

Carney
Castle
Chandler
Clarke
Clay
Clever
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchee
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Insole
Israel
Jackson (IL)
Jackson-Lee
(TX)

NAYS—141

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Billbray
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
English (PA)

Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)
Fallin
Feeney
Flake
Forbes
Fossella
Linder
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Heller
Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Bean
Bishop (UT)
Boren
Buyer
Carson
Castor
Cubin
Everett
Giffords
Hastert
Jindal
LaHood
Lantos
Levin
Lungren, Daniel
E.
Oberstar
Wynn

NOT VOTING—17

□ 2024

Mr. BACHUS and Mr. HALL of Texas changed their vote from “yea” to “nay.”

So the motion was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2074

Mrs. MYRICK. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2074.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. MOLLOHAN. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker’s table the bill (H.R. 3093) making appropriations for the Departments of Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate. The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNYDER). The question is on the motion.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Frelinghuysen moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3093, be instructed to recede to section 527 of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, this motion to instruct is straightforward. It instructs the House conferees to recede to the Senate on a provision in the Senate-passed bill that would prevent the Equal Employment Opportunity Commission from using funds to initiate civil action against an organization which requires its employees to speak English at work.

This provision was motivated by a lawsuit filed earlier this year against the Salvation Army. In that particular case, the EEOC sued the Salvation Army over its policy that its employees speak English. The lawsuit sought hundreds of thousands of dollars in monetary and punitive damages.

What is more troubling is that when you look at the history of this issue, you will find a Federal court ruling almost 4 years ago that upheld the Salvation Army’s policy that employees speak English at work. You will also find that the Salvation Army gave the two employees a year to learn English before it took action to terminate them.

The EEOC has an important mission, one which we all support.

□ 2030

The EEOC currently has a tremendous backlog of pending cases, approximately 46,000, a number that the Commission estimates will grow. At a time when the EEOC is struggling to fulfill its mission, cases like this lead one to questions about the Commission’s ability to set priorities.

By insisting on the Senate amendment, we are sending an important message to the EEOC that we expect them to prioritize their actions and work diligently to address the major discrimination issues facing the American workers.

Mr. Speaker, I urge adoption of the motion and reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I agree with the gentleman that this amendment would send an important message to the EEOC, but I agree it’s important for a different reason. I think it’s important because I think it would be a perverse message.

The United States Congress has, in previous years, passed legislation specifically granting to the EEOC authorization and responsibility to work on behalf of employees where they face discrimination in the workplace. That legislation anticipated an opening of a remedy for employees. This amendment would close a remedy for employees.

These cases should be decided on their facts. If we were to adopt this motion and the conference were to include the amendment in its agreement, then the EEOC would not have an opportunity to look at the facts and represent employees pursuant thereto. Therefore, we do oppose the amendment.

I want to point out that the court in this case upheld the decision and upheld the position of the employer in this case. That's well and good.

What's important in that is that the court, through due process, decided the matter. That's the way the EEOC ought to operate, not through Congress in a motion to instruct conferees and in an appropriation conference, taking away what the Congress has already given jurisdiction in these cases.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I urge adoption of the motion.

I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I urge in the strongest terms opposition to the motion.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 186, not voting 28, as follows:

[Roll No. 1076]

YEAS—218

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

Franks (AZ)	Lucas	Rogers (MI)	Rush	Sires	Van Hollen
Frelinghuysen	Mack	Rohrabacher	Ryan (OH)	Slaughter	Velázquez
Gallegly	Manzullo	Roskam	Salazar	Smith (WA)	Visclosky
Garrett (NJ)	Marchant	Ross	Sánchez, Linda	Snyder	Walz (MN)
Gerlach	Marshall	Rothman	T.	Solis	Wasserman
Gilchrest	Matheson	Royce	Sanchez, Loretta	Stark	Schultz
Gillibrand	McCarthy (CA)	Ryan (WI)	Sarbanes	Stupak	Waters
Gingrey	McCaul (TX)	Sali	Schakowsky	Sutton	Watson
Gohmert	McCotter	Saxton	Schiff	Tauscher	Watt
Goode	McCrary	Schmidt	Schwartz	Thompson (CA)	Waxman
Goodlatte	McHenry	Sensenbrenner	Scott (GA)	Thompson (MS)	Weiner
Graves	McHugh	Sessions	Scott (VA)	Tierney	Welch (VT)
Hall (TX)	McIntyre	Shadegg	Serrano	Towns	Wexler
Harman	McKeon	Shays	Sestak	Tsongas	Woolsey
Hastings (WA)	McMorris	Shimkus	Shea-Porter	Udall (CO)	Wu
Hayes	Rodgers	Shuler	Sherman	Udall (NM)	Yarmuth
Heller	McNerney	Shuster			
Hensarling	Meeks (NY)	Skelton			
Hergert	Melancon	Smith (NE)			
Herseth Sandlin	Mica	Smith (NJ)			
Hill	Miller (FL)	Smith (TX)			
Hobson	Miller (MI)	Souder			
Hoekstra	Miller, Gary	Space			
Hulshof	Mitchell	Spratt			
Hunter	Moran (KS)	Stearns			
Inglis (SC)	Murphy, Tim	Sullivan			
Issa	Musgrave	Tancredo			
Johnson (IL)	Myrick	Taylor			
Johnson, Sam	Neugebauer	Terry			
Jones (NC)	Nunes	Thornberry			
Jordan	Pearce	Tiahrt			
Kagen	Pence	Tiberi			
Kanjorski	Peterson (MN)	Turner			
Keller	Peterson (PA)	Upton			
King (IA)	Petri	Walberg			
King (NY)	Pickering	Walden (OR)			
Kingston	Pitts	Walsh (NY)			
Kirk	Platts	Poe			
Kline (MN)	Porter	Wamp			
Knollenberg	Price (GA)	Weld (FL)			
Kuhl (NY)	Pryce (OH)	Weller			
Lamborn	Putnam	Whitfield			
Lampson	Ramstad	Wicker			
Latham	Regula	Wilson (NM)			
LaTourette	Rehberg	Wilson (OH)			
Lewis (CA)	Reichert	Wilson (SC)			
Lewis (KY)	Renzi	Wolf			
Linder	Rogers (AL)	Young (AK)			
Lipinski	Rogers (KY)	Young (FL)			
LoBiondo					

NAYS—186

Abercrombie	Dingell	Larsen (WA)
Ackerman	Doggett	Lee
Allen	Edwards	Lewis (GA)
Andrews	Ellison	Loeb
Arcuri	Emanuel	Lofgren, Zoe
Baca	Engel	Lowey
Baldwin	Eshoo	Lynch
Barton (TX)	Etheridge	Mahoney (FL)
Becerra	Farr	Maloney (NY)
Berkley	Fattah	Markey
Berman	Filner	Matsui
Berry	Frank (MA)	McCarthy (NY)
Bishop (NY)	Gonzalez	McCollum (MN)
Blumenauer	Gordon	McDermott
Boswell	Green, Al	McGovern
Boucher	Green, Gene	McNulty
Boyd (FL)	Grijalva	Meek (FL)
Boyd (KS)	Gutierrez	Michaud
Brady (PA)	Hall (NY)	Miller (NC)
Bralley (IA)	Hare	Miller, George
Brown, Corrine	Hastings (FL)	Mollohan
Butterfield	Higgins	Moore (KS)
Capps	Hinche	Moore (WI)
Capuano	Hinojosa	Murphy (CT)
Cardoza	Hirono	Murphy, Patrick
Castor	Hodes	Murtha
Chandler	Holt	Nadler
Clarke	Honda	Napolitano
Clay	Hooley	Neal (MA)
Cleaver	Hoyer	Obey
Clyburn	Insee	Olver
Cohen	Israel	Ortiz
Cooper	Jackson (IL)	Pallone
Costa	Jackson-Lee	Pascrell
Courtney	(TX)	Pastor
Cramer	Jefferson	Payne
Crowley	Johnson (GA)	Perlmutter
Cuellar	Johnson, E. B.	Pomeroy
Davis (AL)	Jones (OH)	Price (NC)
Davis (CA)	Kaptur	Rahall
Davis (IL)	Kennedy	Rangel
DeFazio	Kildee	Reyes
DeGette	Kilpatrick	Richardson
Delahunt	Kind	Rodriguez
DeLauro	Klein (FL)	Ros-Lehtinen
Diaz-Balart, L.	Kucinich	Roybal-Allard
Diaz-Balart, M.	Langevin	Ruppersberger

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

NOT VOTING—28

Bean	Granger	Moran (VA)
Bishop (UT)	Hastert	Oberstar
Boren	Holden	Paul
Buyer	Jindal	Radanovich
Carson	LaHood	Reynolds
Crenshaw	Lantos	Simpson
Cubin	Larson (CT)	Tanner
Dicks	Levin	Westmoreland
Doyle	Lungren, Daniel	Wynn
Giffords	E.	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on the vote.

□ 2053

Ms. CASTOR and Messrs. SESTAK, LYNCH, HODES and DEFAZIO changed their vote from "yea" to "nay."

Messrs. MCNERNEY, COSTELLO, COLE of Oklahoma, BAIRD and KAGEN changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

MESSRS. MOLLOHAN, KENNEDY, FATTAH, RUPPERSBERGER, SCHIFF, HONDA, Ms. DELAURO, Messrs. PRICE of North Carolina, OBEY, FRELINGHUYSEN, CULBERSON, ROGERS of Kentucky, LATHAM, ADERHOLT and LEWIS of California.

There was no objection.

CONTINUATION OF EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110-74)

The SPEAKER pro tempore (Mr. ELLISON) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I transmit herewith notice of a 1-year continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, as amended.

GEORGE W. BUSH.
THE WHITE HOUSE, November 8, 2007.