

Sánchez, Linda	Smith (WA)	Udall (NM)
T.	Snyder	Van Hollen
Sarbanes	Solis	Velázquez
Schakowsky	Space	Visclosky
Schiff	Spratt	Walz (MN)
Schwartz	Stupak	Wasserman
Scott (GA)	Sutton	Schultz
Scott (VA)	Tanner	Waters
Serrano	Tauscher	Watson
Sestak	Taylor	Watt
Sherman	Thompson (CA)	Weiner
Shuler	Thompson (MS)	Whitfield
Sires	Towns	Woolsey
Skelton	Tsongas	Wu
Slaughter	Udall (CO)	Wynn

## NOT VOTING—54

Abercrombie	Franks (AZ)	Renzi
Bilbray	Galleghy	Sali
Boren	Hayes	Sanchez, Loretta
Boucher	Hinchey	Shays
Buyer	Hunter	Shea-Porter
Calvert	Issa	Souder
Carson	Jefferson	Stark
Cubin	Jindal	Tancredo
Culberson	Johnson, E. B.	Tierney
Cummings	Lewis (CA)	Turner
Davis (CA)	Manzullo	Waxman
Davis, Tom	Marchant	Welch (VT)
Doyle	McCollum (MN)	Westmoreland
Dreier	McCrery	Wexler
Engel	Moran (VA)	Wilson (OH)
Farr	Musgrave	Yarmuth
Filner	Obey	Young (AK)
Fossella	Peterson (PA)	Young (FL)

□ 1039

Ms. TSONGAS, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Mr. CAPUANO, Mrs. CAPPS, Mr. ROTHMAN, and Mrs. MALONEY of New York changed their vote from "yea" to "nay."

Messrs. NEUGEBAUER, INGLIS of South Carolina, MCHUGH, ROHR-ABACHER, HALL of Texas, and PICKERING changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER, Mr. Speaker, on rollcall No. 1001, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA.

Had I been present, I would have voted "nay."

## LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, it is Thursday and it is a getaway day. I know everybody is concerned, because you talk to me from both sides of the aisle all the time about it, so I am well aware that people want to get out.

I will be asking, and that is why I want to say this now, I will be asking the presiding officers to keep our votes to no more than 2 minutes after the votes are to close, whether it is a 15-minute vote or a 5-minute vote. I think that will facilitate, hopefully, getting our work done.

The reason I say it now, I want everybody to be on notice that we intend to do that so we don't catch you. What the pattern has been increasingly is that when we get to "zero," there are almost invariably 175 Members who have not voted. I do it and I am sure

everybody else does it. You look at the screen and you see 170 Members haven't voted, and you have plenty of time. I understand that. I understand it because that is what I do.

The only way for us to overcome that is that 2 minutes after the vote, 17 minutes, we will close the vote. That will mean some of you may miss the votes and you will be angry with me. I want you to know ahead of time that I understand you will be angry with me, but at least I am telling you that is what our intention is to do.

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

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

Mr. SESSIONS. Mr. Leader, as you are aware, many Members of the California delegation are in California today as a result of the wildfires.

Mr. HOYER. Yes, I am aware of that.

Mr. SESSIONS. It was very important for them to go back home and be with their constituents. Over 1 million people have been left homeless and have been evacuated. There was a request made of the Speaker and of the majority leader to please postpone votes and not to have the vote today. Those requests have been made directly to the leadership, and I would like it if you could please address that issue at this time.

Mr. HOYER. Scheduling the House, as my good friend, ROY BLUNT, and I have discussed, is very difficult. It is very difficult because we have 435 Members. Obviously, all of us have responsibilities. We have families and we have issues that happen within our districts that require us from time to time to be in our districts.

All of the California Members who talked to me, and some on the Republican side talked to me and some on the Democratic side talked to me, I urged them to be in California. That's where I would be. If I had a wildfire, a flood or a tornado in my district, I would be in my district.

Today's vote on SCHIP, which is the only vote we will have when we get to it, is not in my opinion in doubt and would not be affected by the absences we may have.

On this vote there were 55 people not voting. Obviously, there are not 55 people in California. We have a number of the Californians here. There are representations on your side of the aisle that there are five or six Californians who might be there, and there are some on our side from Southern California who will also be there. Now, on the average day, we have 10 Members who are not here, give or take. Some for illness reasons and others for good reasons where they have determined they need to be someplace else. It is obvious we cannot cancel votes on those days.

I will tell my friend that everybody knows we are not here tomorrow, and we are going to be hopefully through relatively early today. I don't know that there is something happening today that won't be true tomorrow. I

do know that there is concern about proceeding on the SCHIP bill. I have made it clear, in August I made it clear that we have an agenda to accomplish. If we were meeting Friday, that might be a different story, but we are not meeting Friday. So tomorrow is available, Saturday is available, Sunday, Monday is available. I believe that Members ought to be with their constituents.

□ 1045

I don't believe they're going out there to fight the fire. They're going out to be with their constituents. That is appropriate. My point I think is clear. My point is clear.

The objectives of the Members who are not here are understandable and appropriate, but what is not appropriate is for me to be put in the position or anybody who schedules on either side of the aisle to be put in the position of having our legislative process stopped when we essentially have only a few hours left to go and important legislation to consider.

Mr. SESSIONS. I thank the gentleman. I would like to resubmit a request to the gentleman now. I believe that this body is aware that last night we received a 293-page document that has not one cosponsor, is described as being the Senate's bill, not the House bill. We have not had an opportunity to go through the bill. The 24-hour rule evidently last night in Rules Committee was just completely obliterated.

You have a request, a collegial request, from the Republicans who are in this body who recognize and understand the importance of SCHIP. We also recognize we have until November 16 before that deadline approaches. Both you and I and every Member of this body understands that this body would never allow SCHIP to collapse.

I am respectfully asking on behalf of the minority and the collegiality of this body for you to please reconsider allowing us to end our business today and to come back and retake up this business on Tuesday, with not only a renewed spirit from the people who have gone to support the firefighters. You're right, they're not fighting the fire, but they do have a strong belief that what they have done is the right thing; and they would wish to participate fully in their constitutional duties. And I will re-ask the majority leader at this time from a collegial aspect.

Mrs. WILSON of New Mexico. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from New Mexico.

Mrs. WILSON of New Mexico. I thank the majority leader.

I would also ask, we have had 55 Members who weren't here for the vote that we just had. This issue we're about to debate and vote on is one that's important to people on both sides of the aisle. This is an important vote and important debate, and I think people should have an opportunity to participate in that.

All of us have had circumstances where there are disasters in our district and there are times when the leadership determines that the votes that are scheduled are of such sufficient gravity and importance that it makes sense to delay that.

As the gentleman from Maryland knows, I supported the SCHIP bill. I think we need to reauthorize the SCHIP program, but I am reluctant to do that with so many Members gone and also with our Californians dealing with critical problems in their district.

I would echo my colleague from Texas' sentiments and ask that the leadership consider delaying this vote and this debate until early next week.

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

Mr. TAYLOR. I thank the gentleman for yielding.

I guess of all the Members, I have been the closest to this situation with what happened in the aftermath of Hurricane Katrina. As you know, Katrina struck during the August recess, and shortly after the recess one of the first votes that was scheduled was the GO Zone legislation which was a very substantial piece of legislation on the part of our Nation to help the affected area.

Given the severity of what happened in Mississippi, I made a conscious decision to stay in my district. I felt like that was the best thing to do. This body overwhelmingly passed the GO Zone legislation without me.

To the gentleman's point, I have not had one complaint about staying in Mississippi, and I think your colleagues that you are concerned about will not get one complaint about missing a vote on something that is going to pass anyway. I did not ask to shut down the Congress because I needed to be in Mississippi; and, quite frankly, I don't think our California colleagues are really asking to shut down the Congress because they needed to be there. Their constituents will understand, just as my constituents understood.

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

Mr. SESSIONS. I thank the distinguished majority leader.

In no way am I asking or are we seeking to shut down Congress. What we're attempting to do is to ask if the majority leader, from a collegial standpoint of understanding, that just as I came back to Texas to work to make sure that some 50,000 people from Katrina and that effort were taken care of in Dallas, Texas, where I literally helped spearhead our efforts, today there are approximately twice as many people who are displaced in California as there were by Katrina. And I believe it's honorable and respectful to ask that on behalf of my colleagues that we not take up this important legislation today, that we allow ourselves respectfully to adjourn and then come back on Tuesday, as we normally might, to handle this piece of legislation.

And I will respectfully ask that on behalf of the minority at this time to the gentleman.

Mr. HOYER. I want everybody to know that we're coming back on Monday. I don't want anybody to be confused that we're coming back on Monday at 6:30; and we will not be here, I will be announcing later today, the next Friday, a week from tomorrow.

Let me say to my friend that, as I said, I discussed with your leadership the difficulty of scheduling, not this particular item, although this was discussed, and the request was made.

Every Member of this body knows that 435 people, as I said, everybody has very important things they have to do from time to time and that are appropriate to do on behalf of their constituents on behalf of fulfilling their duties. We missed unavoidably 2 legislative days as a result of the tragic deaths of two of our Members, which was inevitable, and we obviously appropriately canceled sessions on those days.

This bill that we are considering is a very important bill. It needs to pass the House. It needs to pass the Senate. It needs to go to the President, and it needs to come back here. We have 3 weeks left to go between now and the 16th of November, to which the gentleman referred.

The gentleman is well aware, I know my Republican colleagues in leadership are well aware, of how long it takes to get things through the Senate, for reasons that we all understand in terms of their necessity to get the appropriate votes.

As a result, the time left to us is very short, and to not proceed today and to push this off till next week then pushes off to the week following when the Senate can consider this legislation, which then pushes it off to the last week that we'll be here for Presidential action. All of that is a constraint on the flexibility of scheduling.

And again I will say that I understand absolutely the desire of the Californians to be where they are. I think it's appropriate to be where they are. My only point is that we're not meeting all week. There is some flexibility. They chose to go today. I do not criticize that decision on either side of the aisle. I simply say that it was not in consideration of, obviously, the business that we have to get done.

And again I reiterate, in a collegial body, if I thought that the absence of your Members or our Members would make a difference on the outcome, but this bill had an overwhelming vote when it initially passed, an overwhelming vote, not the two-thirds, but an overwhelming vote. So I do not believe the absences of either party's Members will impact on the outcome of this vote. So I don't think we're prejudicing the outcome of the vote in any way.

I yield to the gentleman from Washington State.

Mr. HASTINGS of Washington. I thank the majority leader for yielding.

Talking about procedure today, I think probably the easiest way to resolve this is we're going to be debating the rule, and of course, if the rule goes down, then that would end the business of the day, and that would be the preferred option from this Member's point of view.

In the event that doesn't happen, and we in fact then debate the SCHIP bill that we saw last night in Rules for the first time, I think it was filed at 7:17, but my point is that we could debate that, and we have 50 Members that are missing. There is a potential for you to roll the vote, not have the vote today but, in fact, roll the vote until next week. That way the debate will have been done. As my friend from Texas said, the issue does not expire until November 16.

So that is an option, it seems to me, to ensure that everybody would have an option to at least vote on this issue.

Mr. HOYER. Reclaiming my time, there are 13 Californians as I understand it who are not here, and that's a significant number, so I do not diminish the number; but I don't want anybody to belabor the 55 to which I referred who did not vote. I don't know where the other 35 Members were or are. I know there's a very important hearing going on, I haven't looked at the list expansively, a very important hearing going on that people don't want to have go on. I understand that.

But if we delay the vote, then we might as well delay the bill because we will not get it moving towards the Senate and allow the Senate to act in a timely fashion. That's the problem.

Mr. HASTINGS of Washington. Obviously that's an option. We are going to have debate on this, and this should be an option that I hope that the majority leader looks at.

Mr. HOYER. I appreciate that, and we will take it under consideration. I know the spirit in which it's meant. I talked to the gentleman about trying to facilitate scheduling, and I think the gentleman is going to be pleased with what we're going to try to do next year to facilitate Members' ability to get back to their districts.

#### MOTION TO ADJOURN

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

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

#### RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 222, not voting 40, as follows:

[Roll No. 1002]

AYES—170

Akin	Bachmann	Baird
Alexander	Bachus	Baker