

All of us have had circumstances where there are disasters in our district and there are times when the leadership determines that the votes that are scheduled are of such sufficient gravity and importance that it makes sense to delay that.

As the gentleman from Maryland knows, I supported the SCHIP bill. I think we need to reauthorize the SCHIP program, but I am reluctant to do that with so many Members gone and also with our Californians dealing with critical problems in their district.

I would echo my colleague from Texas' sentiments and ask that the leadership consider delaying this vote and this debate until early next week.

Mr. HOYER. I yield to the gentleman from Mississippi.

Mr. TAYLOR. I thank the gentleman for yielding.

I guess of all the Members, I have been the closest to this situation with what happened in the aftermath of Hurricane Katrina. As you know, Katrina struck during the August recess, and shortly after the recess one of the first votes that was scheduled was the GO Zone legislation which was a very substantial piece of legislation on the part of our Nation to help the affected area.

Given the severity of what happened in Mississippi, I made a conscious decision to stay in my district. I felt like that was the best thing to do. This body overwhelmingly passed the GO Zone legislation without me.

To the gentleman's point, I have not had one complaint about staying in Mississippi, and I think your colleagues that you are concerned about will not get one complaint about missing a vote on something that is going to pass anyway. I did not ask to shut down the Congress because I needed to be in Mississippi; and, quite frankly, I don't think our California colleagues are really asking to shut down the Congress because they needed to be there. Their constituents will understand, just as my constituents understood.

Mr. HOYER. I yield to the gentleman from Texas.

Mr. SESSIONS. I thank the distinguished majority leader.

In no way am I asking or are we seeking to shut down Congress. What we're attempting to do is to ask if the majority leader, from a collegial standpoint of understanding, that just as I came back to Texas to work to make sure that some 50,000 people from Katrina and that effort were taken care of in Dallas, Texas, where I literally helped spearhead our efforts, today there are approximately twice as many people who are displaced in California as there were by Katrina. And I believe it's honorable and respectful to ask that on behalf of my colleagues that we not take up this important legislation today, that we allow ourselves respectfully to adjourn and then come back on Tuesday, as we normally might, to handle this piece of legislation.

And I will respectfully ask that on behalf of the minority at this time to the gentleman.

Mr. HOYER. I want everybody to know that we're coming back on Monday. I don't want anybody to be confused that we're coming back on Monday at 6:30; and we will not be here, I will be announcing later today, the next Friday, a week from tomorrow.

Let me say to my friend that, as I said, I discussed with your leadership the difficulty of scheduling, not this particular item, although this was discussed, and the request was made.

Every Member of this body knows that 435 people, as I said, everybody has very important things they have to do from time to time and that are appropriate to do on behalf of their constituents on behalf of fulfilling their duties. We missed unavoidably 2 legislative days as a result of the tragic deaths of two of our Members, which was inevitable, and we obviously appropriately canceled sessions on those days.

This bill that we are considering is a very important bill. It needs to pass the House. It needs to pass the Senate. It needs to go to the President, and it needs to come back here. We have 3 weeks left to go between now and the 16th of November, to which the gentleman referred.

The gentleman is well aware, I know my Republican colleagues in leadership are well aware, of how long it takes to get things through the Senate, for reasons that we all understand in terms of their necessity to get the appropriate votes.

As a result, the time left to us is very short, and to not proceed today and to push this off till next week then pushes off to the week following when the Senate can consider this legislation, which then pushes it off to the last week that we'll be here for Presidential action. All of that is a constraint on the flexibility of scheduling.

And again I will say that I understand absolutely the desire of the Californians to be where they are. I think it's appropriate to be where they are. My only point is that we're not meeting all week. There is some flexibility. They chose to go today. I do not criticize that decision on either side of the aisle. I simply say that it was not in consideration of, obviously, the business that we have to get done.

And again I reiterate, in a collegial body, if I thought that the absence of your Members or our Members would make a difference on the outcome, but this bill had an overwhelming vote when it initially passed, an overwhelming vote, not the two-thirds, but an overwhelming vote. So I do not believe the absences of either party's Members will impact on the outcome of this vote. So I don't think we're prejudicing the outcome of the vote in any way.

I yield to the gentleman from Washington State.

Mr. HASTINGS of Washington. I thank the majority leader for yielding.

Talking about procedure today, I think probably the easiest way to resolve this is we're going to be debating the rule, and of course, if the rule goes down, then that would end the business of the day, and that would be the preferred option from this Member's point of view.

In the event that doesn't happen, and we in fact then debate the SCHIP bill that we saw last night in Rules for the first time, I think it was filed at 7:17, but my point is that we could debate that, and we have 50 Members that are missing. There is a potential for you to roll the vote, not have the vote today but, in fact, roll the vote until next week. That way the debate will have been done. As my friend from Texas said, the issue does not expire until November 16.

So that is an option, it seems to me, to ensure that everybody would have an option to at least vote on this issue.

Mr. HOYER. Reclaiming my time, there are 13 Californians as I understand it who are not here, and that's a significant number, so I do not diminish the number; but I don't want anybody to belabor the 55 to which I referred who did not vote. I don't know where the other 35 Members were or are. I know there's a very important hearing going on, I haven't looked at the list expansively, a very important hearing going on that people don't want to have go on. I understand that.

But if we delay the vote, then we might as well delay the bill because we will not get it moving towards the Senate and allow the Senate to act in a timely fashion. That's the problem.

Mr. HASTINGS of Washington. Obviously that's an option. We are going to have debate on this, and this should be an option that I hope that the majority leader looks at.

Mr. HOYER. I appreciate that, and we will take it under consideration. I know the spirit in which it's meant. I talked to the gentleman about trying to facilitate scheduling, and I think the gentleman is going to be pleased with what we're going to try to do next year to facilitate Members' ability to get back to their districts.

#### MOTION TO ADJOURN

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

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

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

#### RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 222, not voting 40, as follows:

[Roll No. 1002]

AYES—170

Akin	Bachmann	Baird
Alexander	Bachus	Baker

Barrett (SC) Goodlatte  
 Bartlett (MD) Gordon  
 Barton (TX) Granger  
 Bilirakis Graves  
 Bishop (UT) Hall (TX)  
 Blackburn Hastert  
 Blunt Hastings (WA)  
 Boehner Hayes  
 Bonner Heller  
 Bono Hensarling  
 Boozman Herger  
 Boustany Hobson  
 Brady (TX) Hoekstra  
 Broun (GA) Hulshof  
 Brown-Waite, Ingliis (SC)  
     Ginny Johnson, Sam  
 Buchanan Jordan  
 Burton (IN) Kanjorski  
 Camp (MI) King (IA)  
 Campbell (CA) King (NY)  
 Cannon Kingston  
 Cantor Kirk  
 Capito Kline (MN)  
 Carter Knollenberg  
 Castle Kuhl (NY)  
 Chabot LaHood  
 Coble Lamborn  
 Cole (OK) Latham  
 Conaway LaTourette  
 Costello Lewis (KY)  
 Crenshaw Linder  
 Culberson Lucas  
 Davis (KY) Lungren, Daniel  
 Davis, David E.  
 Davis, Tom Mack  
 Deal (GA) Manzullo  
 Dent Marchant  
 Diaz-Balart, L. McCarthy (CA)  
 Diaz-Balart, M. McCaul (TX)  
 Doolittle McCrery  
 Drake McHenry  
 Duncan McHugh  
 Ehlers McKeon  
 Emerson McMorris  
 English (PA) Rodgers  
 Everett Mica  
 Fallin Miller (FL)  
 Feeney Miller (MI)  
 Ferguson Miller, Gary  
 Flake Moran (KS)  
 Fortenberry Murphy, Tim  
 Foxx Musgrave  
 Frelinghuysen Myrick  
 Gerlach Nunes  
 Gingrey Pearce  
 Gohmert Pence

NOES—222

Abercrombie Courtney  
 Ackerman Cramer  
 Allen Crowley  
 Altmire Cuellar  
 Andrews Cummings  
 Arcuri Davis (AL)  
 Baca Davis, Lincoln  
 Baldwin DeFazio  
 Barrow DeGette  
 Bean Delahunt  
 Becerra DeLauro  
 Berkley Dicks  
 Berman Dingell  
 Berry Doggett  
 Biggert Donnelly  
 Bishop (GA) Doyle  
 Bishop (NY) Edwards  
 Blumenauer Ellison  
 Boswell Ellsworth  
 Boucher Emanuel  
 Boyd (FL) Eshoo  
 Boyda (KS) Etheridge  
 Brady (PA) Farr  
 Brown (SC) Fattah  
 Brown, Corrine Fossella  
 Butterfield Frank (MA)  
 Capps Giffords  
 Capuano Gilchrest  
 Cardoza Gillibrand  
 Carnahan Gonzalez  
 Carney Green, Al  
 Castor Green, Gene  
 Chandler Grijalva  
 Clarke Gutierrez  
 Clay Hall (NY)  
 Cleaver Hare  
 Clyburn Harman  
 Cohen Hastings (FL)  
 Conyers Herseht Sandlin  
 Cooper Higgins  
 Costa Hill

Peterson (PA) Marshall  
 Petri Matheson  
 Pickering Matsui  
 Pitts McCarthy (NY)  
 Platts McCollum (MN)  
 Poe McCotter  
 Porter McDermott  
 Price (GA) McGovern  
 Pryce (OH) McNeerney  
 Putnam McNulty  
 Radanovich Meek (FL)  
 Regula Meeks (NY)  
 Rehberg Melancon  
 Reynolds Michaud  
 Rogers (AL) Miller (NC)  
 Rogers (KY) Miller, George  
 Rogers (MI) Mitchell  
 Rohrabacher Mollohan  
 Ros-Lehtinen Moore (KS)  
 Roskam Moore (WI)  
 Royce Murphy (CT)  
 Ryan (WI) Murphy, Patrick  
 Sali Murtha  
 Saxton Nadler  
 Schmidt Napolitano  
 Sensenbrenner Neal (MA)  
 Sessions Oberstar  
 Shadegg Obey  
 Shays Olver  
 Shimkus Ortiz  
 Shuster Pallone  
 Simpson Pascrell  
 Smith (NE) Pastor  
 Smith (NJ) Paul  
 Smith (TX)

Adersholt Forbes  
 Bilbray Franks (AZ)  
 Boren Gallegly  
 Braley (IA) Garrett (NJ)  
 Burgess Goode  
 Buyer Hoyer  
 Calvert Hunter  
 Carson Issa  
 Cubin Jindal  
 Davis (CA) Johnson (GA)  
 Davis (IL) Johnson, E. B.  
 Dreier Keller  
 Engel Larson (CT)  
 Filner Lewis (CA)

NOT VOTING—40

□ 1119

Mr. PATRICK J. MURPHY of Pennsylvania, Ms. WOOLSEY and Mr. RUPPERSBERGER changed their vote from “aye” to “no.”

Mr. GRAVES changed his vote from “no” to “aye.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 1002, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA.

Had I been present, I would have voted “no.”

PROVIDING FOR CONSIDERATION OF H.R. 3963, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 774 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 774

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes. All points of order against consideration of the bill are

Slaughter  
 Smith (WA)  
 Snyder  
 Solis  
 Space  
 Stark  
 Stupak  
 Sutton  
 Tanner  
 Tauscher  
 Taylor  
 Thompson (CA)  
 Thompson (MS)  
 Tierney  
 Towns  
 Tsongas  
 Udall (CO)  
 Udall (NM)  
 Van Hollen  
 Velázquez  
 Vislosky  
 Walz (MN)  
 Wasserman  
 Schultz  
 Waters  
 Watt  
 Weiner  
 Welch (VT)  
 Weller  
 Wexler  
 Woolsey  
 Wu  
 Wynn  
 Yarmuth

waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 3963 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.

POINT OF ORDER

Mr. SESSIONS. Mr. Speaker, I raise a point of order against consideration of the rule because the rule contains a waiver of all points of order against the bill and its consideration and, therefore, is in violation of section 426 of the Congressional Budget Act.

The SPEAKER pro tempore. The gentleman from Texas makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentleman from Texas and the gentleman from New York each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after the debate the Chair will put the question of consideration, to wit: “Will the House now consider the resolution?”

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, we make a point of order with great respect to this body. We're here to do business today. We've asked this body to please consider an adjournment because we have a lot of Members who are in California. We were denied that request.

We also believe this point of order should be heard because it's important that last night a 293-page bill was brought forth to the Rules Committee, which we received only 25 to 30 minutes before that meeting took place, I believe, in violation of the regular order for legislation that Speaker PELOSI has outlined for all Members of Congress, as well as the American people, a Congress working for all Americans.

And under regular order for legislation, it states: “Members should have at least 24 hours to examine bill and conference report text prior to floor consideration.” Mr. Speaker, that has not happened again today. Again today we find that the legislation not following regular order is presented to this House.

Last night, as we began the discussion in the Rules Committee, we found out this is not even a House bill. No