

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
Frelinghuysen	Mack
Gallegly	Manzullo
Garrett (NJ)	Marchant
Gerlach	Marshall
Gilchrest	Matheson
Gillibrand	McCarthy (CA)
Gingrey	McCaul (TX)
Gohmert	McCotter
Goode	McCrery
Goodlatte	McHenry
Graves	McHugh
Hall (TX)	McIntyre
Harman	McKeon
Hastings (WA)	McMorris
Hayes	Rodgers
Heller	McNerney
Hensarling	Meeks (NY)
Herger	Melancon
Herseth Sandlin	Mica
Hill	Miller (FL)
Hobson	Miller (MI)
Hoekstra	Miller, Gary
Hulshof	Mitchell
Hunter	Moran (KS)
Inglis (SC)	Murphy, Tim
Issa	Musgrave
Johnson (IL)	Myrick
Johnson, Sam	Neugebauer
Jones (NC)	Nunes
Jordan	Pearce
Kagen	Pence
Kanjorski	Peterson (MN)
Keller	Peterson (PA)
King (IA)	Petri
King (NY)	Pickering
Kingston	Pitts
Kirk	Platts
Kline (MN)	Walsh (NY)
Knollenberg	Poe
Kuhl (NY)	Porter
Lamborn	Price (GA)
Lampson	Pryce (OH)
Latham	Putnam
LaTourette	Ramstad
Lewis (CA)	Regula
Lewis (KY)	Rehberg
Linder	Reichert
Lipinski	Renzi
LoBiondo	Rogers (AL)
	Rogers (KY)

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

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

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110-75)

The SPEAKER pro tempore 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:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared in Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2007.

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981 agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2007.

GEORGE W. BUSH.

THE WHITE HOUSE, November 8, 2007.

EMPLOYMENT NON-DISCRIMINATION ACT

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, America's a great Nation, but it's a work in progress; and we still have work to do when it comes to protecting the rights of every American.

No one understands that better than Representative BARNEY FRANK, my friend and colleague from Massachusetts. With BARNEY'S leadership, the House passed the Employment Non-Discrimination Act last night. ENDA is a clear statement that we will protect and defend the rights of Americans in the workplace.

As far as I'm concerned, the issue comes down to one simple declarative sentence: your sexual orientation and lifestyle is your own business, not your employer's business. No person or business in this country should have the right to discriminate against any American.

I stand proudly shoulder to shoulder with BARNEY FRANK and my constituents in Seattle in strong and unwavering support of ENDA. A chance at the American Dream should apply to every American. Gay, lesbian, bisexual, they

all hope and care and wish like all the rest of us. They deserve nothing less than a full measure of justice and equality in this country. So do the transgender Americans, and we have more work to do to extend the protections to them.

We made progress with ENDA and neither BARNEY FRANK, nor I, nor my constituents will rest until we can declare with conviction that all Americans are created equal.

MAJOR ANDREW STONE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, southeast Texas is proud of the military men that it's produced, men such as United States Air Force Major Andrew Stone of Beaumont, Texas, who recently received the Distinguished Flying Cross with Valor for his heroics while fighting in Afghanistan. Thus far, there have only been a handful of recipients of this second highest military award from the Afghanistan and Iraqi wars.

On October 30, 2006, Major Stone answered a distress call from a Special Forces Unit that was on the ground and was trapped and taking heavy rocket and machine gun fire. Alone against this enemy, Major Stone attacked in his A-10 aircraft with a barrage of 30mm cannon fire. With no regard for his own safety, and while exposing himself to horrific enemy ground fire, Major Stone continued to perform cover over this trapped Special Forces Unit until they reached complete safety. He would not leave any of them behind. It was his selfless courage and bravery that enabled this U.S. troop patrol to escape.

And as we approach Veterans Day, we honor our relentless warriors like Major Stone. And it's with great pride that I recognize this son of Texas and congratulate him on receiving the Distinguished Flying Cross.

And that's just the way it is.

□ 2100

APOLOGIES TO DAWN DAWSON

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, I want to apologize to Dawn Dawson. Ms. Dawson is a thoughtful young woman who was engaged in a lawsuit involving a charge of discrimination based on sexual orientation. An organization in the dispute we had about the scope of the Employment Non-Discrimination Act, in my judgment, misquoted the holding in that lawsuit. In the course of refuting that, I quoted some passages which reflected somewhat negatively on Ms. Dawson. I should not have done that. There is no reason to make any negative inference about her. It was in a legal context which does not support factually any negative response.

Ms. Dawson called me after that, came to see me. I was impressed by her grace, by her thoughtfulness, and by her commitment to working for a better America for all of us.

So I want to express my regret that I brought this young woman into this dispute for no good reason. She deserves much better from me, as she deserves from all who are concerned about fairness in this country. And as I said, I apologize to Ms. Dawson. I continue to believe that the organization with which I was disputing misinterpreted her lawsuit, but that was not her fault.

MIDDLE EAST OIL AND THE SOARING COST OF FUEL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, when the Democrats took over the House, the price of oil was \$59 a barrel. Today it's \$100 a barrel.

Now, I don't blame that on Democrats, but I have got to say that where is your energy bill? Where is your alternative fuels bill? I thought that in this green, "don't leave a footstep" or whatever it is the Speaker has promised that we were all going to be riding hybrids. But it has not happened under them.

I have cosponsored a bipartisan bill with ELIOT ENGEL that does have tax credits for buying hybrids, flex-fuel vehicles. It gives the automobile companies tax credits for making more of them. It gives the gasoline stations money to transfer to be fuel stations so that they can sell biodiesel and ethanol and hydrogen, whatever it would take to get us off Middle East oil. But the Democrat Party has shown no interest in ending our dependency on Middle East oil, and that is a national security concern of all Members, and we need to do something about it.

I call on the Speaker to move a serious energy bill that addresses the high, soaring cost of fuel.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ELLISON). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)