

MIAMI IRRESPONSIBLE ON HOMELAND SECURITY FUNDING

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I rise again today to protest the unfair allocation of urban area security funding by the city of Miami. Miami is unfairly withholding the essential funds that my district needs to improve antiterrorism measures.

The city of Miami wants to keep the lion's share of the urban area security funding and to buy a helicopter, a helicopter, when Broward is receiving an embarrassing 10 percent of the money and Palm Beach County is receiving zero dollars.

It is ridiculous for Miami to be buying a helicopter with tax dollars of hard-working Americans. That is just plain egregious. All Broward and Palm Beach counties want is a fair share of what we need to protect our citizens against a terrorist attack.

One month after the 9/11 attack, anthrax was used to kill Robert Stevens, a 63-year-old photo editor in Palm Beach. And it is well known that the 9/11 terrorists made south Florida their base of operation. How much more evidence do we need to prove that Broward and Palm Beach counties are at risk and that we need some Federal assistance to help us address these very real threats.

The city of Miami cannot be trusted to spend in money on behalf of the region. President Bush, Secretary Ridge, Attorney General Ashcroft, Governor Bush, on down to the American taxpayers ought to be livid at what is going on. I know I am and so are my constituents.

CORRUPTION OF THE REPUBLICAN LEADERSHIP

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, yesterday a bipartisan majority in this House voted to change the PATRIOT Act so the government cannot wantonly snoop and peer in what people are reading in their public libraries and at their book stores. But that bipartisan majority was unable to be sustained because of the corruption of the Republican leadership in this House, because of the corruption of the rules of this House, and because of the corruption of the principles of this country by that Republican leadership.

What they could not stand was the fact that there was a majority that disagreed with the handful in the Republican leadership. So they nullified the vote. They nullified the principles of democracy; they nullified the principles of majority rule in the House of Representatives.

That very same day, thousands of families and schoolchildren came through the Capitol and they were told this is where democracy reigns. This is the beacon to the world. This is where freedom exists. But it does not exist on the floor of the House of Representatives because of the corruption of the leadership of the Republican Party.

Every time they believe the majority is going to win out here, a bipartisan coalition majority whether it is on minimum wage, whether it is on overtime, they prevent that vote from taking place. The people who are truly afraid of the majority in this country is the corrupt Republican leadership in this House.

HONORING WILLIAM F. BUCKLEY'S STEWARDSHIP OF NATIONAL REVIEW

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today the conservative movement in America stands on the shoulders of giants: men such as Edmund Burke, T.S. Elliot, F.A. Hayek, Whitaker Chambers, and William F. Buckley, Jr. Of all these theorists, no one has made a deeper and more profound impression on my life than William F. Buckley, Jr.

Since attending high school, I have read National Review, the magazine founded by Mr. Buckley in 1955. Through his stewardship of conservatism's flagship magazine, he was able to direct our visions and coherently communicate our positive philosophy. Indeed, Mr. Buckley defined the conservative movement as one that promotes a strong national defense to defeat communism and terrorism and for limited government, lower taxation, personal responsibility, individual freedom.

These principles are still the basis of conservatism today, and the National Review after nearly 50 years is still our guidebook.

Last week, Mr. Buckley turned over his ownership of National Review and ended a special era in American history. I ask all of my colleagues to join me in thanking William F. Buckley, Jr., for his service to the American political dialogue.

In conclusion, may God bless our troops and we will not forget September 11.

PUBLIC TRANSIT NEEDS MORE FUNDING FOR SECURITY

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, it does not hurt to remind Americans to be vigilant against terrorist attacks, but yesterday's infomercial from the Department of Homeland Security was similar to warnings in April and May

that did not tell the American people what to do and glossed over serious gaps in the administration's effort to protect our rail and transit systems.

One-third of all terrorist attacks worldwide target transit systems, and public transit is the most frequent target. What happened in Madrid could easily happen in New York. And we know for sure that the al Qaeda had plans to attack Washington D.C.'s Metro system last year.

We know that public transit carries 16 times more passengers than the airlines, but the Federal Government provides 90 times more funding for airline security. Something is very wrong with this security funding formula, and yesterday's press conference did nothing to fix it.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
July 8, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1501(b) of the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108-136), I hereby appoint to the Veterans' Disability Benefits Commission Col. Larry G. Brown of Oregon and Mr. Joe Wynn of Washington, DC.

Best regards,

NANCY PELOSI.

PROVIDING FOR CONSIDERATION OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRON- MENTAL IMPROVEMENT ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 711 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 711

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; (2) the further amendment in the nature of a substitute printed in the report of the Committee on

Rules accompanying this resolution, if offered by Representative Calvert of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. 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. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 711 is a modified closed rule providing for the consideration of H.R. 2828, the Water Supply Reliability and Environmental Improvement Act.

The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule also waives all points of order against the bill, provides that the amendment recommended by the Committee on Resources now printed in the bill shall be considered as adopted and waives all points of order against the bill as amended.

The rule further provides for consideration of the amendment in the nature of a substitute printed in the Committee on Rules report and accompanying the resolution, if offered by the gentleman from California (Mr. CALVERT) or his designee. Said amendment shall be considered as read and shall be separately debated for 20 minutes equally divided and controlled by a proponent and an opponent.

Finally, the rule waives all points of order against the amendment in the nature of a substitute printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2828 was introduced by the gentleman from California (Mr. CALVERT) and passed by the Committee on Resources on May 5, 2004, by a voice vote. The bill would authorize the Secretary of the Interior to implement badly needed water supply technology and infrastructure programs aimed at increasing and diversifying domestic water supplies.

As is the case if many parts of the West, considerable controversy has arisen over allocation of water from a vast network of rivers, marshes, wetlands, and open water known as the California Bay-Delta. This area covers 780,000 acres and supplies water to two-thirds of California's population and nearly 7 million acres of farm land through a series of pumps, canals, and dams operated by the Federal and State governments.

The competing demands for Bay-Delta water have stretched the resources capacity to provide reliable amounts of water to users and the ecosystem and cause conflicts among farmers, urban water contractors, and environmental groups.

The California Bay-Delta program, known as CALFED, was initiated in 1995 to resolve these water conflicts. Although a record of decision for the current CALFED program was issued in 2000, legislation to implement that program has yet to be enacted by Congress. H.R. 2828 establishes within the Office of the Secretary of the Interior an office of the Federal Water Resources Coordinator to be responsible for coordinating the activities of all Federal agencies involved in implementing the activities authorized under this act.

The bill directs the Secretary to undertake a competitive grant program to, one, investigate and identify opportunities for studying, planning, and designing water resource activities; and, two, construct demonstration and permanent facilities to further these purposes as well as other programs, projects and activities.

The bill also authorizes the Federal agencies to participate in the CALFED Bay-Delta program in accordance with the objectives and solution principles that will be set forth in the Record of Decision.

In addition, H.R. 2828 authorizes the Secretary to establish a program for the construction of rural water systems in the reclamation States in cooperation with other Federal agencies with rural water programs as well as non-Federal project entities.

Mr. Speaker, CBO estimates that implementing H.R. 2828 would cost \$427 million over the 2005 to 2009 time period and \$65 million after 2009. These amounts do not include the cost of constructing four new water storage projects authorized by this bill because construction would be begin after 2009.

CBO estimates that the Federal share of those additional construction costs could range from \$200 million to \$400 million over the 2010 to 2020 time period.

Enacting this bill would not affect direct spending or revenues. H.R. 2828 contains no intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act and would impose no costs on the State, local, or tribal governments.

Mr. Speaker, those of us from western States in particular are acutely aware of the importance of providing adequate water supplies in ways that protect sensitive environmental resources. Indeed, this is among the most challenging areas of domestic policy that we have. I commend the gentleman from California (Mr. CALVERT) and his colleagues on the Committee on Resources for tackling this difficult issue in a way that strikes a reasonable balance between economic development and environmental protection.

This bill is badly needed and long overdue. So accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill.

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

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

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes so we can talk about H. Res. 711 which is providing for the consideration of H.R. 2828, the Water Supply, Reliability and Environmental Improvement Act. I was kind of hoping the gentleman might yield me 38 minutes instead of the customary 30 minutes; but then again, he is not in the chair so he is not able to do that today.

Mr. Speaker, what happened yesterday on this House floor was a disgrace. And the Republican leadership who run this House should be ashamed of themselves. The majority Members who allowed that to happen yesterday should also be ashamed of themselves.

The gentleman from Vermont along with several of his colleagues offered an amendment to strike a controversial provision of the PATRIOT Act. This provision allows authorities to demand library and Internet records of people who use our public libraries.

Three years ago, Mr. Speaker, I voted against the PATRIOT Act because it expanded the authority of the Attorney General and the FBI without requiring any corresponding accountability. And yesterday I voted for the Sanders amendment because it protects the American people and our public libraries and book stores from the overreaching arm of the Department of Justice.

Mr. Speaker, the Sanders amendment won. And this deliberative body, in this place where democracy is the standard, the Sanders amendment won. And after 15 minutes there were 213 people voting for the amendment, and only 206 voting against it. That is a clear victory. One does not need a Ph.D. in mathematics to figure out that the Sanders amendment won, fair and square.

Yet the House Republican leadership held the vote open for 23 more minutes for a total of 38 minutes so they could twist the arms of their rank and file to change their vote so they could rig this vote. After these 38 minutes were over and the vote was finally closed, the vote was tied 210 to 210.

The Republican leadership did what they do best, they hijacked the democratic process and they did it. And they did it because they could, and they did it because they could get away with it.

What happened yesterday on the House floor was unique in only one respect, Mr. Speaker, and that is it happened in broad daylight. Usually, this heavy-handedness happens late into the night or in the early morning hours

so that nobody is watching, so that there is nobody in the press gallery who was watching, so that people at home are asleep. So what happened yesterday was unique only in that one respect.

Mr. Speaker, the actions of the Republican majority have diminished the people's House. They have made a mockery of democracy, and they have demonstrated a heavy-handedness that is becoming all too common here.

Yesterday, once again, the Republican majority demonstrated an incredible arrogance toward the American people. They demonstrated an incredible contempt for the Members of this House, Members of their own party who they intimidated into changing their votes.

Quite frankly, Mr. Speaker, they are unqualified to run this people's House. They have made a laughing stock of this place. They have turned this House into a national embarrassment. This is unacceptable. This is unacceptable, Mr. Speaker. And the American people need to know what is going on here. This is not a deliberative body anymore. This is not a place of democracy. This is not a place where people can debate ideas, where people then can vote, Members can vote and then the majority wins. This place is not being run the way it is supposed to be run. It is an absolute disgrace.

Mr. Speaker, this bill addresses an issue that affects the State of California—the distribution of water from north to south, and other related issues unique to California. However, I am concerned with many of the provisions in the bill and their potential to impact all of us. Specifically, I'm concerned about a seemingly technical provision in this bill that could have far-reaching effects on how water is used in California and how we conduct our business here in Congress.

Section 103(b)(5)(A) of this bill grants an ongoing, rolling authorization to the Federal Bureau of Reclamation to plan and build water projects in the California Bay-Delta area. In plain English, this means that Congress would be writing a blank check to the Department of Interior to build as many billion-dollar dams in central California as they want, even if these projects end up harming the environmentally sensitive areas we say we want to protect.

Mr. Speaker, the way our legislative process is supposed to work is that Congress writes the laws and sets the policies about how and where our tax dollars get spent. The job of the executive branch is to implement these laws through the various agencies of the Federal government.

This bill sets up a process that turns the legislative process on its head. It hands over the Congressional power to spend public funds to an unaccountable Federal agency. It tells officials in the Department of Interior they can spend billions of the taxpayers' dollars any way they want and then, only afterwards, check in with Congress. And if Congress doesn't act in 120 days, the Department can continue on its merry way, spending billions of dollars on dams and other water projects that may or may not accomplish the objectives of the CALFED water agreement.

Supporters of this provision claim there are precedents for their so-called "non-project-

specific authorization" language, but their precedents involve only small projects and small dollar amounts.

In the case of the CALFED Water Project, the public policy stakes are just too high for Congress to hand over our decision-making responsibilities to a Federal agency. Congress has a constitutional responsibility to make these kinds of decisions, and we shouldn't shirk those responsibilities by passing the buck to a Federal agency. The way the CALFED project is managed over the next 30 years will have a profound effect on the 35 million water-drinking citizens of the State of California, the State's agricultural industry, and some of our country's most fragile and endangered ecosystems.

And what about our responsibility to be careful stewards of taxpayer dollars? I constantly hear fiscal conservatives on the other side of the aisle complain about the lack of budget discipline. Prior to the recess, these fiscal conservatives led a charge trying to slow down Federal spending, and make it harder for Congress to spend taxpayer dollars. But this bill basically gives the executive branch a blank check to spend on potentially costly projects like dams and canals.

I hope that some of those same members join me today in expressing concern about a policy that allows an agency to "Spend the money first, then check in with Congress later." That doesn't strike me as a policy that will help us get out of the deep budget deficit hole—a hole that has been deepened by President Bush and this Republican Congress.

Mr. Speaker, this provision is bad policy and this bill is poorly drafted. I will vote against this bill, and I urge my colleagues to do the same.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), the author of this legislation and one who has been a leader on this issue.

□ 0930

Mr. CALVERT. I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I rise in favor of this rule. Certainly water is extremely important, not just to California but the entire west, and certainly to all of those who have been associated with the current CALFED program, ecosystem restoration activities appears to be somewhat haphazard. The measurable outcome has focused on dollars spent rather than increased numbers of fish and wildlife. This legislation proposes new congressional oversight and accountability, requiring Federal agencies to report on certain ecosystem restoration program goals and accomplishments. For example, landowners want to see accomplishments of land and water management plans and how new ecosystem restoration plans will fit into the big picture.

The manager's amendment to the bill will be reducing the Federal cost of implementation of this from over a billion dollars 4 years ago, and \$890 million as introduced to a Federal authorization of \$427 million.

This bill has bipartisan support. H.R. 2828 is the product of congressional de-

liberation and lengthy negotiations. That is why it was reported by the Committee on Resources with bipartisan support. Democrats and Republicans throughout the State of California support this bill because it is balanced in nature and it will be, as I mentioned, not just good for California but the entire West.

I urge the adoption of this rule.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I know that we are debating the rule on legislation that is being proposed this morning, but I have to say, I do not really know what the rules are anymore in the House of Representatives. I listened last night when the Sanders amendment came up and all that the majority were trying to do, the bipartisan majority, was to protect Americans' civil liberties. After the vote took place, all of a sudden the floor and the vote stays open for another 30 plus minutes, even though everyone had voted and there was not anyone left in the well to cast a vote. It is a total abuse of power by the Republican majority here on the floor of the House of Representatives.

Think about it. When you go to the polls and vote in a general election, in New Jersey the polls close at 8 o'clock. Then you count the votes. You do not have the opportunity to keep the voting machine open and have the people come back and say, well, I changed my mind because I heard about something new that somebody told me and now I want to change my vote, so let's keep it open.

How long is the vote going to be kept open here in the House of Representatives until the Republican majority get their will regardless of what the American people and their representatives want. Will we keep it open 30 minutes as it was yesterday on the Sanders amendment? Will we keep it open 3 hours as we did on the Medicare prescription drug bill which was a lousy bill and the majority, including a significant number of Republicans, were against it until they were cajoled in a 3-hour delay and promised all kinds of things and probably laws were violated to get Members on the Republican side to change their vote. What are the rules?

We act as if this is the House of Representatives that is based on rules. That is why we are having a debate on a rule today for a piece of legislation. But there are no rules. The majority abuses its power and does whatever it pleases. We never know at any given time when the vote is going to be over. I think if this continues, it is just going to be worse and worse for our system of government, the democratic system that we value and cherish here in the House of Representatives and across the country. All that everyone who voted for the Sanders amendment yesterday were trying to do was to protect civil liberties.

One may disagree, think that the PATRIOT Act is good or think it is bad, but when a majority on a bipartisan basis makes a decision that it should be amended and should be changed because they want to protect civil liberties, then that majority should be allowed to vote in a fair way. We do not keep the vote open as we go around and tell Members, well, maybe I am going to give you this or give you that if you change your vote on something that is so basic to American civil liberties. It is just not right. It is shameful.

I just want to join with my colleagues again, on both sides of the aisle, essentially last night who said shame, shame on the Republican majority for what they continue to do and this abuse of power. Something has got to be done so that we know what the rules are. I do not know what the rules are anymore around here and how this Republican leadership goes about deciding what the rules are.

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

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, as we discuss the rules, it is impossible for those of us on our side to proceed without talking about the degrading spectacle of yesterday. It is particularly ironic that the Republican leadership chose to use extremely undemocratic tactics because there was a fear that democracy might break out in the law. What you had was a bipartisan coalition which formed a majority of the House seeking to change a provision of the PATRIOT Act.

POINT OF ORDER

Mr. HASTINGS of Washington. Mr. Speaker, point of order.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his point of order.

Mr. HASTINGS of Washington. Mr. Speaker, I make a point of order that the gentleman is in violation of House rule XVII, which requires that a Member's remarks in debate shall be confined to the question under debate, and ask to be heard on my point of order.

Mr. Speaker, House rule XVII, pertaining to Decorum and Debate provides in part that when a Member desires to speak or deliver any matter to the House, they shall on being recognized confine themselves to the question under debate.

To quote from section 948 of the House Rules and Manual:

"Debate on a special order providing for the consideration of a bill may range to the merits of the bill to be made in order, since the question of consideration of the bill is involved, but should not range to the merits of a measure not to be considered under that special order."

Mr. Speaker, nothing in this rule or the bill it makes in order has anything to do with what occurred on the floor yesterday afternoon.

Therefore, I urge that the Chair uphold this point of order against this irrelevant debate.

The SPEAKER pro tempore. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. FRANK of Massachusetts. I wish to be heard on the point of order and to contest it vigorously.

I understand the sensitivity of the author of the point of order to discussion of the events over which he presided yesterday, but we are talking about the rules of the House, and we were confronted with what we believed to have been a grievous abuse of the spirit of the rules of the House and we need some reassurance that we will not have a repetition of this as we go forward.

We are, after all, now debating whether or not we will have a previous question motion. If it were to fail, we would then be able to offer some amendments that might prevent that kind of abuse. So I believe a discussion of the abusive pattern of behavior of yesterday is directly relevant to a discussion about whether we ought to go forward with a rule with a previous question or whether or not we ought to be allowed to propose some amendments to this rule that will protect us against the abuse of power of yesterday.

The SPEAKER pro tempore. The Chair finds that the gentleman from Washington is correct, that the remarks during this debate should be confined to the special order of business before the House. The pending business before the House is not a discussion of the rules of the House generally. It is the rule that is pending before the House.

Mr. FRANK of Massachusetts. Mr. Speaker, I appeal the decision of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Washington (Mr. HASTINGS).

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

Mr. FRANK of Massachusetts. 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.

The vote was taken by electronic device, and there were—yeas 197, nays 165, not voting 71, as follows:

[Roll No. 348]

YEAS—197

Aderholt	Gibbons	Nussle
Akin	Gilchrest	Osborne
Alexander	Gingrey	Ose
Bachus	Goodlatte	Oxley
Baker	Goss	Pearce
Ballenger	Granger	Pence
Barrett (SC)	Graves	Peterson (PA)
Bartlett (MD)	Green (WI)	Petri
Bass	Greenwood	Pickering
Beauprez	Gutknecht	Pombo
Bereuter	Hall	Porter
Biggart	Harris	Portman
Bilirakis	Hart	Pryce (OH)
Bishop (UT)	Hastings (WA)	Putnam
Blackburn	Hayes	Radanovich
Blunt	Hayworth	Ramstad
Boehlert	Hefley	Regula
Boehner	Hensarling	Rehberg
Bonilla	Hobson	Renzi
Bonner	Hoekstra	Rogers (AL)
Boozman	Hostettler	Rogers (KY)
Boucher	Houghton	Rogers (MI)
Bradley (NH)	Hulshof	Royce
Brady (TX)	Hunter	Ryan (WI)
Brown (SC)	Hyde	Ryun (KS)
Brown-Waite,	Issa	Saxton
Ginny	Istook	Schrock
Burgess	Jenkins	Sensenbrenner
Burns	Johnson (CT)	Sessions
Burr	Johnson (IL)	Shadegg
Buyer	Jones (NC)	Shaw
Calvert	Keller	Shays
Camp	Kelly	Sherwood
Cannon	Kennedy (MN)	Shimkus
Cantor	King (IA)	Shuster
Capito	King (NY)	Simmons
Carter	Kingston	Simpson
Castle	Kirk	Smith (MI)
Chabot	Kline	Smith (NJ)
Chocola	Knollenberg	Smith (TX)
Coble	Kolbe	Souder
Cole	Latham	Stearns
Crane	LaTourette	Tancredo
Crenshaw	Leach	Taylor (MS)
Cubin	Lewis (CA)	Taylor (NC)
Cunningham	Lewis (KY)	Terry
Davis, Jo Ann	LoBiondo	Thomas
Davis, Tom	Lucas (OK)	Thornberry
DeLay	Manzullo	Tiahrt
DeMint	McCotter	Tiberi
Diaz-Balart, M.	McCrery	Toomey
Doolittle	McHugh	Turner (OH)
Dreier	McInnis	Upton
Duncan	Mica	Vitter
Ehlers	Miller (FL)	Walden (OR)
Emerson	Miller (MI)	Walsh
Everett	Miller, Gary	Wamp
Feeney	Moran (KS)	Weldon (FL)
Ferguson	Murphy	Weldon (PA)
Foley	Musgrave	Weller
Forbes	Myrick	Whitfield
Fossella	Nethercutt	Wickler
Franks (AZ)	Neugebauer	Wilson (NM)
Frelinghuysen	Ney	Wilson (SC)
Gallely	Northup	Wolf
Garrett (NJ)	Nunes	Young (FL)

NAYS—165

Abercrombie	Davis (CA)	Hill
Allen	Davis (FL)	Hoeffel
Andrews	Davis (IL)	Holden
Baca	Davis (TN)	Holt
Baird	DeFazio	Honda
Baldwin	DeGette	Hooley (OR)
Becerra	DeLauro	Hoyer
Berkley	Deutscher	Inslee
Berman	Dicks	Israel
Berry	Dingell	Jackson (IL)
Bishop (GA)	Doggett	Jackson-Lee
Boswell	Doyle	(TX)
Boyd	Edwards	Johnson, E. B.
Brady (PA)	Emanuel	Kanjorski
Brown (OH)	Eshoo	Kaptur
Capps	Etheridge	Kennedy (RI)
Capuano	Evans	Kildee
Cardin	Farr	Kilpatrick
Cardoza	Filner	Kind
Carson (OK)	Ford	Kucinich
Chandler	Frank (MA)	Lampson
Clyburn	Frost	Langevin
Conyers	Gonzalez	Lantos
Cooper	Gordon	Larson (CT)
Costello	Grijalva	Levin
Cramer	Gutierrez	Lewis (GA)
Crowley	Harman	Lofgren
Davis (AL)	Herseth	Lowey

Lucas (KY)	Oliver	Scott (VA)
Lynch	Ortiz	Serrano
Maloney	Pallone	Sherman
Markey	Pascarell	Skelton
Marshall	Pastor	Slaughter
Matheson	Payne	Smith (WA)
Matsui	Pelosi	Snyder
McCarthy (MO)	Peterson (MN)	Solis
McCarthy (NY)	Pomeroy	Spratt
McCollum	Price (NC)	Stark
McDermott	Rahall	Stenholm
McGovern	Rangel	Strickland
McNulty	Rodriguez	Stupak
Meehan	Ross	Tauscher
Meek (FL)	Rothman	Thompson (CA)
Menendez	Roybal-Allard	Thompson (MS)
Michaud	Ruppersberger	Tierney
Millender	Rush	Towns
McDonald	Ryan (OH)	Udall (CO)
Miller (NC)	Sabo	Udall (NM)
Mollohan	Sánchez, Linda	Van Hollen
Moore	T.	Velázquez
Moran (VA)	Sanchez, Loretta	Visclosky
Murtha	Sanders	Watt
Nadler	Sandlin	Weiner
Napolitano	Schakowsky	Woolsey
Neal (MA)	Schiff	Wu
Obey	Scott (GA)	Wynn

NOT VOTING—71

Ackerman	Gephardt	Miller, George
Barton (TX)	Gerlach	Norwood
Bell	Gillmor	Oberstar
Bishop (NY)	Goode	Otter
Blumenauer	Green (TX)	Owens
Bono	Hastings (FL)	Paul
Brown, Corrine	Herger	Pitts
Burton (IN)	Hinchey	Platts
Carson (IN)	Hinojosa	Quinn
Case	Isakson	Reyes
Clay	Jefferson	Reynolds
Collins	John	Rohrabacher
Cox	Johnson, Sam	Ros-Lehtinen
Culberson	Jones (OH)	Sullivan
Cummings	Klecicka	Sweeney
Deal (GA)	LaHood	Tanner
Delahunt	Larsen (WA)	Tauzin
Diaz-Balart, L.	Lee	Turner (TX)
Dooley (CA)	Linder	Waters
Dunn	Lipinski	Watson
Engel	Majette	Waxman
English	McIntyre	Wexler
Fattah	McKeon	Young (AK)
Flake	Meeks (NY)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

PARLIAMENTARY INQUIRIES

Mr. MCGOVERN (during the vote). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MCGOVERN. I would like to ask the Speaker how long he is going to keep this roll call open.

The SPEAKER pro tempore. The rules of the House provide for a minimum duration of 15 minutes.

The Chair would also advise the gentleman that at the moment, because this is the first vote of the day, the Chair is attempting to afford courtesy to Members. The Chair will continue to exercise its discretion and will let the Members know.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the fact that the Speaker is offering this courtesy to Members in keeping the roll call open, but there will be no need to keep it open for too long because I assume the Speaker is aware that this time you are winning.

The SPEAKER pro tempore. The gentleman has failed to state a parliamentary inquiry.

□ 1008

Messrs. CARDOZA, MILLER of North Carolina, DOGGETT, GORDON, STARK and FORD changed their vote from "yea" to "nay."

Ms. HARRIS, Mrs. MYRICK, and Messrs. GREEN of Wisconsin, BONNER, DEMINT, BALLENGER, BONILLA and HOBSON changed their vote from "nay" to "yea."

So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LATOURETTE). Before the last vote, the gentleman from Massachusetts (Mr. FRANK) was under recognition. The gentleman has 3½ minutes remaining of the 4 minutes yielded to him.

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, in an attempt to avoid today the travesty which occurred on the House floor yesterday, I am going to urge my colleagues at the end of this debate on the rule to vote no on the previous question so that I will be able to offer an amendment that will state very simply that during consideration of H.R. 2828, a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote.

So I will urge my colleagues to vote no on the previous question.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, I thank the gentleman from Massachusetts.

Mr. Speaker, it is now very clear we are talking here about whether or not we should keep open this rule to amendment, and the amendment that the gentleman from Massachusetts will offer will be to prevent keeping open the roll call for the purpose of manipulation.

Now, I was talking about that before, and I was told I was out of order. It is an interesting sequence. Yesterday, many of us thought we were changing a provision of the PATRIOT Act, which we find to be insufficiently cognizant of democratic values, and the majority then used what many of us believed to be very undemocratic procedures to prevent us from dealing with an undemocratic provision. And today, to complete the trifecta of disrespect for democracy, I was silenced when I tried to talk about, in an open forum, the undemocratic approach to yesterday's democracy.

Now, I know one of the things we are trying to do is to instruct the people of Iraq, to help the people of Iraq understand democracy. We want them to be open. We want them to fully engage debate, not to suppress dissension. And the only thing I can say is this, Mr.

Speaker, and I know we are not supposed to address the television audience, so I address this to you.

I hope you will convey to any Iraqis who might be watching the proceedings of this House on television with regard to democracy, if they see what we are doing, please do not try this at home.

Now, let me explain why we are upset about the delay. It is not simply "the delay." Delay is not bad. We will have a chance today to show, in fact, that we are prepared to delay things as well. The question is what happens during the delay.

The purpose of delaying a roll call, the reason the gentleman from Massachusetts (Mr. MCGOVERN) will offer this amendment, is to preserve the integrity of the House, because here is what happens. We have a roll call and Members vote, and Members will have, in some cases, said to their constituents, I support this position and I will vote that way.

Then the vote tally is taken, and when the vote tally is taken, it turns out that the Republican side has lost. Then the roll call is held open, and that is why we want to prevent the re-occurrence and why we will be offering this amendment if the previous question is defeated.

What happens then is this: The roll call is held open indefinitely so that Members who have told people in their districts they will vote one way can be pressured into voting another way. That is the purpose of holding the roll call open, to orchestrate a scheme by which the voters are misled; to orchestrate a scheme in which people can take a certain position, with the silent footnote that that position that they are taking will hold only so long as it does not prevail. But if it looks as if what they have told their constituents will prevail, they are prepared under the pressure from their leadership to abandon it.

So we are not simply talking about the convenience of the House, we are talking about the integrity of the democratic process, because the sole purpose of that sort of delay, we are not trying to accommodate people just so they can vote, this is a very particular form of delay. It is a "DeLay-delay." And this kind of "delay squared," carried out at the behest of the majority leader, is to allow Members of the Republican leadership to press members of the Republican Party who have voted one way to now abandon that position lest the way they voted prevail. And the only reason for that, as I said, is to perpetuate misinformation. So let us not have this situation.

By the way, there is one other thing the voters ought to understand, Mr. Speaker. What we used to have in this Congress was individual Members voting, they consulted with their party leadership and then they voted.

What has become clear now, and it was clear in the Medicare prescription drug bill, it is clear with the PATRIOT

Act, it is now clear the Republican leadership is not prepared to allow its Members to vote contrary to the Republican leadership position if it will prevail. Republicans are allowed by their leadership the freedom of their conscience, as long as it is not operative. But if, in fact, there is any danger that what they say they are for will, in fact, reach fruition, the rug is yanked out from under them and they have to change their position.

What it means is people should understand, come election, no matter who they think they are voting for, they are voting for the Republican leadership, because the Republican leadership is prepared to change the spirits of these rules, to hold roll calls open indefinitely, as long as it takes to pressure Republican Members who have voted one way, presumably having told people in their districts they will vote that way, to switch their votes.

The sole purpose of these open roll calls is to allow deception, to undermine democracy.

I hope that we vote down the previous question, that the gentleman's amendment is adopted, and that we restore the principle of intellectual honesty and integrity and democracy to this House.

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

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition to the previous question in order to consider the McGovern amendment, and I do so because I think the question before this House really is under what set of rules are we operating?

We say we have the Jefferson book, and we bring it out here and it is a foot thick, of all the rules this place runs under. But the leadership on the other side operates on another set of rules called the King George II rules. Those rules have made it possible for the President of the United States to serve for 3½ years without using his veto pen on one single occasion.

The White House sends down the message to the gentleman from Texas (Mr. DELAY) and says this is what I want, and the gentleman from Texas (Mr. DELAY) says yes, sir, and comes out on the floor, and if it is not coming out that way, we switch from the House rules to the King George II rules.

Now, you might say yesterday was an anomaly. No, this is just a little blip in the curve. We all remember fast track. Fast track came out here and it got to a point where it had lost; and the word came from the White House, and, lo and behold, some arms were broken, there were bodies down here in the well, and suddenly we had four or five votes from the Carolinas and other places that suddenly changed that vote.

Then we came to Medicare and we see that this is a bill that came out here,

and it lost, it was going to lose. And the message came from the White House, keep that vote open. They sent Mr. Thompson over from HHS, they sent everybody in sight over here to walk around on this floor to make sure that that vote came out under the King George II rules.

□ 1015

Yesterday, we have the President of the United States, we have the Attorney General going nationwide, trying to pump up people to believe that the PATRIOT Act is the best thing since sliced bread. But on a bipartisan basis on this floor, we turned it down. We said, we need to tighten it up. We opened it too much when it was passed some months ago. But the King George rules turned on and said no, no, you are not changing one word. You are not going to change one word. When we send something over there to you guys, you remember how the PATRIOT Act came to be. It was worked out in committee. It was a vote, bipartisan effort, it came out of the Committee on the Judiciary; it went to the Committee on Rules and the King George rules came into play: throw that in the wastebasket. Here is the bill that we will print tonight and tomorrow morning you will vote on. Very few of us knew the details of that bill. Having seen it in action, we now want to change some of it. That is the democratic process. But the King George rules are meant to shut down debate, to shut down dissent.

What would this body be if suddenly people from all over the country; in this legislative body, the first part of the Constitution, article I, says we are the ones who are supposed to decide the policy in this country. Yet, when we come to a decision, suddenly a phone call from the White House and bingo, it turns over. The gentleman from Texas (Mr. DELAY) is not a free man. I do not think he is a bad guy. I think he is doing what he is told. This is a one-party government that is trying to stop dissent, and we need to resist that. We need to vote for the McGovern amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I rise in opposition to the previous question so that we may consider and support the McGovern amendment.

What happened here yesterday was not an affront to the members of the minority. It was not even an affront to the 140 million people that we represent. It was an affront to the tradition of this institution that says that rules should reign over personal agendas.

We all come here believing passionately in the rightness of our cause, and we fight passionately for victory for our causes. But we have learned that

when we lose that fight, the right result is to come back tomorrow and fight again. When you lose, Mr. Speaker, the right result is not to wait until you can win by manipulating the rules. That is just plain wrong. And it has become a malignant practice here in this House.

When we considered the Medicare legislation, probably the most important legislation this Congress will consider, the vote was held open for more than 3 hours because the majority lost the vote. And during those 3 hours, the majority took advantage of whatever leverage it had, and some of that leverage is now the subject of an investigation by the Committee on Standards of Official Conduct. It took advantage of every piece of leverage it had to alter the outcome of the vote.

Yesterday, on a very significant vote regarding the civil liberties of the people of this country who go to a library or a bookstore, the majority lost the vote and was unwilling to settle for that response.

We have a tradition in this institution and in this country. You fight fiercely for the things in which you believe; but when you lose, you lose, and the remedy is to come back tomorrow and fight again. The remedy is not to bend and subvert the rules so that you do not lose.

Our party lost the majority in this House a decade ago because there was a perception that we had subverted some of those rules. You, my friends in the majority, are in danger not only of losing your majority, but you are in danger of jeopardizing something far more important, and that is a basic understanding in this country that we all play under the rules.

Do not sacrifice the integrity of this institution again for some short-term, hallow political victory.

Vote against the previous question and adopt the McGovern amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and I rise to oppose the previous question so that the McGovern amendment might be considered.

I want to join in the plea of the gentleman from New Jersey for civility and responsibility in this body. I could not think of a better document to bring to this floor than to refer my colleagues to the opening language of the Constitution where it states: "We, the people of the United States, in order to form a more perfect union, establish justice and secure the blessings of liberty to ourselves and our posterity."

Tragically, yesterday, my good friends on the other side of the aisle, and I do call them good friends because I would hope that they would take an oath of office to do what is right for the American people, began to utilize their majority in the context of tyranny. They began to reemphasize the

very reason why this Union was formed, and that is to eliminate persecution. What they did yesterday is they persecuted the issues of liberty, because they denied the majority vote the right to prevail.

We prevailed yesterday in a bipartisan vote. That vote established the conscience of this Congress as it relates to the protection of civil liberties. What better stand than to take a bipartisan stand on the question of protecting all of these people who are here, their civil liberties, so that when a mother takes a child to the library, or a father takes a child to the library, they do not have to be intimidated by the law enforcement offices of this Nation. What a tragedy that this side disallowed the posterity of liberty, the liberty that we are blessed with. How they ignored it yesterday by refusing to allow an amendment that would protect our liberties and to stand united for civil liberties in a bipartisan way. What a tragedy that reflected on this body in the worst of ways.

Might I say, even with the pronouncement yesterday by Secretary Ridge, which many of us wonder in its substance and its timing, and as a member of the Committee on Homeland Security, I do not take lightly the protection of this homeland, but I also hope that the executive does not take lightly the protection of our Constitution and our civil liberties.

But, Mr. Speaker, let me tell my colleagues what else yesterday reminded me of: the sad day in November 2000 when an election was lost, not by the people of the United States, because they voted in the majority for a candidate that would have assumed the Presidency of the United States, but it was because we lost votes that could not be found and, ultimately, a decision was made in the judiciary and not by the people of the United States of America.

Yesterday, the people voted and won but the majority denied that vote. I ask that we defeat and oppose the previous question so that the McGovern amendment can be heard, Mr. Speaker, so that the people can speak again on the floor of the House of the United States of America.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in support of the McGovern amendment and in opposition to the pending motion to support the McGovern amendment.

Let us remind ourselves what the McGovern amendment says. If we defeat the previous question, we will be able to consider this amendment, and all the amendment says is that a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote. Since the majority party here rigged the vote yesterday, rigged the vote for Medicare in November, they are afraid to vote on this amendment, because they want to

have the ability to continue to rig the votes.

Let us understand what this really means. A Republican senior leadership aide is quoted in this morning's Congress Daily as saying, a senior GOP aide said, "It was important to defeat the amendment. It is not normal to hold a vote open, but it is not that unusual either. It happens."

In other words, whenever it is necessary to defeat the amendment or the vote, we will hold the vote open. What does that mean? It means that if you can hold the vote open for as long as necessary to twist arms for days, if necessary, then whoever holds the gavel can never lose the vote. It means it does not matter who the people elect and send here. It does not matter the convictions of people here. All that matters is who holds the gavel. Because if they can keep the vote open forever until the vote goes right, the majority party can never lose the votes. That means there is no democracy in the House.

So what we are discussing now is are we going to have democracy in the House, are we going to have a democratic form of government in this country. Because what the Republicans have done by showing a willingness to hold the vote open for 3 hours last November, for 38 minutes yesterday, for 2 days next week, who knows, is when a vote matters, they will not lose it no matter what the votes, because democracy does not matter.

For that alone, for destroying democracy in the House, for not being ashamed of it, this party ought to hang its head in shame and ought to surrender in November the right to govern this House until it learns how to be a party in a democracy again.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, early on after 9/11, it was said that this country was attacked by terrorists because the terrorists hated our freedom and hated our democracy.

What is it about our freedoms and our democracy that the Republican leadership does not like? What is it about the concept of majority rule that the Republican leadership does not like? What is it about the idea of a free and open debate that the Republican leadership does not like? What is it about the fact that if you can put together a bipartisan coalition to win a point, to win an amendment, to defeat a bill or to pass a bill, if it is not consistent with the Republican leadership, they get to then overturn it, they get to nullify the majority? They get to nullify the actions, as they did yesterday when the time came to end the vote; they nullified the actions of over half of the people in the country of the United States of America because their representatives voted to amend the PATRIOT Act. But that is not what the Republican leadership wanted, so they simply held the vote open until

they could nullify the will of the majority in this country.

If the Republican leadership stays at it long enough, there will not be any freedoms. There will not be any democracy for the terrorists to hate, because the Republican leadership in this House is doing an incredible job of destroying the history of this House, the history of open debate, the history of the majority prevailing, while protecting the minority.

This Republican leadership, the White House, and so many people, say we have to go and deliver democracy to Iraq, to Iran, to Uzbekistan, Afghanistan, Pakistan. What about a little democracy on the floor of the House of Representatives of the United States of America? What about a little respect for democracy here? What about a little respect for the Rules of the House? What about a little respect for the rights of the majority to prevail on a vote? What about respect for the right of the minority to raise the point to offer an amendment? If you have a good amendment and they think you will prevail on the floor, you will get enough Republicans and Democrats to vote for that amendment, the Committee on Rules will not allow it in order.

□ 1030

If you sneak one by them and the majority surprises them and you win a vote on the floor of the House of Representatives, they take that vote away from you.

This is not what democracy is about. This is not what freedoms are about. This is not what people think they are dying for around the world. This is not what they pursue when they pursue the hope of America, they have seen that beacon of liberty, that Statue of Liberty. Do they really think that when they are all done, they get the dictatorship of the Republican majority to shut down democracy?

Would that be worth dying for? Would that be worth putting your life on the line for? Would that be worth to sacrifice when people take to streets all over the world so that they can become like America only to be tricked and find out that in America, in the House of Representatives, the Republican dictatorship has shut down that democracy, has shut down that freedom. And when the majority in this country through their representatives suggest that they want to make sure that their freedoms and their rights were protected in the PATRIOT Act, the dictatorship of the Republican majority said no. A majority vote on protecting the rights and the freedoms that are so fundamental to the heritage, to the culture, to the history, to the future of this country. A majority vote was nullified by the Republican dictatorship.

It is a sad, sad day for democracy in the House of Representatives, the people's House of the United States of America.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Massachusetts (Mr. MCGOVERN) has 1½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I just want to inquire of the gentleman from Washington (Mr. HASTINGS), I will be closing on my side.

Mr. HASTINGS of Washington. The distinguished chairman of the Committee on Rules will close on our side, so if the gentleman would like to close.

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

Mr. Speaker, the sad reality is that there are no rules in this House of Representatives. Tradition and procedures of this House are routinely ignored. Members will be treated with disrespect, members even on the Republican side. This Republican leadership has diminished the people's House. It is shameful.

I appeal to Members on the Republican side to stand up to the bullying of their own leadership. This trampling of the rules and traditions of this House is not an isolated problem. It happens every day. And the only way it will stop is for good people to stand up and to say enough is enough.

I am urging Members to vote no on the previous question so I can offer an amendment which says simply that during the consideration of H.R. 2828, a record vote by electronic device shall not be held up for the sole purpose of reversing the outcome of a vote. That is all it says. How can you be against that?

I urge Members to vote no on the previous question. Vote yes on my amendment to stand up with us for what is right. We know what happened yesterday was wrong. Show some guts.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD 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.

MOTION TO ADJOURN

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. MCGOVERN).

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

Mr. MCGOVERN. 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.

The vote was taken by electronic device, and there were—yeas 54, nays 334, not voting 46, as follows:

[Roll No. 349]

YEAS—54

Alexander
Allen
Baldwin
Berman
Capuano
Clyburn
Conyers
Crowley
Davis (FL)
Davis (IL)
Dingell
Doggett
Emanuel
Evans
Farr
Filner
Ford
Frank (MA)
Grijalva

Gutierrez
Honda
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Lantos
Larson (CT)
Lewis (GA)
Lofgren
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
Millender-
McDonald
Miller (NC)
Neal (MA)
Owens

Pelosi
Pomeroy
Rothman
Sánchez, Linda
T.
Sanders
Schakowsky
Shimkus
Snyder
Solis
Spratt
Stark
Stupak
Tierney
Townes
Udall (CO)
Velázquez
Watson
Woolsey

NAYS—334

Abercrombie
Aderholt
Akin
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocoba
Coble
Cole
Cooper
Costello
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro

DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jenkins

Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klecza
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes

Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascarella
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm

Strickland
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Waldeen (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—46

Ackerman
Baird
Bell
Bishop (NY)
Blumenauer
Boyd
Brown, Corrine
Carson (IN)
Clay
Collins
Cox
Culberson
Cummings
Deal (GA)
DeLaunt
Engel

Fattah
Fossella
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Meeks (NY)
Norwood

Nussle
Paul
Pitts
Platts
Quinn
Reyes
Sweeney
Tanner
Tauzin
Turner (TX)
Waters
Waxman
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1058

Mr. HEFLEY, Mr. VITTER and Ms. ROYBAL-ALLARD changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

The SPEAKER pro tempore. The Chair would advise that the gentleman from Massachusetts (Mr. MCGOVERN) has 30 seconds remaining. The gentleman from Washington (Mr. HASTINGS) has 23½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, if I could ask my colleague from Washington, does he have only one speaker to close?

Mr. HASTINGS of Washington. I have one speaker left. So if the gentleman is prepared to close, I am.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining time.