

Ney  
Northup  
Norwood  
Nunes  
Nussle  
Obey  
Olver  
Ortiz  
Osborne  
Otter  
Owens  
Oxley  
Pallone  
Pascrell  
Pastor  
Paul  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pombo  
Pomeroy  
Porter  
Price (GA)  
Price (NC)  
Price (OH)  
Putnam  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen

NOES—14

Carson  
Frank (MA)  
Hastings (FL)  
Honda  
Jackson (IL)

NOT VOTING—17

Blumenauer  
Bono  
Buyer  
Cardin  
Conyers  
Cox  
Cuellar

□ 2036

So the amendment was agreed to.  
The result of the vote was announced as above recorded.

PART 1, SUBPART C AMENDMENT NO. 1 OFFERED BY MR. CANTOR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CANTOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 411, noes 9, not voting 13, as follows:

[Roll No. 272]

AYES—411

Ackerman  
Aderholt  
Akin  
Alexander  
Allen  
Andrews  
Baca  
Bachus  
Baird  
Baker  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bass  
Bean  
Beauprez  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonner  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Bradley (NH)  
Brady (PA)  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Brown, Corrine  
Brown-Waite, Ginny  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Capps  
Capuano  
Cardin  
Cardoza  
Carnahan  
Carson  
Carter  
Case  
Castle  
Chabot  
Chandler  
Choccola  
Clay  
Cleaver  
Clyburn  
Coble  
Cole (OK)  
Conaway  
Cooper  
Costa  
Costello  
Cramer  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Davis, Jo Ann  
Deal (GA)  
DeFazio  
DeGette  
DeLahunt  
DeLauro

Oxley  
Pallone  
Pascrell  
Pastor  
Payne  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pombo  
Pomeroy  
Porter  
Price (GA)  
Price (NC)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Rybin (KS)  
Sabo  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Saxton  
Schakowsky  
Schiff  
Schwartz (PA)  
Schwarz (MI)  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Sodrel  
Solis  
Souder  
Spratt  
Stearns  
Strickland  
Stupak  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Westmoreland  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Wu  
Wynn  
Young (FL)

NOES—9

Abercrombie  
Conyers  
Kucinich

NOT VOTING—13

Blumenauer  
Bono  
Cox  
Cuellar  
Davis, Tom

□ 2056

Mr. CAPUANO changed his vote from “no” to “aye.”

So the amendment was agreed to.  
The result of the vote was announced as above recorded.

Mr. FORTENBERRY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2745) to reform the United Nations, and for other purposes, had come to no resolution thereon.

LIMITING DEBATE ON HOUSE RESOLUTION 324

Mr. DELAY. Mr. Speaker, I ask unanimous consent that debate on the resolution noticed by the gentleman from New York (Mr. NADLER) be limited to 30 minutes equally divided and controlled by the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

There was no objection.

**PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS OF THE HOUSE**

Mr. NADLER. Mr. Speaker, I offer a privileged resolution (H. Res. 324) as to a question of the privileges of the House and ask for its immediate consideration.

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

The Clerk read the resolution, as follows:

**H. RES. 324**

Resolution disapproving the manner in which Representative Sensenbrenner has responded to the minority party's request under rule XI of the House of Representatives for an additional day of oversight hearings on the reauthorization of the USA PATRIOT Act and the manner in which such hearing was conducted.

Whereas Representative Sensenbrenner willfully and intentionally violated the Rules of the House of Representatives by abusing and exceeding his powers as chairman;

Whereas subsequent to receiving a request for an additional day of hearings by members of the minority party pursuant to rule XI, Representative Sensenbrenner scheduled such hearing on less than 48 hours notice;

Whereas such hearing occurred on Representative Sensenbrenner's directive at 8:30 a.m., on Friday, June 10, 2005, a date when the House was not in session and votes were not scheduled;

Whereas Representative Sensenbrenner directed his staff to require that the witnesses' written testimony be made available on less than 18 hours notice;

Whereas, during the course of the hearing, Representative Sensenbrenner made several false and disparaging comments about members of the minority party in violation of rule XVII;

Whereas, Representative Sensenbrenner failed to allow members of the committee to question each witness for a period of 5 minutes in violation of rule XI;

Whereas Representative Sensenbrenner refused on numerous and repeated occasions throughout the hearing to recognize members of the minority party attempting to raise points of order;

Whereas when Representative Nadler and Representative Jackson-Lee sought recognition to raise a point of order, Representative Sensenbrenner refused to recognize Representative Nadler or Representative Jackson-Lee, and intentionally and wrongfully adjourned the committee without obtaining or seeking either unanimous consent or a vote of the committee members present in violation of rule XVI;

Whereas subsequent to Representative Sensenbrenner's improper adjournment of the hearing, his staff turned off the microphones and the electronic transmission of the proceedings and instructed the court reporter to stop taking transcription, even though the committee hearing had not been properly adjourned, and members of the minority party had invited witnesses to continue to speak; and

Whereas Representative Sensenbrenner willfully trampled the right of the minority to meaningfully hold an additional day of hearings in violation of the Rules of the House of Representatives, and brought discredit upon the House of Representatives: Now, therefore, be it

*Resolved, That*

(1) the House strongly condemns the manner in which Representative Sensenbrenner has responded to the minority party's request for an additional day of oversight hearings on the reauthorization of the USA PATRIOT Act, and the manner in which such hearing was conducted; and

(2) the House instructs Representative Sensenbrenner, in consultation with Representative CONYERS, to schedule a further day of hearings with witnesses requested by members of the minority party concerning the reauthorization of the USA PATRIOT Act."

□ 2100

The SPEAKER pro tempore (Mr. THORNBERRY). The resolution presents a question of the privileges of the House.

Under the previous order of the House, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

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

Mr. Speaker, it is with regret that I must rise again to invoke the privileges of the House and to defend the rules and the spirit of simple courtesy and cooperation. I do not enjoy taking the time of this House away from our important business to do so; but recent events, the willful and repeated disregard for the rules of the House, the persistent abuse of power by the chairman of the Judiciary Committee, and the flagrant abuse of the rights of the minority make this resolution necessary.

As I said the last time I came to the floor for this purpose, it is my fervent hope that this will be the last time it will ever be necessary for me or any other Member to offer such a resolution or to rise on a question of personal privilege. We should be spending our time dealing with the problems and concerns of the American people; but when a chairman abuses his power to stifle debate, Members of this House, both Republicans and Democrats, have a duty to defend the honor of this institution and the integrity of its proceedings. So long as power is abused, rules are ignored and broken and the rights of Members who represent millions of Americans are violated, this House cannot do its job properly. The American people are cheated of their right to an honest, open, fair, and democratic debate on issues affecting the future of our Nation. That is why we are here again today.

These are the facts: the minority is entitled by the rules to a day of hearings. It is a right rarely exercised, but it guards against the majority abusing its power to exclude competing views. Call it the fair and balanced rule. It is not the chairman's right to determine whether we deserve, in quotes, a hearing. It is not the chairman's right to decide whether his prior hearings were sufficient. It is not the chairman's right to decide whether what we say or think is acceptable or relevant. And it

is certainly never the chairman's right to violate the rules in order to interfere with our right to conduct the hearing guaranteed to us by the rules.

The chairman is entitled to his opinions. He is not entitled to break the rules, to abuse his power and to impose his will. The chairman as a general rule permits only one minority witness in each committee or subcommittee hearing of the Judiciary Committee. I know of no other committee with this sort of restrictive rule. No matter what the issue, no matter how complex, no matter how many perspectives there might be, the chairman does not allow more than one minority witness.

On that basis alone, we have every right to insist on a day of hearings every time, a day of minority hearings, but we do not. Of course, that is when he allows hearings at all. In this Congress alone, the chairman has decided that we do not need hearings on such important issues as amendments to the Constitution, alleged mistreatment of detainees, and a rewrite of our bankruptcy code. These are hardly isolated cases. Is that the way we are supposed to do our job? No need for a hearing, the chairman wants to do it, so let's just do it. We do not need a hearing to look at the facts.

Members under the rules have the right to question each witness for 5 minutes apiece. We checked with the Parliamentarian. That is 5 minutes for each member for each witness. Yet the chairman repeatedly refused to recognize members. He consistently and abusively cut off members and witnesses in mid-sentence. It is the chairman's custom, to which we have not objected, to be fairly strict and after the 5 minutes are over to say, finish your thought or make your answer brief. That is fine.

In this hearing, because it was a minority-called hearing, he consistently cut off members and witnesses in mid-sentence, and rather rudely. In one case, when a member of the majority accused a witness of endangering American lives, the chairman refused the witness the opportunity to respond. Of course, the chairman did not limit himself to 5 minutes. He recognized himself for an additional 5 minutes toward the end of the hearing in order to deride the witnesses and the minority members of the committee without allowing any response.

Every Member of this House, Mr. Speaker, serves on committees and every Member of this House knows that this kind of abusive behavior is virtually unheard of. Witnesses should be treated with respect. So should colleagues. I thought we all knew that. The chairman refused to recognize members who were seeking recognition. He refused to recognize members who were attempting to raise points of order. Unacceptable. A clear violation of the rules. A plain abuse of power.

The chairman simply ended the hearing unilaterally. While members were seeking recognition and attempting to raise points of order, he simply ignored