

Heller	McCollum	Ruppersberger
Hensarling	McCotter	Ryan (OH)
Herger	McDermott	Ryan (WI)
Hersth Sandlin	McGovern	Salazar
Higgins	McHenry	Sanchez, Loretta
Hill	McIntyre	Sarbanes
Himes	McKeon	Scalise
Hinchey	McMahon	Schakowsky
Hirono	McMorris	Schauer
Hodes	Rodgers	Schiff
Holden	McNerney	Schmidt
Holt	Meek (FL)	Schock
Honda	Meeks (NY)	Schrader
Hoyer	Melancon	Scott (GA)
Hunter	Mica	Scott (VA)
Inglis	Michaud	Sensenbrenner
Inslee	Miller (FL)	Serrano
Israel	Miller (MI)	Sessions
Issa	Miller (NC)	Sestak
Jackson (IL)	Miller, Gary	Shadegg
Jenkins	Miller, George	Shea-Porter
Johnson (GA)	Minnick	Sherman
Johnson (IL)	Mitchell	Shimkus
Johnson, E. B.	Mollohan	Shuler
Johnson, Sam	Moore (KS)	Shuster
Jones	Moore (WI)	Simpson
Jordan (OH)	Moran (KS)	Sires
Kagen	Moran (VA)	Skelton
Kanjorski	Murphy (CT)	Slaughter
Kaptur	Murphy (NY)	Smith (NE)
Kennedy	Murphy, Patrick	Smith (NJ)
Kildee	Murphy, Tim	Smith (TX)
Kilpatrick (MI)	Myrick	Smith (WA)
Kilroy	Nadler (NY)	Snyder
Kind	Napolitano	Space
King (IA)	Neal (MA)	Speier
King (NY)	Neugebauer	Spratt
Kingston	Nunes	Stark
Kirkpatrick (AZ)	Nye	Stearns
Kissell	Obey	Stupak
Klein (FL)	Olson	Sullivan
Kline (MN)	Oliver	Sutton
Kosmas	Owens	Tanner
Kratovil	Pallone	Taylor
Kucinich	Pascarell	Teague
Lamborn	Pastor (AZ)	Terry
Lance	Paul	Thompson (CA)
Langevin	Paulsen	Thompson (MS)
Larsen (WA)	Payne	Thompson (PA)
Larson (CT)	Pence	Thornberry
Latham	Perlmutter	Tiahrt
LaTourette	Perriello	Tiberi
Latta	Peters	Tierney
Lee (CA)	Peterson	Titus
Lee (NY)	Petri	Tonko
Levin	Pingree (ME)	Towns
Lewis (CA)	Pitts	Tsongas
Lewis (GA)	Platts	Turner
Linder	Poe (TX)	Upton
Lipinski	Polis (CO)	Van Hollen
LoBiondo	Pomeroy	Velázquez
Loeb sack	Posey	Visclosky
Lofgren, Zoe	Price (GA)	Walden
Lowey	Price (NC)	Walz
Lucas	Putnam	Wasserman
Luetkemeyer	Quigley	Schultz
Luján	Radanovich	Waters
Lungren, Daniel E.	Rangel	Watson
Lynch	Rehberg	Watt
Mack	Reichert	Waxman
Maffei	Richardson	Weiner
Maloney	Rodriguez	Welch
Manzullo	Roe (TN)	Westmoreland
Marchant	Rogers (AL)	Whitfield
Markey (CO)	Rogers (KY)	Wilson (OH)
Markey (MA)	Rogers (MI)	Wilson (SC)
Marshall	Rohrabacher	Wittman
Matheson	Ros-Lehtinen	Wolf
Matsui	Roskam	Woolsey
McCarthy (CA)	Ross	Wu
McCarthy (NY)	Rothman (NJ)	Yarmuth
McCaul	Roybal-Allard	Young (AK)
McClintock	Royce	Young (FL)

ANSWERED "PRESENT"—7

Berry	Lummis	Westmoreland
Chaffetz	Oberstar	
DeFazio	Rooney	

NOT VOTING—19

Bachus	Gordon (TN)	Reyes
Barrett (SC)	Hinojosa	Rush
Billbray	Hoekstra	Sánchez, Linda T.
Bonner	Jackson Lee	Schwartz
Diaz-Balart, M.	(TX)	Souder
Engel	Kirk	Wamp
Garamendi	Ortiz	

□ 1418

Mr. CONYERS changed his vote from "no" to "aye."

Mr. DEFAZIO changed his vote from "aye" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 100TH ANNIVERSARY OF NORTH CAROLINA CENTRAL UNIVERSITY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1361, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1361, as amended.

The question was taken.

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

RECORDED VOTE

Mr. DRIEHAUS. 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 408, noes 1, not voting 22, as follows:

[Roll No. 287]

AYES—408

Ackerman	Broun (GA)	Conyers
Aderholt	Brown (SC)	Cooper
Adler (NJ)	Brown, Corrine	Costa
Akin	Brown-Waite,	Costello
Alexander	Ginny	Courtney
Altmire	Buchanan	Crenshaw
Andrews	Burgess	Critz
Arcuri	Burton (IN)	Crowley
Austria	Butterfield	Cuellar
Baca	Buyer	Culberson
Bachmann	Calvert	Cummings
Baird	Camp	Dahlkemper
Baldwin	Campbell	Davis (AL)
Barrow	Cantor	Davis (CA)
Bartlett	Cao	Davis (IL)
Barton (TX)	Capito	Davis (KY)
Bean	Capps	Davis (TN)
Becerra	Capuano	DeFazio
Berkley	Cardoza	DeGette
Berman	Carnahan	DeLauro
Biggert	Carney	Dent
Bishop (GA)	Carson (IN)	Deutch
Bishop (NY)	Carter	Diaz-Balart, L.
Bishop (UT)	Cassidy	Dicks
Blackburn	Castle	Dingell
Blumenauer	Castor (FL)	Doggett
Blunt	Chaffetz	Donnelly (IN)
Boccieri	Chandler	Doyle
Boehner	Childers	Dreier
Bono Mack	Chu	Drieaus
Boozman	Clarke	Duncan
Boren	Clay	Edwards (MD)
Boswell	Cleaver	Edwards (TX)
Boucher	Clyburn	Ehlers
Boustany	Coble	Ellison
Boyd	Coffman (CO)	Ellsworth
Brady (PA)	Cohen	Emerson
Brady (TX)	Cole	Engel
Braley (IA)	Conaway	Eshoo
Bright	Connolly (VA)	Etheridge
Fallin		
Farr		
Fattah		
Filner		
Flake		
Fleming		
Forbes		
Fortenberry		
Foster		
Fox		
Frank (MA)		
Franks (AZ)		
Frelinghuysen		
Fudge		
Gallegly		
Garrett (NJ)		
Gerlach		
Giffords		
Gingrey (GA)		
Gohmert		
Gonzalez		
Goodlatte		
Granger		
Graves		
Grayson		
Green, Al		
Green, Gene		
Griffith		
Grijalva		
Guthrie		
Gutierrez		
Hall (NY)		
Hall (TX)		
Halvorson		
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Hastings (FL)		
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Kirkpatrick (AZ)		
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Ros-Lehtinen		
Roskam		
Ross		
Rothman (NJ)		
Roybal-Allard		
Royce		

NOES—1

Young (AK)

NOT VOTING—22

Bachus	Garamendi	Nye
Barrett (SC)	Gordon (TN)	Ortiz
Berry	Hinojosa	Reyes
Bilbray	Hoekstra	Sánchez, Linda
Bilirakis	Jackson Lee	T.
Bonner	(TX)	Schwartz
Delahunt	Kirk	Souder
Diaz-Balart, M.	Minnick	Wamp

□ 1426

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 287, had I present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 286 and 287, had I been present, I would have voted "yes" on both votes.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, on rollcall Nos. 286 and 287, if I had been present, I would have voted "yes".

GRANTING AUTHORITY TO COMMITTEE ON EDUCATION AND LABOR FOR PURPOSES OF ITS INVESTIGATION INTO UNDERGROUND COAL MINING SAFETY

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1363 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1363

Resolved, That the Committee on Education and Labor is granted the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives in furtherance of the investigation by such committee into underground coal mine operator compliance with the Federal Mine Safety and Health Act of 1977, as amended, and into other related matters.

SEC. 2. (a) The chair of the Committee on Education and Labor shall transmit to the Committee on Rules, not later than 2 days following an adjournment sine die of the second session of the 111th Congress, or January 2, 2011, whichever occurs first, a report on the activities of the Committee on Education and Labor undertaken pursuant to this resolution. Such report shall indicate—

(1) the total number of depositions taken;

(2) the number of depositions taken pursuant to subpoenas; and

(3) the name of each deponent that the committee has publicly identified by name as a deponent.

(b) Upon receipt of the report described in subsection (a) by the Committee on Rules, the chair of the Committee on Rules shall submit such report for publication in the Congressional Record.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the CONGRESSIONAL RECORD.

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

There was no objection.

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

Mr. Speaker, this resolution provides the Committee on Education and Labor with deposition authority in connection with its investigation of underground mine safety. The resolution also requires the Education and Labor Committee to report to the Rules Committee on its use of the authority by the end of this congressional session.

□ 1430

Mr. Speaker, we're here today with a pretty straightforward mission. We want to empower the men and women who are investigating the causes of the serious safety problems facing miners in America.

As we saw recently with the terrible disaster at Upper Big Branch Mine in Raleigh County, West Virginia, there's some combination of industrial wrongdoing there and inadequate regulation that we must address. The explosion at Upper Big Branch in April killed 29 coal miners, ripped apart an entire community and State, and was the worst mine disaster in this country since 1970.

Why is Congress involved? Because one of our most serious responsibilities as lawmakers is oversight and investigation. And from what we've been able to tell from the facts so far, there is an urgent and compelling need for the public to know all the facts surrounding this and other recent mining tragedies.

I come to this issue with a personal feeling. Many of my constituents back home and some here know that I was born in Harlan County, Kentucky, in the midst of some of the best bituminous coal on Earth. Some of my earliest memories are hearing the whistle blow at night over at the mine. Even the smallest child, as I was then, knew what that whistle meant. It meant serious trouble at the mine.

The pain and suffering endured by miners in Kentucky and West Virginia and everywhere else should inspire us to do everything in our power to make this dangerous and volatile work environment as safe as we possibly can. The bottom line should never supersede a human life.

The resolution before us today would give the House Committee on Edu-

cation and Labor staff authority to take depositions as they pursue their investigation. We know that greater review of this issue is sorely needed. There are far too many unanswered questions surrounding underground coal mine operator compliance with the Federal Mine Safety and Health Act, and the safety of every single miner in this country depends on answering those questions.

Getting to the truth on mining safety is not a partisan issue, and empowering staff to get the truth is in everyone's interest. Granting a committee this sort of authority is not without precedent. In numerous times over the years, Congress has approved resolutions such as this to provide temporary powers to committees trying to get at the truth. And every piece of information that comes from the questioning will be obtained by and shared with members of the committee from both parties.

The House gave the Education and Labor Committee similar authority during a probe into a mining accident just a few years ago. It was in the 110th Congress that the Education and Labor Committee was given staff deposition authority in their 2007–2008 investigation into the deaths of nine miners and rescue workers at the Crandall Canyon Mine near Huntington, Utah. That led to strengthening mine safety with laws that may be too lax in enforcement.

Among the issues the committee wishes to delve into is the growth of the number of mine safety enforcement cases that are pending before the Federal Mine Safety and Health Review Commission. The Commission is meant to serve as an independent agency that provides administrative trial and appellate review to contested citations, penalties, and worker retaliation cases.

In reality, though, the increased enforcement and tougher penalties that followed several high-profile mine accidents in 2005 and 2006 has swamped the Commission. Mine owners have tripled the number of violations that they appeal, and they contest 67 percent of all penalties that are assessed. As a result, the government is facing a lengthy backlog of cases at the Commission that has surged from 2,100 in 2006 to approximately 16,000 in February of this year.

This deposition power for the committee will help to prod reluctant witnesses who have important insight into this issue but might otherwise not be willing to offer testimony. This is an important tool, and I urge my colleagues to rise and support me on this plan here today.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material in the RECORD.)

Mr. DREIER. Mr. Speaker, I am going to do something that is somewhat unusual. I would like to, as I did