

Carney	Jefferson	Reichert
Castle	Johnson (GA)	Renzi
Chandler	Johnson (IL)	Reyes
Clarke	Johnson, E. B.	Reynolds
Clay	Jones (OH)	Richardson
Cleaver	Kagen	Rodriguez
Clyburn	Kanjorski	Rogers (AL)
Cohen	Kaptur	Ros-Lehtinen
Conyers	Keller	Ross
Cooper	Kennedy	Rothman
Costa	Kildee	Roybal-Allard
Costello	Kilpatrick	Ruppersberger
Courtney	Kind	Rush
Cramer	Kirk	Ryan (OH)
Crowley	Klein (FL)	Salazar
Cuellar	Kucinich	Sánchez, Linda
Cummings	Lampson	T.
Davis (AL)	Langevin	Sanchez, Loretta
Davis (CA)	Larsen (WA)	Sarbanes
Davis (IL)	Larson (CT)	Saxton
Davis, Lincoln	LaTourette	Schakowsky
DeFazio	Lee	Schiff
DeGette	Lewis (GA)	Schwartz
Delahunt	Lipinski	Scott (GA)
DeLauro	LoBiondo	Scott (VA)
Dent	Loeb sack	Serrano
Diaz-Balart, L.	Lofgren, Zoe	Sestak
Diaz-Balart, M.	Lowey	Shays
Dicks	Lynch	Shea-Porter
Dingell	Mahoney (FL)	Sherman
Doggett	Maloney (NY)	Shuler
Donnelly	Markey	Simpson
Doyle	Marshall	Sires
Edwards	Matheson	Skeltan
Ehlers	Matsui	Slaughter
Ellison	McCarthy (NY)	Smith (NJ)
Ellsworth	McCollum (MN)	Smith (WA)
Emanuel	McDermott	Snyder
Emerson	McGovern	Solis
Engel	McHugh	Space
Eshoo	McIntyre	Spratt
Etheridge	McNerney	Stark
Farr	McNulty	Stupak
Fattah	Meek (FL)	Sutton
Ferguson	Meeks (NY)	Tanner
Finer	Melancon	Tauscher
Fortenberry	Michaud	Taylor
Frank (MA)	Miller (MI)	Thompson (CA)
Frelinghuysen	Miller (NC)	Thompson (MS)
Gerlach	Miller, George	Tierney
Gilchrest	Mitchell	Towns
Gillibrand	Mollohan	Tsongas
Gonzalez	Moore (KS)	Turner
Gordon	Moore (WI)	Udall (CO)
Graves	Moran (VA)	Udall (NM)
Green, Al	Murphy (CT)	Upton
Green, Gene	Murphy, Patrick	Van Hollen
Grijalva	Murphy, Tim	Velázquez
Gutierrez	Murtha	Visclosky
Hall (NY)	Nadler	Walden (OR)
Hare	Napolitano	Walsh (NY)
Harman	Neal (MA)	Walz (MN)
Hastings (FL)	Obey	Wasserman
Hayes	Olver	Schultz
Herseeth Sandlin	Ortiz	Waters
Higgins	Pallone	Watson
Hill	Pascarell	Watt
Hinchey	Pastor	Waxman
Hinojosa	Payne	Weiner
Hirono	Perlmutter	Welch (VT)
Hodes	Peterson (MN)	Wexler
Holden	Peterson (PA)	Whitfield
Holt	Platts	Wilson (NM)
Honda	Pomeroy	Wilson (OH)
Hooley	Porter	Wolf
Hoyer	Price (NC)	Woolsey
Hulshof	Pryce (OH)	Wu
Insee	Rahall	Yarmuth
Israel	Ramstad	Young (AK)
Jackson (IL)	Rangel	Young (FL)
Jackson-Lee	Regula	
(TX)	Rehberg	

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
Feeney	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
Granger	McHenry	Shimkus
Hall (TX)	McKeon	Shuster
Hastings (WA)	McMorris	Smith (NE)
Heller	Rodgers	Smith (TX)
Hensarling	Mica	Souder
Hergert	Miller (FL)	Stearns
Hobson	Miller, Gary	Sullivan
Hoekstra	Moran (KS)	Tancredo
Hunter	Musgrave	Terry
Inglis (SC)	Myrick	Thornberry
Issa	Neugebauer	Tiahrt
Johnson, Sam	Nunes	Tiberi
Jones (NC)	Paul	Walberg
Jordan	Pearce	Wamp
King (IA)	Pence	Weldon (FL)
King (NY)	Petri	Weller
Kingston	Pickering	Westmoreland
Kline (MN)	Pitts	Wicker
Knollenberg	Poe	Wilson (SC)
Kuhl (NY)	Price (GA)	

NOT VOTING—17

Bean	Cubin	Lantos
Bishop (UT)	Everett	Levin
Boren	Giffords	Lungren, Daniel
Buyer	Hastert	E.
Carson	Jindal	Oberstar
Castor	LaHood	Wynn

□ 2024

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 gentleman from North Carolina?

There was no objection.

APPOINTMENT OF CONFEREES ON
H.R. 3093, COMMERCE, JUSTICE,
SCIENCE, AND RELATED AGEN-
CIES 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 questions 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)
Akin	Brown-Waite,	Davis, David
Alexander	Ginny	Davis, Lincoln
Altmire	Buchanan	Davis, Tom
Bachmann	Burgess	Deal (GA)
Bachus	Burton (IN)	Dent
Baird	Calvert	Donnelly
Baker	Camp (MI)	Doolittle
Barrett (SC)	Campbell (CA)	Drake
Barrow	Cannon	Dreier
Bartlett (MD)	Cantor	Duncan
Biggert	Capito	Ehlers
Billbray	Carnahan	Ellsworth
Bilirakis	Carney	Emerson
Bishop (GA)	Carter	English (PA)
Blackburn	Castle	Everett
Blunt	Chabot	Fallin
Boehner	Coble	Feeney
Bonner	Cole (OK)	Ferguson
Bono	Conaway	Flake
Boozman	Conyers	Forbes
Boustany	Costello	Fortenberry
Brady (TX)	Culberson	Fossella
Broun (GA)	Cummings	Fox

Franks (AZ)	Lucas	Rogers (MI)
Frelinghuysen	Mack	Rohrabacher
Galleghy	Manzullo	Roskam
Garrett (NJ)	Marchant	Ross
Gerlach	Marshall	Rothman
Gilchrest	Matheson	Royce
Gillibrand	McCarthy (CA)	Ryan (WI)
Gingrey	McCaul (TX)	Sali
Gohmert	McCotter	Saxton
Goode	McCrery	Schmidt
Goodlatte	McHenry	Sensenbrenner
Graves	McHugh	Sessions
Hall (TX)	McIntyre	Shadeegg
Harman	McKeon	Shays
Hastings (WA)	McMorris	Shema-Porter
Hayes	Rodgers	Shimkus
Heller	McNerney	Shuler
Hensarling	Meeks (NY)	Shuster
Herger	Melancon	Skelton
Herseht Sandlin	Mica	Smith (NE)
Hill	Miller (FL)	Smith (NJ)
Hobson	Miller (MI)	Smith (TX)
Hoekstra	Miller, Gary	Souder
Hulshof	Mitchell	Space
Hunter	Moran (KS)	Spratt
Inglis (SC)	Murphy, Tim	Stearns
Issa	Musgrave	Sullivan
Johnson (IL)	Myrick	Tancredo
Johnson, Sam	Neugebauer	Taylor
Jones (NC)	Nunes	Terry
Jordan	Pearce	Thornberry
Kagen	Pence	Tiahrt
Kanjorski	Peterson (MN)	Tiberi
Keller	Peterson (PA)	Turner
King (IA)	Petri	Upton
King (NY)	Pickering	Walberg
Kingston	Pitts	Walden (OR)
Kirk	Platts	Walsh (NY)
Kline (MN)	Poe	Wamp
Knollenberg	Porter	Weldon (FL)
Kuhl (NY)	Price (GA)	Weller
Lamborn	Pryce (OH)	Whitfield
Lampson	Putnam	Wicker
Latham	Ramstad	Wilson (NM)
LaTourette	Regula	Wilson (OH)
Lewis (CA)	Rehberg	Wilson (SC)
Lewis (KY)	Reichert	Wolf
Linder	Renzi	Young (AK)
Lipinski	Rogers (AL)	Young (FL)
LoBiondo	Rogers (KY)	

NAYS—186

Abercrombie	Dingell	Larsen (WA)
Ackerman	Doggett	Lee
Allen	Edwards	Lewis (GA)
Andrews	Ellison	Loeb
Arcuri	Emanuel	Lofgren, Zoe
Baca	Engel	Lowey
Baldwin	Eshoo	Lynch
Barton (TX)	Etheridge	Mahoney (FL)
Becerra	Farr	Maloney (NY)
Berkley	Fattah	Markey
Berman	Filner	Matsui
Berry	Frank (MA)	McCarthy (NY)
Bishop (NY)	Gonzalez	McCollum (MN)
Blumenauer	Gordon	McDermott
Boswell	Green, Al	McGovern
Boucher	Green, Gene	McNulty
Boyd (FL)	Grijalva	Meek (FL)
Boyd (KS)	Gutierrez	Michaud
Brady (PA)	Hall (NY)	Miller (NC)
Braley (IA)	Hare	Miller, George
Brown, 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	Insee	Oliver
Cohen	Israel	Ortiz
Cooper	Jackson (IL)	Pallone
Costa	Jackson-Lee	Pascarell
Courtney	(TX)	Pastor
Cramer	Jefferson	Payne
Crowley	Johnson (GA)	Perlmutter
Cuellar	Johnson, E. B.	Pomeroy
Davis (AL)	Jones (OH)	Price (NC)
Davis (CA)	Kaptur	Rahall
Davis (IL)	Kennedy	Rangel
DeFazio	Kildee	Reyes
DeGette	Kilpatrick	Richardson
Delahunt	Kind	Rodriguez
DeLauro	Klein (FL)	Ros-Lehtinen
Diaz-Balart, L.	Kucinich	Roybal-Allard
Diaz-Balart, M.	Langevin	Ruppersberger

Rush	Sires	Van Hollen
Ryan (OH)	Slaughter	Velázquez
Salazar	Smith (WA)	Visclosky
Sánchez, Linda	Snyder	Walz (MN)
T.	Solis	Wasserman
Sanchez, Loretta	Stark	Schultz
Sarbanes	Stupak	Waters
Schakowsky	Sutton	Watson
Schiff	Tauscher	Watt
Schwartz	Thompson (CA)	Waxman
Scott (GA)	Thompson (MS)	Weiner
Scott (VA)	Tierney	Welch (VT)
Serrano	Towns	Wexler
Sestak	Tsongas	Woolsey
Shema-Porter	Udall (CO)	Wu
Sherman	Udall (NM)	Yarmuth

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. DELAURO, 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.