

Carney	Jefferson	Reichert	Fallin	Lamborn
Castle	Johnson (GA)	Renzi	Feehey	Latham
Chandler	Johnson (IL)	Reyes	Flake	Lewis (CA)
Clarke	Johnson, E. B.	Reynolds	Forbes	Lewis (KY)
Clay	Jones (OH)	Richardson	Fossella	Linder
Cleaver	Kagen	Rodriguez	Fox	Lucas
Clyburn	Kanjorski	Rogers (AL)	Franks (AZ)	Mack
Cohen	Kaptur	Ros-Lehtinen	Gallegly	Manzullo
Conyers	Keller	Ross	Garrett (NJ)	Marchant
Cooper	Kennedy	Rothman	Gingrey	McCarthy (CA)
Costa	Kildee	Royal-Allard	Gohmert	McCaul (TX)
Costello	Kilpatrick	Ruppersberger	Goode	McCotter
Courtney	Kind	Goodlatte	McCrery	Sessions
Cramer	Kirk	Rush	McHenry	Shadegg
Crowley	Klein (FL)	Ryan (OH)	Granger	Shimkus
Cuellar	Kucinich	Salazar	Hall (TX)	McKeon
Cummings	Lampson	Sánchez, Linda	Hastings (WA)	Heller
Davis (AL)	Langevin	T.	Hensarling	Rodgers
Davis (CA)	Larsen (WA)	Sanchez, Loretta	Herger	Mica
Davis (IL)	Larson (CT)	Sarbanes	Hobson	Miller (FL)
Davis, Lincoln	LaTourette	Saxton	Hoekstra	Miller, Gary
DeFazio	Lee	Schakowsky	Hunter	Moran (KS)
DeGette	Lewis (GA)	Schiff	Inglis (SC)	Musgrave
Delahunt	Lipinski	Schwartz	Issa	Neugebauer
DeLauro	LoBiondo	Scott (GA)	Johnson, Sam	Nunes
Dent	Loesback	Scott (VA)	Jones (NC)	Paul
Diaz-Balart, L.	Lofgren, Zoe	Serrano	Jordan	Pearce
Diaz-Balart, M.	Lowey	Sestak	King (IA)	Pence
Dicks	Lynch	Shays	King (NY)	Petri
Dingell	Mahoney (FL)	Shea-Porter	Kingston	Pickering
Doggett	Maloney (NY)	Sherman	Kline (MN)	Pitts
Donnelly	Markey	Shuler	Knollenberg	Poe
Doyle	Marshall	Simpson	Kuhl (NY)	Price (GA)
Edwards	Matheson	Sires		
Ehlers	Matsui	Skelton		
Ellison	McCarthy (NY)	Slaughter		
Ellsworth	McCollum (MN)	Smith (NJ)	Bean	Cubin
Emanuel	McDermott	Smith (WA)	Bishop (UT)	Everett
Emerson	McGovern	Snyder	Boren	Giffords
Engel	McHugh	Solis	Buyer	Hastert
Eshoo	McIntyre	Space	Carson	Jindal
Etheridge	McNerney	Spratt	Castor	LaHood
Farr	McNulty	Stark		
Fattah	Meek (FL)	Stupak		
Ferguson	Meeks (NY)	Sutton		
Filner	Melancion	Tanner		
Fortenberry	Michaud	Tauscher		
Frank (MA)	Miller (MI)	Taylor		
Frelinghuysen	Miller (NC)	Thompson (CA)		
Gerlach	Miller, George	Thompson (MS)		
Gilchrest	Mitchell	Tierney		
Gillibrand	Mollohan	Towns		
Gonzalez	Moore (KS)	Tsongas		
Gordon	Moore (WI)	Turner		
Graves	Moran (VA)	Udall (CO)		
Green, Al	Murphy (CT)	Udall (NM)		
Green, Gene	Murphy, Patrick	Upton		
Grijalva	Murphy, Tim	Van Hollen		
Gutierrez	Murtha	Velázquez		
Hall (NY)	Nadler	Visclosky		
Hare	Napolitano	Walden (OR)		
Harman	Neal (MA)	Walder (NY)		
Hastings (FL)	Obey	Walsh (MN)		
Hayes	Olver	Wasserman		
Herseth Sandlin	Ortiz	Schultz		
Higgins	Pallone	Waters		
Hill	Pascrell	Watson		
Hinchey	Pastor	Watson		
Hinojosa	Payne	Watt		
Hirono	Perlmutter	Waxman		
Hodes	Peterson (MN)	Weiner		
Holden	Peterson (PA)	Welch (VT)		
Holt	Platts	Wexler		
Honda	Pomeroy	Whitfield		
Hooley	Porter	Wilson (NM)		
Hoyer	Price (NC)	Wilson (OH)		
Hulshof	Pryce (OH)	Wolf		
Inslee	Rahall	Woolsey		
Israel	Ramstad	Wu		
Jackson (IL)	Rangel	Yarmuth		
Jackson-Lee (TX)	Regula	Young (AK)		
	Rehberg	Young (FL)		

NAYS—141

Aderholt	Boozman	Chabot
Akin	Boustany	Coble
Alexander	Brady (TX)	Cole (OK)
Bachmann	Broun (GA)	Conaway
Bachus	Brown (SC)	Crenshaw
Baker	Brown-Waite,	Culberson
Barrett (SC)	Ginny	Davis (KY)
Bartlett (MD)	Burgess	Davis, David
Barton (TX)	Burton (IN)	Davis, Tom
Bilbray	Calvert	Deal (GA)
Blackburn	Camp (MI)	Doolittle
Blunt	Campbell (CA)	Drake
Boehner	Cannon	Dreier
Bonner	Cantor	Duncan
Bono	Carter	English (PA)

Fallin	Lamborn	Putnam
Feehey	Latham	Radanovich
Flake	Lewis (CA)	Rogers (KY)
Forbes	Lewis (KY)	Rogers (MI)
Fossella	Linder	Rohrabacher
Fox	Lucas	Roskam
Franks (AZ)	Mack	Royce
Gallegly	Manzullo	Ryan (WI)
Garrett (NJ)	Marchant	Sali
Gingrey	McCarthy (CA)	Schmidt
Gohmert	McCaul (TX)	Sensenbrenner
Goode	McCotter	Sessions
Goodlatte	McCrery	Shadegg
Heller	McHenry	Shimkus
Hensarling	McKeon	Shuster
Hershiser	McMorris	Smith (NE)
Hoekstra	Rodgers	Smith (TX)
Hoover	Mica	Souder
Hoover	Miller (FL)	Stearns
Hoyer	Miller, Gary	Sullivan
Hoyer	Moran (KS)	Tancredo
Hoyer	Musgrave	Terry
Issa	Myrick	Thornberry
Johnson, Sam	Neugebauer	Tiaht
Jones (NC)	Nunes	Tiberi
Jordan	Paul	Walberg
King (IA)	Pearce	Wamp
King (NY)	Pence	Weldon (FL)
Kingston	Petri	Weller
Kline (MN)	Pickering	Westmoreland
Knollenberg	Pitts	Wicker
Kuhl (NY)	Poe	Wilson (SC)

NOT VOTING—17

Mr. BACHUS and Mr. HALL of Texas changed their vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2074

Mrs. MYRICK. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2074.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. MOLLOHAN. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 3093) making appropriations for the Departments of Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNYDER). The question is on the motion.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Speaker, I offer a motion to instruct conferees. The Clerk read as follows:

Mr. Frelinghuysen moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3093, be instructed to recede to section 527 of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, this motion to instruct is straightforward. It instructs the House conferees to recede to the Senate on a provision in the Senate-passed bill that would prevent the Equal Employment Opportunity Commission from using funds to initiate civil action against an organization which requires its employees to speak English at work.

This provision was motivated by a lawsuit filed earlier this year against the Salvation Army. In that particular case, the EEOC sued the Salvation Army over its policy that its employees speak English. The lawsuit sought hundreds of thousands of dollars in monetary and punitive damages.

What is more troubling is that when you look at the history of this issue, you will find a Federal court ruling almost 4 years ago that upheld the Salvation Army's policy that employees speak English at work. You will also find that the Salvation Army gave the two employees a year to learn English before it took action to terminate them.

The EEOC has an important mission, one which we all support.

□ 2030

The EEOC currently has a tremendous backlog of pending cases, approximately 46,000, a number that the Commission estimates will grow. At a time when the EEOC is struggling to fulfill its mission, cases like this lead one to question about the Commission's ability to set priorities.

By insisting on the Senate amendment, we are sending an important message to the EEOC that we expect them to prioritize their actions and work diligently to address the major discrimination issues facing the American workers.

Mr. Speaker, I urge adoption of the motion and reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I agree with the gentleman that this amendment would send an important message to the EEOC, but I agree it's important for a different reason. I think it's important because I think it would be a perverse message.

The United States Congress has, in previous years, passed legislation specifically granting to the EEOC authorization and responsibility to work on behalf of employees where they face discrimination in the workplace. That legislation anticipated an opening of a remedy for employees. This amendment would close a remedy for employees.

These cases should be decided on their facts. If we were to adopt this motion and the conference were to include the amendment in its agreement, then the EEOC would not have an opportunity to look at the facts and represent employees pursuant thereto. Therefore, we do oppose the amendment.

I want to point out that the court in this case upheld the decision and upheld the position of the employer in this case. That's well and good.

What's important in that is that the court, through due process, decided the matter. That's the way the EEOC ought to operate, not through Congress in a motion to instruct conferees and in an appropriation conference, taking away what the Congress has already given jurisdiction in these cases.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I urge adoption of the motion.

I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I urge in the strongest terms opposition to the motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

Mr. FRELINGHUYSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 186, not voting 28, as follows:

[Roll No. 1076]

YEAS—218

Aderholt	Brown (SC)	Davis (KY)	Abercrombie	Dingell	Larsen (WA)	Sires	Van Hollen
Akin	Brown-Waite,	Davis, David	Ackerman	Doggett	Lee	Slaughter	Velazquez
Alexander	Ginny	Davis, Lincoln	Allen	Edwards	Lewis (GA)	Smith (WA)	Visclosky
Altman	Buchanan	Davis, Tom	Andrews	Ellison	Loebback	Sánchez, Linda	Walz (MN)
Bachmann	Burgess	Deal (GA)	Arcuri	Emanuel	Lofgren, Zoe	Snyder	Wasserman
Bachus	Burton (IN)	Dent	Baca	Engel	Lowey	T.	Schultz
Baird	Calvert	Donnelly	Baldwin	Eshoo	Lynch	Sanchez, Loretta	Waterson
Baker	Camp (MI)	Doolittle	Barton (TX)	Etheridge	Mahoney (FL)	Stark	Watson
Barrett (SC)	Campbell (CA)	Drake	Becerra	Farr	Maloney (NY)	Stupak	Watt
Barrow	Cannon	Dreier	Berkley	Fattah	Markey	Sutton	Watson
Bartlett (MD)	Cantor	Duncan	Berman	Filner	Matsui	Tauscher	Waxman
Biggert	Capito	Ehlers	Berry	Frank (MA)	McCarthy (NY)	Thompson (CA)	Weiner
Bilbray	Carnahan	Ellsworth	Bishop (NY)	Gonzalez	McCollum (MN)	Thompson (MS)	Tierney
Bilirakis	Carney	Emerson	Blumenauer	Gordon	McDermott	Lantos	Welch (VT)
Bishop (GA)	Carter	English (PA)	Boswell	Green, Al	McGovern	Larson (CT)	Wexler
Blackburn	Castle	Everett	Boucher	Green, Gene	McNulty	Doyle	Woolsey
Blunt	Chabot	Fallin	Boyd (FL)	Grijalva	Meek (FL)	Udall (CO)	Wu
Boehner	Coble	Feeley	Boys (KS)	Gutierrez	Michaud	Udall (NM)	Yarmuth
Bonner	Cole (OK)	Ferguson	Baker (PA)	Hall (NY)	Miller (NC)		
Bono	Conaway	Flake	Brady (IA)	Hare	Miller, George		
Boozman	Conyers	Forbes	Barrow, Corrine	Hastings (FL)	Mollohan		
Boustany	Costello	Fortenberry	Butterfield	Higgins	Moore (KS)		
Brady (TX)	Culberson	Fossella	Capps	Hinchey	Moore (WI)		
Broun (GA)	Cummings	Foxx	Capuano	Hinojosa	Murphy (CT)		
			Cardoza	Hirono	Murphy, Patrick		
			Castor	Hodes	Murtha		
			Chandler	Holt	Nadler		
			Clarke	Honda	Napolitano		
			Clay	Hooley	Neal (MA)		
			Cleaver	Hoyer	Obey		
			Clyburn	Inslee	Olver		
			Cohen	Israel	Ortiz		
			Cooper	Jackson (IL)	Pallone		
			Dreier	Jackson-Lee	Pascarella		
			Everett	(TX)	Pastor		
			Davis (AL)	Jones (OH)	Payne		
			Davis (CA)	Jones (NC)	Perlmuter		
			Davis (IL)	Kennedy	Pomeroy		
			DeFazio	Kildee	Rodriguez		
			DeGette	Kilpatrick	Richardson		
			Delahunt	Kind	Rodriguez		
			DeLauro	Klein (FL)	Ros-Lehtinen		
			Diaz-Balart, L.	Kucinich	Royal-Allard		
			Diaz-Balart, M.	Langevin	Ruppersberger		

Franks (AZ)	Lucas	Rogers (MI)	Rush	Sires	Van Hollen
Frelinghuyzen	Mack	Rohrabacher	Ryan (OH)	Slaughter	Velazquez
Gallegly	Manzullo	Roskam	Salazar	Smith (WA)	Visclosky
Garrett (NJ)	Marchant	Ross	Sánchez, Linda	Snyder	Walz (MN)
Gerlach	Marshall	Rothman	T.	Solis	Wasserman
Gilchrest	Matheson	Royce	Sanchez, Loretta	Stark	Schultz
Gillibrand	McCarthy (CA)	Ryan (WI)	Sarbanes	Stupak	Waterson
Gingrey	McCaull (TX)	Sali	Schakowsky	Sutton	Watson
Gohmert	McCotter	Saxton	Schiff	Tauscher	Watt
Goode	McCrary	Schmidt	Schwartz	Thompson (CA)	Waxman
Goodlatte	McHenry	Sensenbrenner	Scott (GA)	Thompson (MS)	Weiner
Graves	McHugh	Sessions	Scott (VA)	Tierney	Welch (VT)
Hall (TX)	McIntyre	Shadegg	Serrano	Towns	Wexler
Harman	McKeon	Shays	Sestak	Tsongas	Woolsey
Hastings (WA)	McMorris	Shimkus	Shea-Porter	Udall (CO)	Wu
Hayes	Rodgers	Shuler	Sherman	Udall (NM)	Yarmuth
Heller	McNerney	Shuster			
Hensarling	Meeks (NY)	Skelton			
Herger	Melancon	Smith (NE)			
Herseth Sandlin	Mica	Smith (NJ)			
Hill	Miller (FL)	Smith (TX)			
Hobson	Miller (MI)	Souder			
Hoekstra	Miller, Gary	Space			
Hulshof	Mitchell	Spratt			
Hunter	Moran (KS)	Tancredo			
Inglis (SC)	Murphy, Tim	Taylor			
Issa	Musgrave	Terry			
Johnson (IL)	Myrick	Thornberry			
Johnson, Sam	Neugebauer	Tihart			
Jones (NC)	Nunes	Tiberi			
Jordan	Pearce	Turner			
Kagen	Pence	Upton			
Kanjorski	Peterson (MN)	Walberg			
Keller	Peterson (PA)	Walden (OR)			
King (IA)	Petri	Walsh (NY)			
King (NY)	Pickering	Wamp			
Kingston	Pitts	Weldon (FL)			
Kirk	Platts	Weller			
Kline (MN)	Poet	Whitfield			
Knollenberg	Porter	Wicker			
Kuhl (NY)	Price (GA)	Wilson (NM)			
Lamborn	Pryce (OH)	Wilson (OH)			
Lampson	Putnam	Wilson (SC)			
Latham	Ramstad	Wolf			
LaTourette	Regula	Young (AK)			
Lewis (CA)	Rehberg	Young (FL)			
Lewis (KY)	Reichert				
Linder	Renzi				
Lipinski	Rogers (AL)				
LoBiondo	Rogers (KY)				

NAYS—186

Abercrombie	Dingell	Larsen (WA)	Sires	Van Hollen
Ackerman	Doggett	Lee	Slaughter	Velazquez
Allen	Edwards	Lewis (GA)	Smith (WA)	Visclosky
Andrews	Ellison	Loebback	Sánchez, Linda	Walz (MN)
Arcuri	Emanuel	Lofgren, Zoe	Snyder	Wasserman
Baca	Engel	Lowey	T.	Schultz
Baldwin	Eshoo	Lynch	Sanchez, Loretta	Waterson
Barton (TX)	Etheridge	Mahoney (FL)	Stark	Schultz
Becerra	Farr	Maloney (NY)	Stupak	Waterson
Berkley	Fattah	Markey	Sutton	Watson
Berman	Filner	Matsui	Tauscher	Watson
Berry	Frank (MA)	McCarthy (NY)	Thompson (CA)	Waxman
Bishop (NY)	Gonzalez	McCollum (MN)	Thompson (MS)	Weiner
Blumenauer	Gordon	McDermott	Lantos	Welch (VT)
Boswell	Green, Al	McGovern	Cubin	Wexler
Boucher	Green, Gene	McNulty	Larson (CT)	Yarmuth
Boyd (FL)	Grijalva	Meek (FL)	Doyle	
Boys (KS)	Gutierrez	Michaud		
Brady (PA)	Hall (NY)	Miller (NC)		
Brady (IA)	Hare	Miller, George		
Barrow, Corrine	Hastings (FL)	Mollohan		
Butterfield	Higgins	Moore (KS)		
Capps	Hinchey	Moore (WI)		
Capuano	Hinojosa	Murphy (CT)		
Cardoza	Hirono	Murphy, Patrick		
Castor	Hodes	Murtha		
Chandler	Holt	Nadler		
Clarke	Honda	Napolitano		
Clay	Hooley	Neal (MA)		
Cleaver	Hoyer	Obey		
Clyburn	Inslee	Olver		
Cohen	Israel	Ortiz		
Cooper	Jackson (IL)	Pallone		
Dreier	Jackson-Lee	Pascarella		
Everett	(TX)	Pastor		
Davis (AL)	Jones (OH)	Payne		
Davis (CA)	Jones (NC)	Perlmuter		
Davis (IL)	Kennedy	Pomeroy		
DeFazio	Kildee	Rodriguez		
DeGette	Kilpatrick	Richardson		
Delahunt	Kind	Rodriguez		
DeLauro	Klein (FL)	Ros-Lehtinen		
Diaza-Balart, L.	Kucinich	Royal-Allard		
Diaza-Balart, M.	Langevin	Ruppersberger		

NOT VOTING—28

Bean	Granger	Moran (VA)
Bishop (UT)	Hastert	Oberstar
Boren	Holden	Paul
Buyer	Jindal	Radanovich
Carson	LaHood	Reynolds
Crenshaw	Lantos	Simpson
Cubin	Larson (CT)	Tanner
Dicks	Levin	Westmoreland
Doyle	Lungren, Daniel	Wynn
Giffords	E.	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on the vote.

□ 2053

Ms. CASTOR and Messrs. SESTAK, LYNCH, HODES and DEFAZIO changed their vote from "yea" to "nay."

Messrs. MCNERNEY, COSTELLO, COLE of Oklahoma, BAIRD and KAGEN changed their vote from "nay" to "yea."

So the motion to instruct 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. Without objection, the Chair appoints the following conferees:

Messrs. MOLLOHAN, KENNEDY, FATTAH, RUPPERSBERGER, SCHIFF, HONDA, Ms. DELAUR, Messrs. PRICE of North Carolina, OBEY, FRELINGHUYSEN, CULBERSON, ROGERS of Kentucky, LATHAM, ADERHOLT and LEWIS of California.

There was no objection.

CONTINUATION OF EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110-74)

The SPEAKER pro tempore (Mr. ELLISON) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I transmit herewith notice of a 1-year continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, as amended.

GEORGE W. BUSH.
THE WHITE HOUSE, November 8, 2007.