to afford to go to college.

And, lastly, the fifth bill will roll back the tax breaks for big oil and invest those savings in alternative fuels to achieve energy independence. We are tired of tax break after tax break after tax break and subsidy after subsidy after subsidy for big oil. It is time to be on the side of working families.

Mr. Speaker, each of these bills has enormous potential to help the quality of life for tens of millions of deserving hard-working Americans and their families. We have one more day before we adjourn for more than a month. Let's use this opportunity not for suspension bills but for something that will really make a difference in people's lives, to provide people these opportunities by passing this important legislation that will truly help so many.

So vote ''no'' on the previous question so we can bring up these measures.

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

Mr. COLE of Oklahoma. Mr. Speaker, I know we are not at Halloween yet, but we must be getting close, because we have to scare the American people on issue after issue after issue.

Frankly, most of the measures that my good friend talked about, if they were brought up, would have to be brought up under the very same closed rules he so often voices his concern about.

We are told this Congress somehow operates differently than the others. I simply want to provide for the information of our body some information provided to me by the Congressional Research Service. Same day rules during the last week of session during the final three Democratic Congresses, the Hundred First, the Hundred Second and the Hundred Third, totaled six. Same day rules under the last three Republican Congresses, the Hundred Seventh, the Hundred Eighth and the Hundred Ninth, totaled five. Basically, the body operates about the same way procedurally that it has operated throughout most of its history and certainly throughout its recent history.

I also want to remind my friends who talk about the minimum wage that they had the opportunity to vote for a minimum wage increase. I voted for it. I certainly am happy that I did. I wish more of my friends had. A majority of this body did. Indeed, a bipartisan majority. A bipartisan majority of the United States Senate favored it.

It was my friends' friends on the other side of the rotunda that decided not to enter in and allow that increase to take place because they wanted a perfect bill from their perspective. They didn't want to compromise. They didn't want to give and take. They didn't want to have some discussion. Frankly, what they wanted is what they got, or what they believe they got, which is a political issue for the November elections.

I am hopeful that after the elections are over we can come back here and actually have a discussion and come to a compromise solution, such as was crafted on the floor in this body.

Our friends talk to us a lot about education. I think they should. They probably ought to thank President Bush for being the best friend education ever had. It is President Bush who came up with No Child Left Behind, and it was President Bush who has recommended throughout his tenure over a 50 percent increase in Federal funding of education.

My friends are concerned about the cost of tuition. So am I. I just had a son who graduated. I am very grateful. But, quite frankly, most of that problem is at the State level, where we have State government after State government running enormous surpluses, yet not passing some of that surplus on to higher education institutions and to their own students.

The reality is that after coming in with a recession beginning in 2001, followed by September 11, something that all of us on both sides of the aisle recognize as a dastardly and disastrous event, this administration and this Republican Congress has gotten the economy moving again and has accomplishment after accomplishment to run on. I am not surprised that our friends on the other side see it differently or want to obscure it, but I have profound faith in the good judgment of the American people to understand fiction and understand fact and know the difference between the two.

Mr. Speaker, today, in closing, I want to reiterate the importance of passing this rule. This rule allows us to move forward, pass the necessary legislation, and to do the business of the American people. It is interesting how we have heard complaints by the other side of the aisle that this is a do-nothing Congress, yet at the same time the other side wants to slow down the process today to prevent important bipartisan legislation from being passed. It wants, in effect, to do less, not more.

Mr. Speaker, I am sure it is no surprise that I intend to vote for the rule and the underlying legislation, and I would urge my colleagues to do the same.

The material previously referred to by Mr. McGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 1053, BLANKET MARTIAL LAW RULE WAIVING CLAUSE 6(a), RULE XIII

At the end of the resolution add the following new Sections:

Sec. 3. Notwithstanding any other provisions in this resolution and without intervention of any point of order it shall be in order immediately upon adoption of this resolution for the House to consider the bills listed in Sec. 4:

Sec. 4. The bills referred to in Sec. 3. are as follows:

(1) a bill to implement the recommendations of the 9/11 Commission.

(2) a bill to increase the minimum wage to $7.25 per hour.

(3) a bill to provide authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities.

(4) a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and to expand the size and availability of Pell Grants.

(5) a bill to roll back tax breaks for large petroleum companies and to invest those savings in alternative fuels to achieve energy independence.

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. COLE of Oklahoma. 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. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 1053, if ordered; and passage of S. 3930.

The vote was taken by electronic device, and there were—yeas 215, nays 197, not voting 20, as follows:

[Roll No. 506]

YEAS—215

Aderholt	Alexander	Baker
Akin	Bachus	Barrett (SC)

Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Chabot
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)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
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
Nussle
Osborne
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
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)
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
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
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
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
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Blunt
Boehner
Burgess
Cantor
Case
Castle
Chocola
Evans
Fattah
Foley
Gallegly
Hastings (FL)
Lewis (GA)
Meehan
Ney
Otter
Pence
Strickland
Thompson (MS)
Wilson (SC)

□ 1424

So the previous question was ordered.

The result of the vote was announced as above recorded.

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. McGOVERN. 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 227, noes 193, not voting 12, as follows:

[Roll No. 507]

AYES—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
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)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
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
Nussle
Osborne
Otter
Oxley
Paul
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
Shaw
Shays
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)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
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
Cardoza
Carnahan
Carson
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
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
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
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Burgess
Case
Castle
Evans
Fattah
Foley
Lewis (GA)
Meehan
Ney
Strickland
Thompson (MS)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1432

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.

MILITARY COMMISSIONS ACT OF 2006

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the vote on passage of the Senate bill, S. 3930, on which the yeas and nays are ordered.

The Clerk read the title of the Senate bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 250, nays 170, not voting 12, as follows:

[Roll No. 508]

YEAS—250

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
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
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
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 (NM)
Wolf
Young (AK)
Young (FL)

NAYS—170

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Farr
Filner
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Burgess
Case
Castle
Evans
Fattah
Foley
Lewis (GA)
Meehan
Ney
Strickland
Thompson (MS)
Wilson (SC)

□ 1447

So the Senate 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. MELANCON. Mr. Speaker, during rollcall vote No. 508 on S. 3930, I mistakenly recorded my vote as "nay" when I should have voted "yea". I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 508.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109–703) on the resolution (H. Res. 1062) waiving points of order against the conference report to accompany the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 5441.

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

There was no objection.

CONFERENCE REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution