

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 4 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCOTT of Virginia) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

- H.R. 698, by the yeas and nays;
- H.R. 1425, by the yeas and nays.

The vote on H.R. 1722 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

INDUSTRIAL BANK HOLDING COMPANY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 698, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 698, as amended.

The vote was taken by electronic device, and there were—yeas 371, nays 16, answered "present" 1, not voting 44, as follows:

[Roll No. 384]

YEAS—371

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Billbray
Bilirakis
Bishop (GA)

Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cantor
Capito

Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin

Cuellar
Culberson
Cummings
Davis (CA)
Davis (AL)
Davis (IL)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fossella
Foxy
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski

Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourrette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loeb sack
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter

Woolsey
Wu

Wynn
Yarmuth

Young (AK)
Young (FL)

Baker
Bishop (UT)
Campbell (CA)
Cannon
Feeney
Flake

Franks (AZ)
Hastert
Issa
Mack
Matheson
Poe

Rohrabacher
Royce
Shadegg
Westmoreland

NAYS—16

ANSWERED "PRESENT"—1

NOT VOTING—44

Akin
Baird
Blumenauer
Brady (TX)
Brown, Corrine
Buchanan
Buyer
Carson
Clay
Costello
Davis (KY)
DeGette
Diaz-Balart, L.
Doggett
Fortenberry

Gerlach
Gutierrez
Hinojosa
Hulshof
Hunter
Johnson (GA)
Jones (OH)
Kind
King (NY)
Kirk
LaHood
Lofgren, Zoe
Marchant
McMorris
Rodgers

Murtha
Pence
Peterson (PA)
Rush
Sanchez, Loretta
Shays
Shimkus
Simpson
Stupak
Sullivan
Tanner
Towns
Upton
Wamp
Wexler

□ 1856

Messrs. FRANKS of Arizona, MACK, ISSA and HASTERT changed their vote from "yea" to "nay."

Mr. GOODLATTE and Mr. CANTOR changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. ROGERS of Michigan. Mr. Speaker, pursuant to clause 2(a), paragraph 1 of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

H. RES. —

Whereas the Code of Official Conduct provides that a Member "may not condition the inclusion of language to provide funding for a Congressional earmark . . . on any vote cast by another member";

Whereas Chairman Reyes filed the Report to accompany the bill H.R. 2082, the Intelligence Authorization Act for Fiscal Year 2008;

Whereas the report states that, with respect to the requirements of clause 9 of House Rule XXI, "The following table provides the list of such provisions included in the bill or report," and includes a table of 26 items identifying "Requesting Member," "Subject," and "Dollar Amount (in Thousands)";

Whereas the referenced table includes an item denoted as: Requesting Member, Mr. Murtha; Subject, NATIONAL INTELLIGENCE PROGRAM COMMUNITY MANAGEMENT ACCOUNT—National Drug Intelligence Center; Dollar Amount, \$23 million;

Whereas the Gentleman from Michigan, Mr. Rogers, offered and voted for a motion to recommit the bill to change the provisions of the aforementioned Murtha earmark during its consideration in the House;

Whereas as a result of Mr. Rogers' motion and vote on the Murtha earmark, the Gentleman from Pennsylvania, Mr. Murtha subsequently threatened to withdraw support for earmarks providing funding for projects located in the Gentleman from Michigan's district;

Whereas on May 17, 2007, in the House Chamber, the Gentleman from Pennsylvania stated, in a loud voice words to the effect, to the Gentleman from Michigan as a result of offering and voting for the motion to recommend, "I hope you don't have any earmarks in the defense appropriation bill because they are gone and you will not get any earmarks now and forever.";

Whereas the Gentleman from Michigan responded, in words to the effect, "this is not the way we do things here and is that supposed to make me afraid of you?";

Whereas the Gentleman from Pennsylvania raised his voice, pointed his finger and stated, in words to the effect, "that's the way I do it.";

Whereas the gentleman from Pennsylvania (Mr. Murtha) is the ninth most senior member of Congress, whose seniority ranks him over 426 of his 433 colleagues in the House;

Whereas the gentleman from Pennsylvania chairs the Appropriations Subcommittee on Defense;

Whereas the gentleman from Pennsylvania (Mr. Murtha), the second-ranking and second longest serving Democrat on the Appropriations Committee, has been described in numerous media accounts as a master of the legislative process and an expert on earmarks; and

Whereas the gentleman from Pennsylvania (Mr. Murtha) has stated that he is a former member of the House Committee on Standards of Official Conduct, whose members are among the most knowledgeable in the House concerning the ethical obligations of Members of Congress: Now, therefore, be it

Resolved, That the Member from Pennsylvania, Mr. Murtha has been guilty of a violation of the Code of Official Conduct and merits the reprimand of the House for the same.

□ 1900

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Michigan will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will resume. There was no objection.

STAFF SERGEANT MARVIN "REX" YOUNG POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and pass the bill, H.R. 1425, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1425.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 0, not voting 47, as follows:

[Roll No. 385]

YEAS—385

Abercrombie	Cuellar	Hobson
Ackerman	Culberson	Hodes
Aderholt	Cummings	Hoekstra
Alexander	Davis (AL)	Holden
Allen	Davis (CA)	Holt
Altmire	Davis (IL)	Honda
Andrews	Davis, David	Hooley
Arcuri	Davis, Jo Ann	Hoyer
Baca	Davis, Lincoln	Inglis (SC)
Bachmann	Davis, Tom	Inslie
Bachus	Deal (GA)	Israel
Baker	DeFazio	Issa
Baldwin	Delahunt	Jackson (IL)
Barrett (SC)	DeLauro	Jackson-Lee
Barrow	Dent	(TX)
Bartlett (MD)	Diaz-Balart, M.	Jefferson
Barton (TX)	Dicks	Jindal
Bean	Dingell	Johnson (GA)
Becerra	Donnelly	Johnson (IL)
Berkley	Doolittle	Johnson, E. B.
Berman	Doyle	Johnson, Sam
Berry	Drake	Jones (NC)
Biggert	Dreier	Jordan
Bilbray	Duncan	Kagen
Bilirakis	Edwards	Kanjorski
Bishop (GA)	Ehlers	Kaptur
Bishop (NY)	Ellison	Keller
Bishop (UT)	Ellsworth	Kennedy
Blackburn	Emanuel	Kildee
Blunt	Emerson	Kilpatrick
Boehner	Engel	King (IA)
Bonner	English (PA)	Kingston
Bono	Eshoo	Klein (IL)
Boozman	Etheridge	Kline (MN)
Boren	Everett	Knollenberg
Boswell	Fallin	Kucinich
Boucher	Farr	Kuhl (NY)
Boustany	Fattah	Lamborn
Boyd (FL)	Feeney	Lampson
Boyd (KS)	Ferguson	Langevin
Brady (PA)	Filner	Lantos
Braley (IA)	Flake	Larsen (WA)
Brown (SC)	Forbes	Larson (CT)
Brown-Waite,	Fossella	Latham
Ginny	Fox	LaTourette
Burgess	Frank (MA)	Lee
Burton (IN)	Franks (AZ)	Levin
Butterfield	Frelinghuysen	Lewis (CA)
Calvert	Gallegly	Lewis (GA)
Camp (MI)	Garrett (NJ)	Lewis (KY)
Campbell (CA)	Giffords	Linder
Cannon	Gillibrand	Lipinski
Cantor	Gillmor	LoBiondo
Capito	Gingrey	Loeb
Capps	Gohmert	Lowey
Capuano	Gonzalez	Lucas
Cardoza	Goode	Lungren, Daniel
Carnahan	Goodlatte	E.
Carney	Gordon	Lynch
Carter	Granger	Mack
Castle	Graves	Mahoney (FL)
Castor	Green, Al	Maloney (NY)
Chabot	Green, Gene	Manzullo
Chandler	Hall (NY)	Markey
Clarke	Hall (TX)	Marshall
Cleaver	Hare	Matheson
Clyburn	Harman	Matsui
Coble	Hastert	McCarthy (CA)
Cohen	Hastings (FL)	McCarthy (NY)
Cole (OK)	Hastings (WA)	McCaul (TX)
Conaway	Hayes	McCollum (MN)
Conyers	Heller	McCotter
Cooper	Hensarling	McCrary
Costa	Herger	McDermott
Courtney	Herse	McGovern
Cramer	Herseth Sandlin	McHenry
Crenshaw	Higgins	McHugh
Crowley	Hill	McIntyre
Cubin	Hinche	McKeon
	Hirono	

McNerney	Putnam	Snyder
McNulty	Radanovich	Solis
Meehan	Rahall	Souder
Meek (FL)	Ramstad	Space
Meeks (NY)	Rangel	Spatt
Melancon	Regula	Stark
Mica	Rehberg	Stearns
Michaud	Reichert	Sutton
Miller (FL)	Renzi	Tancredo
Miller (MI)	Reyes	Tauscher
Miller (NC)	Reynolds	Taylor
Miller, Gary	Rodriguez	Terry
Miller, George	Rogers (AL)	Thompson (CA)
Mitchell	Rogers (KY)	Thompson (MS)
Mollohan	Rogers (MI)	Thornberry
Moore (KS)	Rohrabacher	Tiahrt
Moore (WI)	Ros-Lehtinen	Tiberi
Moran (KS)	Roskam	Tierney
Moran (VA)	Ross	Turner
Murphy (CT)	Rothman	Udall (CO)
Murphy, Patrick	Roybal-Allard	Udall (NM)
Murphy, Tim	Ruppersberger	Van Hollen
Musgrave	Ryan (OH)	Velázquez
Myrick	Ryan (WI)	Visclosky
Nadler	Salazar	Walberg
Napolitano	Sali	Walden (OR)
Neal (MA)	Sánchez, Linda	Walsh (NY)
Neugebauer	T.	Walz (MN)
Nunes	Sarbanes	Wasserman
Oberstar	Saxton	Schultz
Obey	Schakowsky	Waters
Olver	Schiff	Watson
Ortiz	Schmidt	Watt
Pallone	Schwartz	Waxman
Pascarella	Scott (GA)	Weiner
Pastor	Scott (VA)	Welch (VT)
Paul	Sensenbrenner	Weldon (FL)
Payne	Serrano	Weller
Pearce	Sessions	Westmoreland
Perlmutter	Sestak	Whitfield
Peterson (MN)	Shadegg	Wicker
Petri	Shea-Porter	Wilson (NM)
Pickering	Sherman	Wilson (OH)
Pitts	Shuler	Wilson (SC)
Platts	Sires	Wolf
Poe	Skelton	Woolsey
Pomeroy	Slaughter	Wu
Porter	Smith (NE)	Wynn
Price (GA)	Smith (NJ)	Yarmuth
Price (NC)	Smith (TX)	Young (AK)
Pryce (OH)	Smith (WA)	Young (FL)

NOT VOTING—47

Akin	Gilchrest	Pence
Baird	Grijalva	Peterson (FL)
Blumenauer	Gutierrez	Royce
Brady (TX)	Hinojosa	Rush
Brown, Corrine	Hulshof	Sanchez, Loretta
Buchanan	Hunter	Shays
Buyer	Jones (OH)	Shimkus
Carson	Kind	Shuster
Clay	King (NY)	Simpson
Costello	Kirk	Stupak
Davis (KY)	LaHood	Sullivan
DeGette	Lofgren, Zoe	Tanner
Diaz-Balart, L.	Marchant	Towns
Doggett	McMorris	Upton
Fortenberry	Rodgers	Wamp
Gerlach	Murtha	Wexler

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Monday, May 21, 2007, I was absent from the House for medical reasons. Had I been present I would have voted: On rollcall No. 384—"yea"; on rollcall No. 385—"yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 384 and 385.