

note that these studies were submitted to the record on September 11, 2008 in a hearing before the U.S. Senate Committee on Small Business and Entrepreneurship.

Disparity studies provide us with both statistical and anecdotal evidence. In other words, these studies illustrate both the broad-based statistical impact of discrimination and the personal accounts of discrimination by those who suffer its effects. It is the combination of these two types of data that helps us see how discrimination works and the problems it causes. The anecdotal accounts of discrimination provided in these studies demonstrate the various different ways that discrimination happens. Sometimes, discrimination is caused by prime contractors that simply refuse to work with businesses that are not part of established business networks—the old boy network, if you will. Other times, discrimination occurs in the bid process through bid shopping, uneven and untimely notice, and intentionally deceitful practices by prime contractors that approach DBEs and ACDBEs and ask them to prepare elaborate quotes and bids with no intention of actually using their services.

In other situations, the discrimination happens in access to capital. Just last week on September 11, 2008, the Chair of the Airport Minority Advisory Council, Don O'Bannon, provided testimony before the Senate Small Business Committee outlining the severe difficulty that minority and women owned businesses confront when attempting to obtain working capital. This is not all. Different forms of discrimination reach into every aspect of the efforts by minority and women businesses to participate in airport-related business. There has been discrimination by suppliers, by government officials, by trade associations and in all of the more informal networks through which businesses obtain work. Of course, in the private sector where many of these businesses must obtain the lion's share of their work, there are rarely programs like the DBE and ACDBE programs and, as a result, discrimination has an even larger impact.

The bottom line is this: The DBE and ACDBE programs are still vital to leveling the playing field for minority and women entrepreneurs in airport-related industries. I look forward to working with my colleagues to maintain and strengthen these programs to ensure that we continue the critical work of leveling the playing field to ensure that all American businesses have a fair chance to participate in the airport-related business opportunities.

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

Mr. COSTELLO. Mr. Speaker, I have no further requests for speakers, and so I yield back the balance of my time and urge passage of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 6984.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5244, CREDIT CARD-HOLDERS' BILL OF RIGHTS ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1476 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1476

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5244) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, 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 amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5244 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.

SEC. 3. The chairman of the Committee on Armed Services may insert in the Congressional Record at any time during the remainder of the second session of the 110th Congress such material as he may deem explanatory of defense authorization measures for the fiscal year 2009.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 1476.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, H. Res. 1476 provides for consideration of H.R. 5244, the Credit Card-holders' Bill of Rights Act of 2008 sponsored by Congresswoman MALONEY. This rule provides for 1 hour of general debate controlled by the Committee on Financial Services. It also provides one motion to recommit with or without instructions.

Mr. Speaker, it is entirely appropriate that today, with the extraordinary spectacle of Wall Street titans coming to Congress hat in hand asking

taxpayers for \$700 billion, that we take up consideration of a bill of rights for Americans who hold credit cards. It is impossible for any of us who care to observe not to see the connection between the need for stronger consumer protections in the credit card industry today and the careless, reckless dismantling of consumer protections in the housing and financial markets in the past 30 years now known by the infamous term of "deregulation."

Mr. Speaker, as we know, credit serves a vital function in our economy. You cannot have a functioning capitalist economy without a functioning credit system. But the question that we face as elected representatives of the people who sent us here is whether or not we will act to provide a critical consumer protection to the credit markets and the protection to consumers who depend on them, or will we continue to leave this laissez-faire to the rules made up as they go along by the people in charge on Wall Street.

If this Congress had insisted on upholding consumer protections on Wall Street, if it had not simply stood aside to the proponents of the wild west, anything-goes markets that eviscerated the regulations, and instead kept consumers safe and the markets stable and strong, then we may well have averted the crisis that this House is now considering.

Maybe we would not be facing this extraordinary threat to the strength of the middle class who is working hard, paying their bills, but hanging on by their fingernails.

The challenge our economy faces now is largely a result of Wall Street abusing the credit system that we all need. And now ballooning credit card debt presents a similar threat to American consumers and possibly the markets.

Today, the House of Representatives will have the opportunity to adopt legislation sponsored by Congresswoman MALONEY that would prevent the recurrence of a crisis in credit cards that is happening in our housing industry.

Let's just look at the situation of consumer credit as it exists today. In 2007, Mr. Speaker, 5.2 billion credit card solicitations were put in the mail, 36 solicitations per household. There are 1.22 billion credit cards in the United States. Outstanding consumer credit in the United States is approaching \$1 trillion, \$969.9 billion, to be precise, and the average credit card debt per household that carries a balance as opposed to those who simply use the credit card as a convenience to pay bills, that average balance is \$17,103.

Does that sound sustainable and does this sound familiar?

Congresswoman MALONEY's bill, H.R. 5244, institutes essential and overdue protections for the market and for the consumer by guarding against growing unmanageable debt and provides critical safeguards for consumers who have been relentlessly taken advantage of by credit card companies.

Specifically, the bill, among other things, ends unfair and arbitrary interest rate increases. Credit card companies raise interest rates at will, bait and switch, ends unfair penalties for cardholders who pay on time, requires fair allocation of consumer payments so that the payments are attributed to the highest interest rate first, protects cardholders from due date gimmicks, prevents companies from using misleading terms and damaging consumer credit ratings, protects vulnerable consumers from high fee subprime credit cards, and bars issuing credit cards to vulnerable minors.

The bill is the beginning of important reform in credit cards; the beginning of increased protection for consumers of credit card companies. H.R. 5244 is one side of the consumer protection coin.

□ 1045

The other side of the coin, which we're not taking up today but will hopefully get to, is for merchants who pay fees to credit card companies for every single credit card transaction, the so-called "interchange fees."

Mr. Speaker, in the United States, our credit card interchange fees are the highest in the entire world, accounting for as much as 2 percent of the cost of every credit card transaction, in some cases, a good deal more. By comparison, those interchange fees in the United States are almost three times what they are in Australia, four times what consumers and businesses pay in the United Kingdom.

These bloated interchange fees are passed on to the consumer. The average American family, in fact, pays an extra \$300 a year on items they purchase as a result of credit cards. For example, interchange fees can add more than 8 cents to the price of a gallon of gas every time you fill up.

I and others have introduced legislation that may be considered at some future time, H.R. 6248, the Credit Card Interchange Fees Act, which would require credit card companies to disclose their interchange rates, terms and conditions to consumers, businesses and the public. In addition, the bill would empower the Federal Trade Commission to review these rates and rules and prohibit any practices that violate consumer protection and anti-competitive laws.

Mr. Speaker, Chairman CONYERS on the Judiciary Committee also has important legislation being considered, the Credit Card Fair Fee Act. In the next Congress we'll have an opportunity to take up the Conyers bill and perhaps the Welch bill.

But today we have the opportunity to take up the first step, the work of Congresswoman MALONEY, where she has scores of cosponsors, where she's worked tirelessly to bring this legislation to the consideration of the floor. I urge my colleagues to support this rule and to support this underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for extending me the time.

I rise in opposition to this new, record-breaking 62nd closed rule being offered by this Democrat-led Congress, and I object to the timing of bringing this underlying legislation to the floor at a particularly fragile and vulnerable time for American consumers, for American small businesses, and for the entire American economy.

As every Member of this House, in fact, probably every single person on this planet with a working television already understands and they're very acutely aware, the United States capital markets for commercial credit have been frozen. And later this week, this Congress is going to be asked to vote on a massive and currently unfinished proposal to try to stem this enormous threat to our economy and to prevent it from spilling over into everyday Americans' lives who are simply trying to make ends meet.

The enormity and complexity of this crisis and its corresponding legislative solutions makes me question why, Mr. Speaker, why, with all the other problems in our financial markets that require our immediate, fixed and unwavering attention, this House leadership would bring this bill to the floor under a closed rule, instead of focusing on the much larger problem that economists and editorial boards across this country believe has the potential to do catastrophic damage to global financial systems.

Additionally, Mr. Speaker, I'm confused as to why this Congress is choosing this path because, despite whether the House considers this Democrat majority's 62nd closed rule, or this legislation today, it makes no difference, absolutely no difference as to whether the issues contained in this legislation to protect consumers from unfair or deceptive practices will even be addressed in a timely fashion.

To protect consumers from questionable practices, the Federal Reserve has already proposed broad new rules. But rather than allowing the Fed to finish its job, this Congress thought it was important enough to pass a new law to give to them, and this Congress is passing a bill that preempts all of the work that Congress has asked these regulators to do, while doing nothing to strengthen the Federal Reserve's already existing consumer protection mandate.

Like every other Member of this House, I am concerned about the crushing economic impact that rising food and fuel prices are having on American families. I'm even more concerned that passing legislation like this will discourage investment in credit card lending to fewer consumers and smaller businesses getting access to the credit that they need to stay afloat.

Unlike the Democrat leadership bringing this bill to the House floor, I do not believe that it is wise policy to

create a consumer credit crunch at the same time that our economy is already experiencing a massive commercial credit crunch. And I'm greatly concerned that current market conditions have the potential to greatly amplify the unintended consequences of this legislation at a time when families and small business need it the most. The "it" is credit.

Limiting the ability of consumer credit issuers to base their prices according to risk, as this legislation proposes to do, will only increase rates and fees for everyone, while also severely constricting the availability of credit to higher risk consumers altogether.

So, at a time when our constituents most need the flexibilities of these products, i.e., credit, this Democrat Congress is trying to preempt the focused efforts of three different regulators and restricting the access to credit card credit that is made available to American families and to small businesses.

Mr. Speaker, I believe a far more reasonable course of action would have been the one that was suggested by 14 members of the Financial Services Committee, a bipartisan group of seven Democrats and seven Republicans, when they asked the chairman of the committee to hold hearings on the Federal Reserve proposed rules before deciding whether passing legislation limiting consumer credit was necessary.

Mr. Speaker, I would like to insert into the RECORD a copy of this bipartisan letter to Chairman FRANK, as well as a copy of the administration's statement of administrative policy on this bill, which makes their concerns about unfair and deceptive practices as clear as their opposition to this underlying legislation that would "result in less access to credit and higher interest rates for consumers."

That is what the White House has said, and I will once again quote: This legislation will "result in less access to credit and higher interest rates for consumers."

Mr. Speaker, this comes at a particularly bad time, when consumers in our economy already have had enough stress to deal with without having to worry about unintended consequences of legislation passed by Congress that would make it even more difficult for families and small businesses to make ends meet.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, September 22, 2008.

STATEMENT OF ADMINISTRATION POLICY
H.R. 5244—CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2008

The Administration is concerned about unfair and deceptive credit card practices and supports efforts to protect consumers. Credit card plans have become more complex, and it is important that disclosures are transparent and clear so that consumers can understand their contracts and compare products. Transparency alone is insufficient to protect

consumers from all unfair credit card practices, and legislation likely to result in higher interest rates for consumers is not the answer; deceptive practices must also be prohibited.

The Federal Reserve, Office of Thrift Supervision, and National Credit Union Administration are currently finalizing regulations to prohibit unfair and deceptive credit card practices and make disclosures more transparent. The proposed regulations, which are expected to be finalized in December, address a number of goals of this bill. Those proposed regulations eliminate universal default, prohibit double-cycle billing, require advance notice of rate increases, and rein in over-the-limit fees. Regulations are better suited to addressing these problems than legislation because they can be adapted more readily to changes in market conditions. The proposed regulations are the result of extensive research and consumer input, have received extensive public comment, and should be finalized without legislation.

The Administration opposes H.R. 5244, particularly section 2 of the bill, because it would broadly constrain the ability of financial institutions to price risk, likely resulting in less access to credit and in higher interest rates for consumers. For the credit market to operate efficiently, creditors must have the flexibility to react to changes in customer risk and market conditions. Section 2 would restrict when lenders may change terms of the credit agreement, significantly constraining the ability of financial institutions to adapt to changing credit risks and market conditions.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 23, 2008.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, House
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On July 16, 2008 Federal Reserve Chairman Ben Bernanke testified before the Financial Services Committee and stated that the Federal Reserve had received over 20,000 comments on its proposed Unfair or Deceptive Acts or Practices rules for banks that issue credit cards. While we may support some of the policy changes these proposed rules address, we believe the Financial Institutions Subcommittee should carefully review these proposed policies and their impact on consumers and regulated industries. Therefore, we request that the Subcommittee hold a hearing on these proposed rules at its earliest convenience before further steps are taken on this important subject.

Sincerely,

Dennis Moore; Carolyn McCarthy; Timothy Mahoney; Michael N. Castle; Stephen C. LaTourette; Judy Biggert; Charlie Wilson; Ed Perlmutter; Gregory Meeks; Jon Gerlach; Christopher Shays; Shelley Moore Capito; Peter J. Roskam; Don Cazayoux.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York, the chairwoman of the Subcommittee on Financial Institutions and Consumer Credit, and the sponsor of the bill, Mrs. MALONEY.

Mrs. MALONEY of New York. I thank the gentleman for yielding and for his leadership.

Mr. Speaker, I rise in support of the rule on H.R. 5244, the Credit Cardholders' Bill of Rights. The rule before us gives the House an opportunity to

have a clear up-or-down vote on meaningful credit card reforms that will level the playing field between cardholders and credit card companies.

This legislation passed the House Financial Services Committee on July 31 on a vote of 39-27 and has the support of 155 cosponsors in this House.

For too long our constituents have found themselves on the wrong side of a very uneven playing field between them and their credit card companies. This bill restores fairness to credit cards and brings back the notion that a deal is a deal.

The bill that this rule will allow for consideration represents a work product that the committee and I started at the beginning of this Congress. We met with the stakeholders, issuers, consumer groups and the regulators and economists. We listened to real consumers and experts in consumer law and economics. We held six hearings in my subcommittee on the reforms contained in this bill and the reforms that are proposed by the Federal Reserve.

A year ago I held a round table which produced gold standard principles to guide voluntary issuer action. Several issuers announced changes in policy consistent with the principles, and I applaud their efforts.

In May, the Federal Reserve, the Office of Thrift Supervision, and the National Credit Union Administrator released proposed rules to prohibit unfair and deceptive acts and practices that track the key provisions of my legislation. These regulations have received an astonishing, record-breaking 56,000 comments from consumers in support, the largest ever in history.

But without legislation, regulations can be stopped or scaled back, and lucrative abuse of practices will continue, and issuers who gave them up will lose profits and their market share. We need legislation to level the playing field for consumers and issuers so that the normal forces of the free market can work together again.

The bill has been endorsed by 12 consumer groups. I would like to place their names in the RECORD and applaud their hard work. Labor unions, including the AFL-CIO, and especially the SEIU, and civil rights organizations, the Leadership Council on Civil Rights, the NAACP, and the National Council of La Raza. Editorials and op-eds endorsing the need for credit card reform have run in more than 55 newspapers across the Nation, and these editorials can be seen on my Website. Commentators from Pat Robertson of Christian broadcasters and Lou Dobbs of CNN have consistently supported this effort. Senator BARACK OBAMA has called for a Credit Cardholder's Bill of Rights, and Vice Presidential candidate Sarah Palin has said that Republicans should get on this issue and not leave it to Democrats. So it is a bipartisan effort.

Even four of the five banking regulators have called for the specific reforms contained in this bill. I say this because some on the other side may

argue against this rule. But I want the American people to understand all of the work that has gone into this work product. This bill, this process has been open and bipartisan.

Today, with the rule now before us, we get to preserve the core principles of this legislation, and this rule gives us a chance to have a clean up-or-down vote on meaningful credit card reform. I support this rule and look forward to the underlying debate.

I would like to conclude by saying that it is now clear that in the area of consumer credit, the same lack of reasonable regulations, transparency and prudent lending has led to a level of pain on Main Street that matches or exceeds the pain on Wall Street. This is our chance to do something about it.

We are called upon to come forward with a \$700 billion backstop for Wall Street. This legislation gives a backstop and support to Main Street.

I urge my colleagues to support this legislation.

H.R. 5244—THE CREDIT CARDHOLDERS' BILL OF RIGHTS

There are 155 Cosponsors, 153 Democrats, 2 Republicans.

Passed House Financial Services Committee on July 31st on vote of 39-27.

Endorsed by consumer groups, labor unions, civil rights organizations and editorial boards from across the nation.

Consumer Groups: U.S. Public Interest Research Group, Consumers Union, Consumer Action, Center for Responsible Lending, National Consumer Law Center, Dēmos: A Network for Ideas & Action, Consumer Federation of America, ACORN, National Association of Consumer Advocates, National Association of Neighborhoods, and National Fair Housing Alliance.

Labor Unions: American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and Service Employees International Union.

Civil Rights Organizations: Leadership Conference on Civil Rights, National Association for the Advancement of Colored People (NAACP), National Council of La Raza.

Editorial Boards: New York Times, Frederick News Post, Detroit Free Press, Minneapolis Star Tribune, Staten Island Advance, The Miami Herald, The Philadelphia Inquirer, San Gabriel Valley Tribune (California), Sun-Sentinel (Fort Lauderdale, Florida), The Boston Globe, The Herald (SC), Buffalo News (New York), Knoxville News-Sentinel (TN), The Columbus Dispatch (OH), The St. Petersburg Times (FL), Daily and Sunday Review (PA), The Lebanon Daily News (Pennsylvania), Asbury Park Press (New Jersey), Newsday (NY), The Charleston Gazette (W. VA), The Dallas Morning News, The Baltimore Sun, The Times Union (Albany, NY), The Toledo Blade (OH), The Burlington Free Press (Vermont), St. Paul Pioneer Press (Minnesota), Brattleboro Reformer (Vermont), The Ithaca Journal (New York), The Macon Telegraph (Georgia), The Kansas City Star, Pittsburgh Post-Gazette (Pennsylvania), The Denver Post, The Record (Bergen County, NJ), Lowell Sun (Massachusetts), The Oregonian (Portland, Oregon), The Columbus Dispatch (Ohio), St. Louis Post-Dispatch (Missouri), San Diego Union Tribune, Albuquerque Journal (New Mexico), Portland Press Herald (Maine), USA Today, The News & Observer (Raleigh, North Carolina), The Olympian (Washington), Morning Call (Allentown, Pennsylvania), The Cincinnati Enquirer (Ohio), The Seattle

Post-Intelligencer, Grand Rapid Press (Michigan), The Providence Journal (Rhode Island), The Detroit News (Michigan), The Roanoke Times (Virginia), Lancaster New Era (Pennsylvania), The Myrtle Beach Sun-News (South Carolina), and The State Journal-Register (Springfield, IL).

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 5 minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding. We're often accused of, when a rule comes up, of bringing up something that doesn't relate to the rule at all or speaking on something completely different. I'm here because something has been added to this rule that shouldn't be in this rule at all that bears no relation to this rule.

□ 1100

In this rule, for a bill on credit cards, there was an attachment which would allow the chairman of the Armed Services Committee to insert a joint explanatory statement for the defense authorization act, that he would be allowed to file that at any time between now and the end of the 110th Congress. That's important because in the joint explanatory statement is when you learn sometimes about what earmarks have been added to the bill, and you're supposed to get that report and that explanation and statement before you consider the bill on the floor.

We will be considering the bill on the floor later today or tomorrow, I guess, under a suspension of the rules with no ability to amend or to question anything in the defense authorization bill. That bill, when it came to the House floor earlier this year, contained more than 500 earmarks.

This is the defense authorization bill that we learned of just a day before it came to the floor. It came to the floor under a closed rule—or under a rule which allowed me to offer just one amendment—more than 500 earmarks, one amendment. There were a lot of Democratic earmarks; there were a lot of Republican earmarks. The majority saw fit to only allow me to question one Republican earmark. No coincidence there.

And yet even worse—at least then we knew when the bill came to the floor we really couldn't do anything about it, but we knew which earmarks were in the bill. Now there's a possibility that there could be dozens, hundreds, maybe 10, we don't know. We don't know how many earmarks have been air-dropped into this legislation, or if any have, and we likely won't know—we just don't know because this rule on a credit card bill allows the chairman of the Armed Services Committee to file at any time between now and the end of the 110th Congress which earmarks were in the bill.

Theoretically, the President could even sign this legislation in a couple of weeks or a couple of months, and we would only learn after that what earmarks were in the bill or those earmarks, theoretically, could even be

added after the President signs the bill into law. I don't know how that could be stopped under this rule.

I just wonder how the majority—and I would love to yield time to the Rules Committee to explain how we are doing this, how this squares with the statements earlier this year or earlier this Congress that, according to the majority, according to the Speaker of the House, we will bring transparency and openness to the budget process into the use of earmarks.

I would be glad to yield 30 seconds to the Rules Committee to explain why this provision was added to the rule.

Mr. WELCH of Vermont. I thank the gentleman from Arizona.

Here is my understanding. The gentleman raises, I think, a good point.

The Armed Services Committee is working, as I understand it, on a bipartisan Department of Defense authorization bill. My understanding is the conclusion of the people who are most responsible on both sides of the aisle for that, on our side, expect that the Senate will not participate in a conference, so it will be a single bill that would be presented to this body under suspension.

So my understanding is that the folks who represent us, both sides of the aisle on the Armed Services Committee, have come to the conclusion that given the way the other body is going to handle this, that this is the most practical and effective way to proceed.

Since it's coming up under suspension, it's going to take a two-thirds vote, obviously. So whatever the reasons are that Members may want to reject that, they're going to have an opportunity to do it.

I will go on if you want, but I don't want to take too much of your time.

Mr. FLAKE. I thank the gentleman.

We're being asked to take—it is our understanding that this will happen. We're probably to understand that, yeah, they'll file something before we do a suspension bill that we couldn't amend or question even if we didn't like what was in there.

Again, Mr. Speaker and Members here, this just doesn't square with the commitments that we have made on both sides of the aisle to have an open and transparent process. Like I said, it's bad enough to just learn before bills come to the floor that you've had a couple hundred earmarks added. But in this case, we're giving the authority to the authorizing committee to let us know about which air-dropped earmarks have been added after we pass the bill, after it's too late; theoretically, after the President even signs the legislation.

The SPEAKER pro tempore. The time of the gentleman from Arizona has expired.

Mr. SESSIONS. I would like to yield the gentleman an additional 3 minutes.

Mr. FLAKE. Here, like I said, we're being asked to give authority to actually not explain which earmarks have

been added until after the bill has passed. I just can't see how that represents good government in any sense, how in the world we can say that we are having an open and transparent process when we have bills that come like this.

Now with prior bills, we had a defense authorization bill that came to the floor a while ago that we only got the list of earmarks that were added after the deadline passed to file amendments to actually strike those earmarks.

So we have had a number of these cases throughout this Congress. But I can tell you nothing compares to this. Nothing compares to having an unrelated provision added to a credit card rule, a rule to a bill to allow the authorizing Committee of Armed Services to, up to the end of this Congress, to wait a couple of months after the bill passes—after a bill that was passed under suspension of rules, I might add—to add an explanation as to which earmarks are in the bill.

So I just want to register my objection there, and I would hope that Members would vote down this rule. We can't do business like this, particularly at a time when we have a financial meltdown, we have legislation on the floor this week to spend \$700 billion. If that's not bad enough, here we have a situation where we're simply hiding—I don't know how else to say it—but hiding what we have done in the committees and on the floor and not letting Members of this body actually exercise the responsibility that we have here.

With that, I register my objection. I thank the gentleman for yielding, and I urge a “no” vote on the rule.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, this credit card bill is extremely important, and I would like to just express appreciation to my colleague for having the vision to bring it forth.

People all over the country, the majority of the people around this country, are concerned about what is happening to them with regard to credit cards. I think that this is a week in which we need to all be concerned about what the consumers are feeling. In particular, I'm interested in the fact that we were not, at least in terms of statute, prohibiting what could happen to underage consumers.

In our committee, I produced a letter received by a 15-year-old boy offering him a credit card. The father of that boy works here on the Hill and brought the letter to the committee.

This bill, if approved, would provide that no credit card may be knowingly issued to or open-end credit plan established on behalf of a consumer who has not attained the age of 18 unless the consumer is emancipated under applicable State law.

Mr. Speaker, we have, in this country, right now over a billion credit cards. We have young people going to

college receiving credit cards. We had testimony before our committee that in colleges, the administration will quite often allow credit card companies to come in on enrollment day. They offer the students a sandwich at one of the local fast food restaurants in exchange for them applying for a credit card. This has got to stop.

China has almost a 22 percent savings rate. The United States is negative .6. We are training our kids to go off to college where that is becoming increasingly expensive and then go out and get a credit card without having any source of income.

This has to stop, and I would like to commend my colleague for introducing this legislation and for doing things that I think the public expects us to do as elected officials.

Mr. SESSIONS. Mr. Speaker, I would like to inquire of my colleague, the gentleman, Mr. WELCH, if he has additional speakers. I, at this time, do not appear to have any additional speakers.

Mr. WELCH of Vermont. I have at least two speakers at this point.

Mr. SESSIONS. Mr. Speaker, I would like to reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise as an enthusiastic supporter of the legislation that has been prepared by the gentlewoman from New York. Credit card abuse is rampant, and her legislation helps us to correct some of the most egregious abuses.

I have just come from the Subcommittee on Health on which I serve. It's well known that the number one item in terms of credit card debt is for medical bills and that health care costs are the number one cause of personal bankruptcy in this country.

When we wrote the bankruptcy bill a few years ago, what began as a reasonable reform to deal with problems with debtors became an entirely one-sided piece of legislation that ignored these rampant abuses in the credit card industry. So it's appropriate here, under new leadership and a Democratic Congress and the leadership of the gentlewoman from New York, we are finally belatedly addressing some of these abuses.

But all of this will be for naught unless this measure becomes part of the great Wall Street bailout that the President has proposed. Once again, the proposal being advanced from this administration, not unlike our old debate about the bankruptcy laws, is all one-sided: give to those who cause the problem, give taxpayer money to those who cause the problem, and let those who cause the problem decide how that money is distributed. It's all one-sided.

If such a bill in any form is to be passed—and I think there's great debate about the wisdom of approving anything in this area of the type that has been advanced—but if such a measure is to be approved, it is essential

that we do just a little bit for the consumers who have been entrapped, in many cases, with massive amounts of credit card debt. And incorporating the modest but very important reforms that the gentlewoman from New York has advanced into this legislation is absolutely essential.

We need not negotiate just over the unsatisfactory proposal that was advanced by the Treasury Department.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WELCH of Vermont. Mr. Speaker, I will yield the gentleman an additional 30 seconds.

Mr. DOGGETT. We need not be limited by just trying to improve an unsatisfactory proposal advanced by the administration; we need to add to that negotiating list key consumer reforms like this so that the protection is just not for the wrongdoers on Wall Street, but it's for the average consumer struggling to make ends meet with a huge credit card debt. And I applaud the gentlewoman from New York for her leadership.

Mr. SESSIONS. Mr. Speaker, we reserve our time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota, a member of the Financial Services Committee, Mr. ELLISON.

Mr. ELLISON. Mr. Speaker, let me start by thanking Chairwoman MALONEY and Chairman FRANK for their continued commitment to this much-needed credit card reform legislation. I'm proud and honored to have worked with both of them to ensure the financial security of working families across America.

As co-chair of the Congressional Consumer Justice Caucus, I'm strongly in favor of H.R. 5244, the Credit Card Holder's Bill of Rights.

Mr. Speaker, today we have an opportunity to stand up for working families across America by passing legislation that will ensure the prosperity of the working class. And this legislation, Mr. Speaker, needs to be part of the financial markets' rescue plan. As we move forward to try to help people on Wall Street, we cannot leave alone the people on Main Street. Americans are suffering under tremendous weight of this credit crisis. We have to do something, and this is what we can do about it: giving people relief from these incredible abuses in the credit card industry.

The debt crisis inundating so many Americans is in large part due to the result of an industry with few regulations and little oversight. Consumers with credit cards nationwide are facing excessive credit card fees, sky-high interest rates, and unfair incomprehensible agreements that credit card companies can revise at will.

In short, American families are suffering while credit card companies are making record profits, Mr. Speaker. In 2007, credit card issuers imposed \$18.1 billion—that's billion with a "B"—in penalty fees on families carrying credit

card balances for more than 50 percent since 2003. This accounts for nearly half of the \$41 billion industry profits.

This year, credit card companies will break all record fees for late fees, over-limit charges, and other penalties pulling in more than \$19 billion.

□ 1115

H.R. 5244 bans unfair and deceptive practices that have resulted in billions of dollars in fees drained from hard-working families for the credit card industry.

Also included in the bill is a ban on universal default. Last May, I introduced legislation to ban this unfair and ethical practice, and I'm pleased to see it included in the bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WELCH of Vermont. I yield the gentleman an additional 30 seconds.

Mr. ELLISON. Universal default is the popular term for a practice that allows creditors to increase the rate on your credit card to the default rate, even when you haven't missed a single payment on that card. This means that we're going to look at real reform with this important piece of legislation.

Mr. Speaker, I want to thank Chairwoman MALONEY, again, for her valiant advocacy, and this does need to be a part of the rescue package.

Mr. SESSIONS. Mr. Speaker, it's my understanding that the gentleman from Vermont is through with his speakers at this time, if I could confirm that.

Mr. WELCH of Vermont. That is correct.

Mr. SESSIONS. I thank the gentleman.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since taking control of this House, this Democrat Congress has totally neglected its responsibility to address the domestic supply issues that have created the skyrocketing gas, diesel and energy costs that Americans are facing today, and no doubt, part of the credit crunch that we are facing today and credit card costs that Americans are facing today is as a result of the high cost of gasoline right now that all Americans are paying.

By going on vacation for 5 weeks over August, while I and 138 others of my Republican colleagues stayed in Washington to talk about real solutions for American families, this Democrat majority has proven that they do not believe that the energy crisis facing American families and business was important enough to cancel their summer beach plans or book tours to get the job done.

So, again, today, the Republicans are here on the floor of the House of Representatives asking each of our colleagues to vote with me to defeat the previous question. If the previous question is defeated, I will move to amend the rule to allow this House to take up a measure that will allow Members to be able to vote for a pro-energy bill and

prevent Members from going home to campaign for reelection without actually passing a bill which will pass and have meaningful reform so that we can lower the price of gasoline at the pump.

This legislation that I will be proposing that can be voted on today and that would turn into law would allow States to expand the exploration and extraction of natural resources along the Outer Continental Shelf. Not allowed in the Democrat bill that passed one week ago.

It would open the arctic energy slope and oil shale reserves to environmentally prudent exploration and extraction. Not included in the Democrats' bill of a week ago.

It would extend expiring renewable energy incentives. It would encourage the streamlining approval of new refining capacity and nuclear power facilities. Not included in the Democrat bill of a week ago.

It would encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies, which was not included in the Democrat bill a week ago.

Perhaps most of all, it would minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production. Not included in the Democrats' bill of a week ago.

Mr. Speaker, this requirement would finally force the Democrat leadership to take positive, meaningful action to increase the supply of American energy. It would reduce the price at the pump for American families and use, what we term in the Republican Party, an all-of-the-above strategy combining increased supply of American-made energy, improved conservation and efficiency, and provide for new and expanding energy technologies to achieve American energy independence.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, we're here on the floor debating a bill today that may have unintended consequences of drying up the ability that families have and people have and small businesses have for getting credit.

I do acknowledge, I think every Member of this House acknowledges, that gasoline prices, energy prices are way too high. Food prices are way too high. But people who are trying to live their lives need the opportunity to have credit, the opportunity to be able to have a credit card, and to be able to place those expenses on their credit card, and then manage their own ability to pay back. That is the essence of what we should be about is trying to help people do that today.

Not about creating another credit card crunch. Not about creating credit cards where people don't know whether they're going to be able to get credit or not, and perhaps, more importantly, the opportunity for us to give this marketplace for American consumers stability where they know what they can count on and move forward to take care of their families and their small businesses.

Mr. Speaker, I would like to say also that we believe that the provisions that were put in the rule specifically addressing the earmark reform or earmarks is unacceptable. It's unacceptable to say that this House will quite likely be voting on a massive bill only to find out weeks later we'll find out what was in the bill and those earmarks that accompany that.

As the gentleman from Arizona (Mr. FLAKE) noted, that is disappointing. It's disappointing because this House was advised over 2 years ago that this would be the most honest, open, and ethical Congress in history.

Mr. Speaker, I have seen very little to no action on behalf of this new Democrat majority that is open about what they do, that is transparent in what they do. And once again, today, with a record shattering breaking new closed rule, we find that they aren't even willing to take ideas from people in their own party, and I think that's disappointing.

As we wind down this last week that we're here before the election, we find that there are new tricks of the trade that take place in this Rules Committee. I'm disappointed that this new Democrat majority continues that. I support the gentleman from Arizona (Mr. FLAKE) and what he said; and, Mr. Speaker, I would say that that's why I'm asking Members of this body not to support this rule and the underlying legislation.

I yield back my time, Mr. Speaker.

Mr. WELCH of Vermont. Mr. Speaker, I want to make three points.

First, in response to the concerns expressed by the gentleman from Arizona (Mr. FLAKE), I want to assure him, as well as my colleagues, that the Armed Services Committee intends today to file their explanatory statement. This is on the, incidentally, Duncan Hunter defense authorization bill. They want to file their explanatory statement before the bipartisan DOD authorization is considered on the floor. So Members are going to have an opportunity to read in the CONGRESSIONAL RECORD all the information that they want, including anything related to so-called "earmarks."

Second, I want to speak to the energy concerns that were discussed by the gentleman from Texas. I understand the argument he's making. It's been made by him and his colleagues, and in fact, many of the arguments that were made were incorporated into the energy legislation that did pass this House for an all-of-the-above approach to energy, and I can appreciate

that some Members here do believe that drilling is the way to go and almost the only way to go. And I can understand the political appeal that has been embraced by my friends on the other side to use every occasion to speak, whether it is on a credit card bill, whether it's on a veterans bill, doesn't matter the nature of the bill that they want to give their pitch about oil. And they've done it. We've listened, and we've passed legislation that does incorporate all of the above.

But the third point I want to make is this: this legislation that has been brought to the floor by Congresswoman MALONEY raises a fundamentally, profoundly important question for this Congress. Are we going to stand by hands off while the credit industry, most recently exhibited by Wall Street, basically plunders our economy, picks the pockets of consumers, has their way, tramples on the rights of individuals and families, disregards the needs of the middle class, all in the name of whatever it is in and however much money it is they can make? Or is Congress going to assert its role as the representatives of the people and establish a level playing field so that people can have access to the credit that they need in a way that companies are going to make a fair profit, the old, the elderly, the people on the margin aren't going to be ripped off?

It's really that simple, and we can debate about what the fine points are in any kind of consumer protection legislation, and reasonable people can disagree on both sides of the aisle. But the fundamental question for this Congress is, are we going to do anything or not? And the whole reason we have this extraordinary spectacle of these Wall Street titans, billionaires, now coming in to Congress saying they're going broke and give us \$700 billion, and oh, it's not for us, it's because we want the economy to work for the people who are on the dead-end side of these mortgages, why did that happen?

It happened because in many ways the Federal Trade Commission, the Federal Reserve, the Office of Thrift Supervision, the executive branch of government abdicated any responsibility that it had to stand up for people who needed an active government on their side.

What Congresswoman MALONEY's legislation says very simply is, Enough. Enough. Enough abuse. It's over; the free ride is over. We're going to have some fair rules, consumer protections. You get notice of what your bill is going to be. You can't change the interest rate arbitrarily. A contract is a contract both ways, and if there's an obligation to pay your credit card, which there is, there's an obligation on the part of the credit card company to abide by explicit terms and conditions in a contract.

So this legislation is a first step, in my view long overdue, for Congress to stand up and say that there are going to be some basic rules of fairness, some

basic rules of the road that are going to protect everyday citizens. Credit is essential to our economy, and that's a point my friend from Texas made and he's right, and it's a useful and important tool for individuals and families.

But there have to be fair rules, and one family up against a monolith of the credit card industry, there's got to be somebody on the side of that family, and that's got to be the United States Congress.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1476 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution add the following new section:

SEC. 4. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 1476, if ordered; and the motion to suspend the rules and pass S.J. Res. 45.

The vote was taken by electronic device, and there were—yeas 221, nays 192, not voting 20, as follows:

[Roll No. 619]

YEAS—221

Abercrombie	Boren	Clay
Ackerman	Boswell	Cleaver
Allen	Boucher	Clyburn
Altmire	Boyd (FL)	Cohen
Andrews	Boyd (KS)	Conyers
Arcuri	Brady (PA)	Costa
Baca	Braley (IA)	Costello
Baird	Brown, Corrine	Courtney
Baldwin	Butterfield	Cramer
Barrow	Capps	Crowley
Bean	Capuano	Cuellar
Becerra	Cardoza	Cummings
Berkley	Carnahan	Davis (AL)
Berman	Carney	Davis (CA)
Berry	Carson	Davis (IL)
Bishop (GA)	Castor	DeFazio
Bishop (NY)	Chandler	DeGette
Blumenauer	Clarke	Delahunt

DeLauro	Lee	Roybal-Allard
Dicks	Levin	Ruppersberger
Dingell	Lewis (GA)	Ryan (OH)
Doggett	Lipinski	Sánchez, Linda
Donnelly	Loeb	T.
Doyle	Lofgren, Zoe	Sanchez, Loretta
Edwards (MD)	Lowe	Sarbantes
Edwards (TX)	Lynch	Schakowsky
Ellison	Mahoney (FL)	Schiff
Ellsworth	Maloney (NY)	Schwartz
Emanuel	Markey	Scott (GA)
Engel	Marshall	Scott (VA)
Eshoo	Matheson	Serrano
Etheridge	Matsui	Sestak
Farr	McCarthy (NY)	Shays
Fattah	McCormack (MN)	Shea-Porter
Filner	McDermott	Sherman
Foster	McGovern	Shuler
Frank (MA)	McIntyre	Sires
Gillibrand	McNerney	Skelton
Green, Al	McNulty	Slaughter
Green, Gene	Meek (FL)	Smith (WA)
Grijalva	Meeks (NY)	Snyder
Gutierrez	Melancon	Solis
Hall (NY)	Michaud	Space
Hare	Miller (NC)	Speier
Harman	Miller, George	Spratt
Hastings (FL)	Mitchell	Stark
Higgins	Mollohan	Stupak
Hinchee	Moore (KS)	Sutton
Hinojosa	Moore (WI)	Tanner
Hirono	Murphy (CT)	Taylor
Hodes	Murphy, Patrick	Thompson (CA)
Holden	Murtha	Thompson (MS)
Holt	Nadler	Towns
Honda	Napolitano	Tsongas
Hooley	Neal (MA)	Udall (CO)
Hoyer	Neal (MA)	Van Hollen
Inslee	Oberstar	Velázquez
Israel	Obey	Vislosky
Jackson (IL)	Olver	Walz (MN)
Jefferson	Ortiz	Wasserman
Johnson (GA)	Pallone	Schultz
Johnson, E. B.	Pascrell	Waters
Kagen	Pastor	Watson
Kanjorski	Payne	Watt
Kaptur	Perlmutter	Waxman
Kennedy	Peterson (MN)	Weiner
Kildee	Pomeroy	Welch (VT)
Kilpatrick	Price (NC)	Wexler
Kind	Rahall	Wilson (OH)
Klein (FL)	Rangel	Woolsey
Kucinich	Reichert	Wu
Lampson	Richardson	Yarmuth
Langevin	Rodriguez	
Larsen (WA)	Ros-Lehtinen	
Larson (CT)	Ross	
	Rothman	

NAYS—192

Aderholt	Cole (OK)	Hayes
Akin	Conaway	Heller
Alexander	Crenshaw	Hensarling
Bachmann	Culberson	Herger
Bachus	Davis (KY)	Hill
Barrett (SC)	Davis, David	Hobson
Bartlett (MD)	Davis, Tom	Hoeksstra
Barton (TX)	Deal (GA)	Hunter
Biggert	Dent	Inglis (SC)
Bilbray	Diaz-Balart, L.	Issa
Billirakis	Diaz-Balart, M.	Johnson, Sam
Bishop (UT)	Doolittle	Jones (NC)
Blackburn	Drake	Jordan
Blunt	Dreier	Keller
Boehner	Duncan	King (IA)
Bonner	Ehlers	King (NY)
Bono Mack	Emerson	Kingston
Boozman	English (PA)	Kirk
Boustany	Everett	Kline (MN)
Brady (TX)	Fallin	Knollenberg
Broun (GA)	Feehey	Kuhl (NY)
Brown (SC)	Ferguson	LaHood
Brown-Waite,	Flake	Lamborn
Ginny	Forbes	Latham
Buchanan	Fortenberry	LaTourette
Burgess	Fossella	Latta
Burton (IN)	Fox	Lewis (CA)
Buyer	Franks (AZ)	Lewis (KY)
Calvert	Frelinghuysen	Linder
Camp (MI)	Gallely	LoBiondo
Campbell (CA)	Garrett (NJ)	Lucas
Cannon	Gerlach	Lungren, Daniel
Cantor	Gilchrest	E.
Capito	Gingrey	Mack
Carter	Gohmert	Manzullo
Castle	Goode	Marchant
Cazayoux	Goodlatte	McCarthy (CA)
Chabot	Granger	McCaul (TX)
Childers	Hall (TX)	McCotter
Coble	Hastings (WA)	McCrey

McHenry Radanovich Smith (TX) Jackson (IL) Miller, George Serrano Shadegg Tancredo Weldon (FL)
 McHugh Ramstad Souder Jefferson Mitchell Sestak Shays Terry Weller
 McKeon Regula Stearns Johnson (GA) Mollohan Shea-Porter Shimkus Thornberry Westmoreland
 McMorris Rehberg Sullivan Johnson, E. B. Moore (KS) Sherman Shuster Tiahrt Whitfield (KY)
 Rodgers Renzi Tancredo Kenzi Shuler Simpson Tiberti Wilson (NM)
 Mica Reynolds Terry Kanjorski Sires Murphy (CT) Smith (NJ) Turner Wilson (SC)
 Miller (FL) Rogers (AL) Thornberry Kaptur Murphy, Patrick Skelton Smith (TX) Upton Wittman (VA)
 Miller (MI) Rogers (KY) Tiahrt Kennedy Murtha Nadler Smith (WA) Souder Walden (OR) Wolf
 Miller, Gary Rogers (MI) Tiberi Kildee Nadler Smith (WA) Souder Walden (OR) Wolf
 Moran (KS) Rohrabacher Kilpatrick Napolitano Snyder Solis Stearns Walsh (NY) Young (AK)
 Murphy, Tim Roskam Upton Kind Neal (MA) Solis Stearns Walsh (NY) Young (FL)
 Musgrave Royce Walberg Klein (FL) Oberstar Space Speier
 Myrick Ryan (WI) Walden (OR) Kucinich Obey Speier
 Nunes Sali Walsh (NY) Langevin Oliver Spratt
 Nunes Saxon Wamp Larsen (WA) Ortiz Stark
 Paul Scalise Weldon (FL) Pallone Stupak
 Pence Schmidt Weller Pascrell Suttton
 Peterson (PA) Sensenbrenner Westmoreland Levin Pastor Tanner
 Petri Sessions Whitfield (KY) Lewis (GA) Payne Tauscher
 Pickering Shadegg Wilson (NM) Lipinski Perlmutter Thompson (CA)
 Pitts Shimkus Wilson (SC) Loebsock Peterson (MN) Thompson (MS)
 Platts Shuster Wittman (VA) Lofgren, Zoe Pomeroy Price (NC) Towns
 Poe Simpson Wolf Lynch Raball Tsongas
 Porter Smith (NE) Young (AK) Mahoney (FL) Rangel Udall (CO)
 Price (GA) Smith (NJ) Young (FL) Maloney (NY) Richardson Van Hollen
 Putnam Smith (NJ) Young (FL) Markey Rodriguez Velazquez

NOT VOTING—20

Cooper Herseth Sandlin Pearce
 Cubin Hulshof Pryce (OH)
 Davis, Lincoln Jackson-Lee Reyes
 Giffords (TX) Rush
 Gonzalez Johnson (IL) Salazar
 Gordon Moran (VA) Tierney
 Graves Neugebauer Udall (NM)

□ 1153

Mr. FLAKE changed his vote from "yea" to "nay."
 Mr. ISRAEL changed his vote from "nay" to "yea."

So the previous question was ordered.
 The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.
 The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 194, not voting 19, as follows:

[Roll No. 620]

AYES—220

Abercrombie Castor Ellsworth
 Ackerman Cazayoux Emanuel
 Allen Chandler Engel
 Altire Childers Eshoo
 Andrews Clarke Etheridge
 Arcuri Clay Farr
 Baca Cleaver Fattah
 Baird Clyburn Filner
 Baldwin Cohen Foster
 Barrow Conyers Frank (MA)
 Becerra Costa Gillibrand
 Berkley Costello Green, Al
 Berman Courtney Green, Gene
 Berry Cramer Grijalva
 Bishop (GA) Crowley Gutierrez
 Bishop (NY) Cuellar Hall (NY)
 Blumenauer Cummings Hare
 Boren Davis (AL) Harman
 Boswell Davis (CA) Hastings (FL)
 Boucher Davis (IL) Herseth Sandlin
 Boyd (FL) DeFazio Higgins
 Boyda (KS) DeGette Hinochea
 Brady (PA) Delahunt Hinojosa
 Braley (IA) DeLauro Hirono
 Brown, Corrine Dicks Hodes
 Butterfield Dingell Holden
 Capps Doggett Holt
 Capuano Donnelly Honda
 Cardoza Doyle Hooley
 Carnahan Edwards (MD) Hoyer
 Carney Edwards (TX) Inslee
 Carson Ellison Israel

Jefferson Johnson (GA) Johnson, E. B. Moore (KS) Moore (WI) Murphy (CT) Kaptur
 Kennedy Murtha Nadler Smith (WA) Snyder Solis Oberstar
 Obey Oliver Ortiz Stark
 Pallone Pascrell Suttton
 Pastor Tanner
 Payne Tauscher Taylor
 Perlmutter Peterson (MN) Pomeroy Price (NC) Raball
 Rangel Richardson
 Rodriguez Ross
 Rothman Roybal-Allard Ruppertsberger Ryan (OH) Salazar
 Sanchez, Linda T. Sanchez, Loretta Sarbanes Schakowsky Schiff Schwartz Scott (GA) Scott (VA)

NOES—194

Aderholt English (PA) Lungren, Daniel
 Akin Everett E. Mack
 Alexander Fallin
 Bachmann Feeney
 Bachus Ferguson
 Barrett (SC) Flake
 Bartlett (MD) Forbes
 Barton (TX) Fortenberry
 Biggert Fossella
 Bilbray Fox
 Bilirakis Franks (AZ)
 Bishop (UT) Frelinghuysen
 Blackburn Gallegly
 Blunt Garrett (NJ)
 Boehner Gerlach
 Bonner Gilchrest
 Bono Mack Gingrey
 Boozman Gohmert
 Boustany Goode
 Brady (TX) Goodlatte
 Broun (GA) Granger
 Brown (SC) Graves
 Brown-Waite, Hall (TX)
 Castor Hastings (WA)
 Buchanan Hayes
 Burgess Heller
 Burton (IN) Hensarling
 Buyer Herger
 Calvert Hill
 Camp (MI) Hobson
 Campbell (CA) Hoekstra
 Cannon Hunter
 Cantor Inglis (SC)
 Capito Issa
 Carter Johnson, Sam
 Castle Jones (NC)
 Chabot Jordan
 Coble Keller
 Cole (OK) King (IA)
 Conaway King (NY)
 Crenshaw Kingston
 Culberson Kirk
 Davis (KY) Kline (MN)
 Davis, David Knollenberg
 Davis, Tom Kuhl (NY)
 Deal (GA) LaHood
 Dent Lamborn
 Diaz-Balart, L. Lampson
 Diaz-Balart, M. Latham
 Doollittle Latta
 Drake Lewis (CA)
 Dreier Lewis (KY)
 Duncan Linder
 Ehlers LoBiondo
 Emerson Lucas

Shadegg Tancredo Weldon (FL)
 Shays Terry Weller
 Shimkus Thornberry Westmoreland
 Shuster Tiahrt Whitfield (KY)
 Simpson Tiberti Wilson (NM)
 Smith (NJ) Turner Wilson (SC)
 Smith (TX) Upton Wittman (VA)
 Souder Walden (OR) Wolf
 Stearns Walsh (NY) Young (AK)
 Sullivan Wamp Young (FL)

NOT VOTING—19

Bean Hulshof Pearce
 Cooper Jackson-Lee Pryce (OH)
 Cubin (TX) Reyes
 Davis, Lincoln Johnson (IL) Rush
 Giffords LaTourette Tierney
 Gonzalez Moran (VA) Udall (NM)
 Gordon Neugebauer

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). Two minutes remain.

□ 1201

So the resolution was agreed to.
 The result of the vote was announced as above recorded.
 A motion to reconsider was laid on the table.

GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate joint resolution, S.J. Res. 45.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. SUTTON) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 45.

The question was taken.
 The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.
 The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 25, not voting 18, as follows:

[Roll No. 621]

YEAS—390

Abercrombie Bishop (NY) Calvert
 Ackerman Bishop (UT) Camp (MI)
 Aderholt Blackburn Campbell (CA)
 Akin Blumenauer Cannon
 Alexander Blunt Cantor
 Allen Boehner Capito
 Andrews Bonner Capps
 Arcuri Bono Mack Cardoza
 Baca Boozman Carnahan
 Bachmann Boren Carney
 Bachus Boswell Carson
 Baird Boucher Carter
 Baldwin Boustany Castle
 Barrett (SC) Boyd (FL) Castor
 Barrow Boyda (KS) Chabot
 Bartlett (MD) Brady (PA) Clarke
 Barton (TX) Brady (TX) Clay
 Bean Brown (SC) Cleaver
 Becerra Brown, Corrine Clyburn
 Berkley Brown-Waite, Coble
 Berman Ginny Cohen
 Biggert Buchanan Cole (OK)
 Bilbray Burgess Conaway
 Bilirakis Butterfield Conyers
 Bishop (GA) Buyer Costa