

## PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, on H.R. 841, I asked for a recorded vote. I was seeking recognition but the mike was not on.

□ 1400

Mr. Speaker, I stood when the board was being cleared on the last vote which was a motion to recommit. Now I am told that I cannot ask for a recorded vote on H.R. 841, and I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair regrets the gentlewoman's disappointment. After the voice vote on passage of the bill, the Chair surveyed the Chamber and saw no Member seeking recognition to request a recorded vote. So the question stood resolved by voice vote.

Ms. MILLENDER-McDONALD. Mr. Speaker, I beg to differ with the Chair. I was standing at the time. My mike was not on. I kept yelling to the Chair.

The SPEAKER pro tempore. The Chair surveyed the Chamber and saw no one seeking recognition to demand a recorded vote.

Mr. BAIRD. Mr. Speaker, I move to appeal the ruling of the Chair.

The SPEAKER pro tempore. The Chair has not made a ruling subject to appeal.

The Chair has merely explained that he saw no Member seeking recognition to request a record vote. A decision respecting discretionary recognition is not subject to appeal.

# VACATING MOTION TO RECONSIDER ON H.R. 841, CONTINUITY IN REPRESENTATION ACT OF 2005

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent in the interest of civility that the vote on H.R. 841 be vacated and a rollcall be allowed.

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

Without objection, the proceedings whereby the motion to reconsider was laid on the table and by which the bill was passed are vacated.

There was no objection.

# CONTINUITY IN REPRESENTATION ACT OF 2005

The SPEAKER pro tempore. The Chair will put the question by voice vote de novo.

The question is on the passage of the bill.

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

## RECORDED VOTE

Ms. MILLENDER-McDONALD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 329, noes 68, not voting 37, as follows:

[Roll No. 52]

## AYES—329

Ackerman	Engel	McCarthy
Aderholt	English (PA)	McCaul (TX)
Akin	Etheridge	McCotter
Alexander	Evans	McCrery
Allen	Fattah	McHenry
Baca	Ferguson	McHugh
Bachus	Fitzpatrick (PA)	McIntyre
Baker	Flake	McKeon
Barrett (SC)	Foley	McMorris
Barrow	Forbes	McNulty
Bartlett (MD)	Fortenberry	Meek (FL)
Barton (TX)	Fossella	Melancon
Bass	Fox	Michaud
Beauprez	Frank (MA)	Miller (FL)
Becerra	Franks (AZ)	Miller (MI)
Berkley	Frelinghuysen	Miller, Gary
Berman	Garrett (NJ)	Miller, George
Biggart	Gerlach	Moore (KS)
Bilirakis	Gibbons	Moore (WI)
Bishop (GA)	Gilchrest	Moran (KS)
Bishop (NY)	Gillmor	Murphy
Bishop (UT)	Gingrey	Murtha
Blackburn	Gohmert	Musgrave
Blumenauer	Goode	Myrick
Blunt	Goodlatte	Neal (MA)
Boehner	Granger	Neugebauer
Bonilla	Green (WI)	Ney
Bonner	Green, Al	Northup
Bono	Green, Gene	Norwood
Boozman	Gutknecht	Nunes
Boren	Hall	Nussle
Boswell	Harman	Ortiz
Boucher	Hart	Osborne
Boustany	Hastert	Otter
Boyd	Hastings (WA)	Oxley
Bradley (NH)	Hayes	Pascarell
Brady (PA)	Hayworth	Pastor
Brady (TX)	Hefley	Paul
Brown (OH)	Hensarling	Pearce
Brown (SC)	Herger	Pence
Brown, Corrine	Herse	Peterson (MN)
Burgess	Higgins	Peterson (PA)
Burton (IN)	Hinojosa	Petri
Butterfield	Hobson	Pickering
Buyer	Hoekstra	Pitts
Calvert	Holden	Platts
Camp	Hooley	Poe
Cannon	Hostettler	Pomeroy
Cantor	Hoyer	Porter
Capito	Hulshof	Portman
Capps	Hunter	Price (GA)
Capuano	Hyde	Price (NC)
Cardin	Inglis (SC)	Pryce (OH)
Cardoza	Israel	Putnam
Carnahan	Istook	Radanovich
Carter	Jenkins	Rahall
Case	Jindal	Ramstad
Castle	Johnson (CT)	Rangel
Chabot	Johnson (IL)	Regula
Chandler	Johnson, E. B.	Rehberg
Chocola	Johnson, Sam	Reichert
Clay	Kanjorski	Renzi
Cleaver	Kaptur	Reyes
Coble	Keller	Reynolds
Cole (OK)	Kelly	Rogers (AL)
Conaway	Kennedy (MN)	Rogers (KY)
Cooper	Kildee	Rogers (MI)
Costa	Kilpatrick (MI)	Ross
Costello	Kind	Roybal-Allard
Cox	King (IA)	Royce
Crenshaw	King (NY)	Ruppersberger
Crowley	Kirk	Ryan (WI)
Cubin	Kline	Ryun (KS)
Cuellar	Knollenberg	Sabo
Culberson	Kolbe	Salazar
Cummings	LaHood	Sanchez, Loretta
Davis (FL)	Lantos	Sanders
Davis (KY)	Latham	Saxton
Davis (TN)	Levin	Schiff
Davis, Jo Ann	Lewis (CA)	Schwartz (PA)
Davis, Tom	Lewis (GA)	Schwarz (MI)
DeFazio	Lewis (KY)	Sensenbrenner
DeGette	Linder	Serrano
DeLay	Lipinski	Sessions
Dent	LoBiondo	Shadeeg
Diaz-Balart, L.	Lofgren, Zoe	Shaw
Diaz-Balart, M.	Lowe	Shays
Dingell	Lucas	Sherman
Doggett	Lungren, Daniel	Sherwood
Doolittle	E.	Shimkus
Doyle	Mack	Shuster
Drake	Maloney	Simmons
Dreier	Manzullo	Simpson
Edwards	Marchant	Skelton
Ehlers	Marshall	Smith (NJ)
Emanuel	Matheson	Smith (TX)

Smith (WA)	Thornberry	Weiner
Snyder	Tiahrt	Weldon (FL)
Sodrel	Towns	Weller
Solis	Turner	Westmoreland
Souder	Udall (CO)	Wexler
Stearns	Udall (NM)	Whitfield
Stupak	Upton	Wicker
Sullivan	Velázquez	Wilson (NM)
Sweeney	Visclosky	Wilson (SC)
Tancred	Walden (OR)	Wolf
Tanner	Walsh	Wu
Taylor (NC)	Wasserman	Wynn
Thomas	Schultz	Young (FL)
Thompson (CA)	Watt	
Thompson (MS)	Waxman	

## NOES—68

Abercrombie	Honda	Moran (VA)
Andrews	Inslee	Nadler
Baird	Jackson (IL)	Oberstar
Baldwin	Jackson-Lee	Olver
Bean	(TX)	Owens
Berry	Jefferson	Pallone
Clyburn	Jones (NC)	Payne
Conyers	Jones (OH)	Pelosi
Davis (AL)	Kennedy (RI)	Rohrabacher
Davis (CA)	Kucinich	Rush
Davis (IL)	Langevin	Ryan (OH)
DeLauro	Larsen (WA)	Sánchez, Linda
Dicks	Larson (CT)	T.
Duncan	Lee	Schakowsky
Eshoo	Lynch	Scott (VA)
Farr	Markey	Stark
Filner	McCollum (MN)	Strickland
Gonzalez	McGovern	Tauscher
Gordon	McKinney	Taylor (MS)
Grijalva	Menendez	Tierney
Gutierrez	Millender	Van Hollen
Hastings (FL)	McDonald	Watson
Hinchey	Miller (NC)	Woolsey
Holt	Mollohan	

## NOT VOTING—37

Boehlert	Graves	Pombo
Brown-Waite,	Harris	Ros-Lehtinen
Ginny	Issa	Rothman
Carson	Kingston	Scott (GA)
Cramer	Kuhl (NY)	Slaughter
Cunningham	LaTourette	Spratt
Deal (GA)	Leach	Terry
Delahunt	McDermott	Tiberi
Emerson	Meehan	Wamp
Everett	Meeks (NY)	Waters
Feeney	Mica	Weldon (PA)
Ford	Napolitano	Young (AK)
Gallegly	Obey	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1411

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to require States to hold special elections to fill vacancies in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes."

A motion to reconsider was laid on the table.

Stated for:

Mr. DEAL of Georgia. Mr. Speaker, I inadvertently missed rollcall vote 52 on the final passage of H.R. 841, "Continuity in Representation Act." Had I been present, I would have voted "aye."

Ms. EMERSON. Mr. Speaker, I regret that my vote was not recorded even though I was present for rollcall No. 52 on H.R. 841, the Continuity in Representation Act. Had I been able to vote, I would have voted "aye" and would like the RECORD to reflect this fact.

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall 52.

Had I been present, I would have voted "aye" on this measure.

Mr. KUHLMAN of New York. Mr. Speaker, on rollcall No. 52, on passage of H.R. 841—The Continuity in Representation Act—I was absent due to circumstances beyond my control. Had I been present I would have voted "aye."

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, as indicated by the RECORD, I was present voting this afternoon for all recorded votes except for H.R. 841, the Continuity in Representation Act. Unfortunately my card did not register when I cast my vote for that bill. If it had, it would have read that I voted in favor of H.R. 841.

Mr. WELDON of Pennsylvania. Mr. Speaker, on rollcall vote 52, for H.R. 841, I was not recorded to vote. Had I been recorded, I would have voted "aye."

#### PERSONAL EXPLANATION

Mr. ISSA. Mr. Speaker, today I missed four recorded votes. If I had been present for rollcall vote 49, I would have voted "no." If I had been present for rollcall vote 50, I would have voted "no." If I had been present for rollcall vote 51, I would have voted "no." If I had been present for rollcall vote 52, I would have voted "aye."

#### PERSONAL EXPLANATION

Mr. WAMP. Mr. speaker, due to a family commitment in Tennessee, I was not present for two votes today, Thursday, March 3, 2005. Had I been present, I would have voted "nay" on the Motion to Recommit H.R. 841—Continuity of Representation Act and "aye" on final passage of H.R. 841.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 25

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky (Mr. DAVIS) be removed as a cosponsor of H.R. 25.

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

There was no objection.

#### ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 3, THE TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of March 7 to grant a rule which could limit the amendment process for floor consideration of H.R. 3, the Transportation Equity Act: A Legacy for Users. The Committee on Transportation and Infrastructure ordered the bill reported on March 2 and is expected to file its report with the House on Monday, March 7.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the

Committee on Rules up at H-312 of the Capitol by 1 p.m. next Tuesday, March 8. Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure which will be available for their review March 4 on the Web sites of both the Committee on Rules and the Committee on Transportation and Infrastructure.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, for the purpose of informing us of the schedule of the week to come, I yield to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of these bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. We will likely consider additional legislation under suspension of the rules, as well as the Transportation Equity Act: A Legacy for Users.

And, finally, I would like to note for all the Members that we are making a change to the schedule that was sent to offices at the beginning of the year. We do not plan to have votes next Friday, March 11.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. Let me say that I am pleased, and I know our side is and I am sure the gentleman's side is as well and I know the Governors and county officials throughout the country are pleased, to see that the transportation bill is on the floor. This was a bill, as the majority leader knows, that expired, I think, September 30, 2003, and we have done extensions since that time.

It is scheduled for 2 days on the calendar, as I understand, and we just heard the announcement of the Committee on Rules chairman that there may be limitations to amendments in the bill. In light of the fact that I know there are still some substantial questions, this bill was reported out on voice vote unanimously but with one of the most contentious issues, as I understand it, left unresolved in terms of donor/donee States.

Can the majority leader amplify, perhaps, on what the Committee on Rules chairman said in terms of whether we

will have general debate on one day and amendments on the next, or does he think he will start considering amendments on the first day of consideration.

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

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding to me. The gentleman is correct in that we really want this bill to move as quickly as possible, get it through the other body, because contract letting is seasonal, particularly in the northern States and that contract letting needs to be done. So we are working as hard as we can to get this bill done.

Since this bill is very similar to the reauthorization that was passed in the last Congress, I would expect that the Committee on Rules would develop a rule that was very similar to that one that was used when we considered this bill last Congress which, if I recall, there were 23 amendments allowed under the rule, a manager's amendment. So we have to see what the Committee on Rules is going to do and see how we can divide the work between Wednesday and Thursday.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his response. And I think the gentleman is correct. There were a substantial number of amendments. I would hope that those Members on either side of the aisle who have substantive amendments to offer, in light of the fact that we have been waiting on this bill for some time, would have ample opportunity on either side of the aisle, and I appreciate the leader's focus on that.

Mr. Speaker, lastly, if I can, can the majority leader tell us what his thoughts are in terms of scheduling, we have 2 weeks left before the Easter work period, with reference to either the supplemental appropriation and/or the budget?

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding to me.

It is our anticipation, or I have been notified by the respective committees, that we will be considering the supplemental from the President and the budget that both committees expect to hold markups on those two bills next week, which would prepare us and give us plenty of time to have both of those bills on the floor the week prior to the Easter recess.

Mr. HOYER. So, Mr. Speaker, it would be his expectation that we would consider both those bills before the break?

Mr. DELAY. The gentleman is correct.

Mr. HOYER. Mr. Speaker, I thank the majority leader for his answers.