

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

Barrett (SC) Goodlatte
 Bartlett (MD) Gordon
 Barton (TX) Granger
 Bilirakis Graves
 Bishop (UT) Hall (TX)
 Blackburn Hastert
 Blunt Hastings (WA)
 Boehner Hayes
 Bonner Heller
 Bono Hensarling
 Boozman Herger
 Boustany Hobson
 Brady (TX) Hoekstra
 Broun (GA) Hulshof
 Brown-Waite, Ingliis (SC)
 Ginny Johnson, Sam
 Buchanan Jordan
 Burton (IN) Kanjorski
 Camp (MI) King (IA)
 Campbell (CA) King (NY)
 Cannon Kingston
 Cantor Kirk
 Capito Kline (MN)
 Carter Knollenberg
 Castle Kuhl (NY)
 Chabot LaHood
 Coble Lamborn
 Cole (OK) Latham
 Conaway LaTourette
 Costello Lewis (KY)
 Crenshaw Linder
 Culberson Lucas
 Davis (KY) Lungren, Daniel
 Davis, David E.
 Davis, Tom Mack
 Deal (GA) Manzullo
 Dent Marchant
 Diaz-Balart, L. McCarthy (CA)
 Diaz-Balart, M. McCaul (TX)
 Doolittle McCrery
 Drake McHenry
 Duncan McHugh
 Ehlers McKeon
 Emerson McMorris
 English (PA) Rodgers
 Everett Mica
 Fallin Miller (FL)
 Feeney Miller (MI)
 Ferguson Miller, Gary
 Flake Moran (KS)
 Fortenberry Murphy, Tim
 Foxx Musgrave
 Frelinghuysen Myrick
 Gerlach Nunes
 Gingrey Pearce
 Gohmert Pence

NOES—222

Abercrombie Courtney
 Ackerman Cramer
 Allen Crowley
 Altmire Cuellar
 Andrews Cummings
 Arcuri Davis (AL)
 Baca Davis, Lincoln
 Baldwin DeFazio
 Barrow DeGette
 Bean Delahunt
 Becerra DeLauro
 Berkley Dicks
 Berman Dingell
 Berry Doggett
 Biggert Donnelly
 Bishop (GA) Doyle
 Bishop (NY) Edwards
 Blumenauer Ellison
 Boswell Ellsworth
 Boucher Emanuel
 Boyd (FL) Eshoo
 Boyda (KS) Etheridge
 Brady (PA) Farr
 Brown (SC) Fattah
 Brown, Corrine Fossella
 Butterfield Frank (MA)
 Capps Giffords
 Capuano Gilchrest
 Cardoza Gillibrand
 Carnahan Gonzalez
 Carney Green, Al
 Castor Green, Gene
 Chandler Grijalva
 Clarke Gutierrez
 Clay Hall (NY)
 Cleaver Hare
 Clyburn Harman
 Cohen Hastings (FL)
 Conyers Herseht Sandlin
 Cooper Higgins
 Costa Hill

Peterson (PA) Marshall
 Petri Matheson
 Pickering Matsui
 Pitts McCarthy (NY)
 Platts McCollum (MN)
 Poe McCotter
 Porter McDermott
 Price (GA) McGovern
 Pryce (OH) McNeerney
 Putnam McNulty
 Radanovich Meek (FL)
 Regula Meeks (NY)
 Rehberg Melancon
 Reynolds Michaud
 Rogers (AL) Miller (NC)
 Rogers (KY) Miller, George
 Rogers (MI) Mitchell
 Rohrabacher Mollohan
 Ros-Lehtinen Moore (KS)
 Roskam Moore (WI)
 Royce Murphy (CT)
 Ryan (WI) Murphy, Patrick
 Sali Murtha
 Saxton Nadler
 Schmidt Napolitano
 Sensenbrenner Neal (MA)
 Sessions Oberstar
 Shadegg Obey
 Shays Olver
 Shimkus Ortiz
 Shuster Pallone
 Simpson Pascrell
 Smith (NE) Pastor
 Smith (NJ) Paul
 Smith (TX)

NOT VOTING—40

Aderholt Forbes
 Bilbray Franks (AZ)
 Boren Gallegly
 Braley (IA) Garrett (NJ)
 Burgess Goode
 Buyer Hoyer
 Calvert Hunter
 Carson Issa
 Cubin Jindal
 Davis (CA) Johnson (GA)
 Davis (IL) Johnson, E. B.
 Dreier Keller
 Engel Larson (CT)
 Filner Lewis (CA)

Slaughter
 Smith (WA)
 Snyder
 Solis
 Space
 Stark
 Stupak
 Sutton
 Tanner
 Tauscher
 Taylor
 Thompson (CA)
 Thompson (MS)
 Tierney
 Towns
 Tsongas
 Udall (CO)
 Udall (NM)
 Van Hollen
 Velázquez
 Vislosky
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Weiner
 Welch (VT)
 Weller
 Wexler
 Woolsey
 Wu
 Wynn
 Yarmuth

□ 1119

Mr. PATRICK J. MURPHY of Pennsylvania, Ms. WOOLSEY and Mr. RUPPERSBERGER changed their vote from “aye” to “no.”

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

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. 1002, 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 “no.”

PROVIDING FOR CONSIDERATION OF H.R. 3963, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 774 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 774

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes. All points of order against consideration of the bill are

waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 3963 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

POINT OF ORDER

Mr. SESSIONS. Mr. Speaker, I raise a point of order against consideration of the rule because the rule contains a waiver of all points of order against the bill and its consideration and, therefore, is in violation of section 426 of the Congressional Budget Act.

The SPEAKER pro tempore. The gentleman from Texas makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentleman from Texas and the gentleman from New York each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after the debate the Chair will put the question of consideration, to wit: “Will the House now consider the resolution?”

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, we make a point of order with great respect to this body. We're here to do business today. We've asked this body to please consider an adjournment because we have a lot of Members who are in California. We were denied that request.

We also believe this point of order should be heard because it's important that last night a 293-page bill was brought forth to the Rules Committee, which we received only 25 to 30 minutes before that meeting took place, I believe, in violation of the regular order for legislation that Speaker PELOSI has outlined for all Members of Congress, as well as the American people, a Congress working for all Americans.

And under regular order for legislation, it states: “Members should have at least 24 hours to examine bill and conference report text prior to floor consideration.” Mr. Speaker, that has not happened again today. Again today we find that the legislation not following regular order is presented to this House.

Last night, as we began the discussion in the Rules Committee, we found out this is not even a House bill. No