

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 legislation, 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 on-line.

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 Reso-

lution 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	Gilchrest	Nunes
Akin	Gillmor	Osborne
Alexander	Gingrey	Otter
Bachus	Gohmert	Oxley
Baker	Goode	Paul
Barrett (SC)	Goodlatte	Pearce
Bartlett (MD)	Granger	Pence
Barton (TX)	Graves	Peterson (PA)
Bass	Green (WI)	Petri
Beauprez	Gutknecht	Pickering
Biggert	Hall	Pitts
Bilbray	Harris	Platts
Billirakis	Hart	Poe
Bishop (UT)	Hastings (WA)	Pombo
Blackburn	Hayes	Porter
Blunt	Hayworth	Price (GA)
Boehlert	Hefley	Pryce (OH)
Boehner	Hensarling	Putnam
Bonilla	Herger	Radanovich
Bonner	Hobson	Ramstad
Bono	Hoekstra	Regula
Boozman	Hostettler	Rehberg
Boustany	Hulshof	Reichert
Bradley (NH)	Hunter	Renzi
Brady (TX)	Inglis (SC)	Reynolds
Brown (SC)	Issa	Rogers (AL)
Brown-Waite,	Istook	Rogers (KY)
Ginny	Jenkins	Rogers (MI)
Burgess	Jindal	Rohrabacher
Burton (IN)	Johnson (CT)	Ros-Lehtinen
Buyer	Johnson, Sam	Royce
Calvert	Keller	Ryan (WI)
Camp (MI)	Kelly	Ryan (KS)
Campbell (CA)	Kennedy (MN)	Saxton
Cannon	King (IA)	Schmidt
Cantor	King (NY)	Schwarz (MI)
Capito	Kingston	Sensenbrenner
Carter	Kirk	Sessions
Chabot	Kline	Shadegg
Chocola	Knollenberg	Shaw
Coble	Kolbe	Sherwood
Cole (OK)	Kuhl (NY)	Shimkus
Conaway	LaHood	Shuster
Crenshaw	Latham	Simmons
Cubin	LaTourette	Simpson
Culberson	Leach	Smith (NJ)
Davis (KY)	Lewis (CA)	Smith (TX)
Davis, Jo Ann	Lewis (KY)	Sodrel
Davis, Tom	Linder	Souder
Deal (GA)	LoBiondo	Stearns
Dent	Lucas	Sullivan
Diaz-Balart, L.	Lungren, Daniel	Sweeney
Diaz-Balart, M.	E.	Taylor (NC)
Doolittle	Mack	Terry
Drake	Manzullo	Thomas
Dreier	Marchant	Thornberry
Duncan	McCaul (TX)	Tiahrt
Ehlers	McCotter	Tiberi
Emerson	McCrary	Turner
English (PA)	McHenry	Upton
Everett	McHugh	Walden (OR)
Feeney	McKeon	Walsh
Ferguson	McMorris	Wamp
Fitzpatrick (PA)	Rodgers	Weldon (FL)
Flake	Mica	Weldon (PA)
Forbes	Miller (FL)	Weller
Fortenberry	Miller (MI)	Westmoreland
Fossella	Miller, Gary	Whitfield
Fox	Moran (KS)	Wicker
Franks (AZ)	Murphy	Wilson (NM)
Frelinghuysen	Musgrave	Wolf
Gallely	Myrick	Young (AK)
Garrett (NJ)	Neugebauer	Young (FL)
Gerlach	Northup	
Gibbons	Norwood	

NAYS—189

Abercrombie	Berry	Capps
Ackerman	Bishop (GA)	Capuano
Allen	Bishop (NY)	Cardin
Andrews	Blumenauer	Cardoza
Baca	Boren	Carnahan
Baird	Boswell	Carson
Baldwin	Boucher	Chandler
Barrow	Boyd	Clay
Bean	Brady (PA)	Cleaver
Becerra	Brown (OH)	Clyburn
Berkley	Brown, Corrine	Conyers
Berman	Butterfield	Cooper

Costa	Kildee	Rahall
Costello	Kilpatrick (MI)	Rangel
Cramer	Kind	Reyes
Crowley	Kucinich	Ross
Cuellar	Langevin	Rothman
Cummings	Lantos	Roybal-Allard
Davis (AL)	Larsen (WA)	Ruppersberger
Davis (CA)	Larson (CT)	Rush
Davis (FL)	Lee	Ryan (OH)
Davis (IL)	Levin	Salazar
Davis (TN)	Lipinski	Sánchez, Linda
DeFazio	Lofgren, Zoe	T.
DeGette	Lowe	Sanchez, Loretta
Delahunt	Lynch	Sanders
DeLauro	Maloney	Schakowsky
Dingell	Markey	Schiff
Doggett	Matheson	Schwartz (PA)
Doyle	Matsui	Scott (GA)
Edwards	McCarthy	Scott (VA)
Emanuel	McCollum (MN)	Serrano
Engel	McDermott	Shays
Eshoo	McGovern	Sherman
Etheridge	McIntyre	Skelton
Farr	McKinney	Slaughter
Fattah	McNulty	Smith (WA)
Filner	Meek (FL)	Snyder
Gonzalez	Meeks (NY)	Solis
Gordon	Melancon	Spratt
Green, Al	Michaud	Stupak
Green, Gene	Millender-	Tanner
Grijalva	McDonald	Tauscher
Harman	Miller (NC)	Taylor (MS)
Hastings (FL)	Miller, George	Thompson (CA)
Herseth	Mollohan	Thompson (MS)
Higgins	Moore (KS)	Tierney
Hinche	Moore (WI)	Towns
Hinojosa	Murtha	Udall (CO)
Holden	Nadler	Udall (NM)
Holt	Napolitano	Van Hollen
Honda	Neal (MA)	Velázquez
Hooley	Oberstar	Vislosky
Hoyer	Obey	Wasserman
Insole	Oliver	Schultz
Israel	Ortiz	Waters
Jackson (IL)	Owens	Watson
Jackson-Lee	Pallone	Watt
(TX)	Pascarell	Weiner
Jefferson	Pastor	Wexler
Johnson, E. B.	Payne	Woolsey
Jones (OH)	Pelosi	Wu
Kanjorski	Peterson (MN)	Wynn
Kaptur	Pomeroy	
Kennedy (RI)	Price (NC)	

NOT VOTING—23

Case	Hyde	Nussle
Castle	Johnson (IL)	Sabo
Dicks	Jones (NC)	Stark
Evans	Lewis (GA)	Strickland
Foley	Marshall	Tancredo
Ford	Meehan	Waxman
Frank (MA)	Moran (VA)	Wilson (SC)
Gutierrez	Ney	

□ 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 contacts 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	Cannon	Engel
Ackerman	Cantor	English (PA)
Aderholt	Capito	Eshoo
Akin	Capps	Etheridge
Alexander	Capuano	Everett
Allen	Cardin	Farr
Andrews	Cardoza	Fattah
Baca	Carnahan	Feeney
Bachus	Carson	Ferguson
Baird	Carter	Filner
Baker	Chabot	Fitzpatrick (PA)
Baldwin	Chandler	Flake
Barrett (SC)	Chocola	Forbes
Barrow	Clay	Fortenberry
Bartlett (MD)	Cleaver	Fossella
Barton (TX)	Clyburn	Fox
Bass	Coble	Franks (AZ)
Bean	Cole (OK)	Frelinghuysen
Beauprez	Conaway	Gallely
Becerra	Conyers	Garrett (NJ)
Berkley	Cooper	Gerlach
Berman	Costa	Gibbons
Berry	Costello	Gilchrest
Biggart	Cramer	Gillmor
Bilbray	Crenshaw	Gingrey
Bilirakis	Crowley	Gohmert
Bishop (GA)	Cubin	Gonzalez
Bishop (NY)	Cuellar	Goode
Bishop (UT)	Culberson	Goodlatte
Blackburn	Cummings	Gordon
Blumener	Davis (AL)	Granger
Blunt	Davis (CA)	Graves
Boehlert	Davis (FL)	Green (WI)
Boehner	Davis (IL)	Green, Al
Bonilla	Davis (KY)	Green, Gene
Bonner	Davis (TN)	Grijalva
Bono	Davis, Jo Ann	Gutknecht
Boozman	Davis, Tom	Hall
Boren	Deal (GA)	Harman
Boswell	DeFazio	Harris
Boucher	DeGette	Hart
Boustany	Delahunt	Hastings (FL)
Boyd	DeLauro	Hastings (WA)
Bradley (NH)	Dent	Hayes
Brady (PA)	Diaz-Balart, L.	Hayworth
Brady (TX)	Diaz-Balart, M.	Hefley
Brown (OH)	Dicks	Hensarling
Brown (SC)	Dingell	Herger
Brown, Corrine	Doggett	Herseth
Brown-Waite,	Doolittle	Higgins
Ginny	Doyle	Hinche
Burgess	Drake	Hinojosa
Burton (IN)	Dreier	Hobson
Butterfield	Duncan	Hoekstra
Buyer	Edwards	Holden
Calvert	Ehlers	Holt
Camp (MI)	Emanuel	Honda
Campbell (CA)	Emerson	Hooley