

very similar to the House bill, and I have high hopes that we are going to be able to pass legislation that we can all agree on in the House and the Senate ultimately.

Here, basically, we're instructing conferees to adhere to the House provisions for a reasonable salary cap prohibiting Head Start executives from collecting a salary higher than an assistant secretary of a Federal agency, which is currently \$168,000.

Although the House language contained in H.R. 1429, the Improving Head Start Act of 2007, effectively prohibits any official from receiving compensation above that of an assistant secretary, legislation approved by the Senate leaves open a glaring, lavish salary loophole by allowing programs to divert their own non-federal resources away from other uses in order to pay Head Start programs operators more than top officials. We think that's wrong. We think that money should be used for the kids, for the recruiting and development of the kids, for the students who are going to be in the Head Start program to pay their teachers.

So for all those reasons I think we all agree that executive salaries and other benefits which are out of the ordinary should not be allowed in the Head Start programs; that we should obviously compensate people as well as possible, but make sure that after that is done, that the money that is there, be it State money or local money, is channeled in the direction of helping these young children who need so much help in order to prepare them to get ready for school. And that is something I think we all agree on.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Just quickly, I yield myself 30 seconds to say that, as I said, this bill has been a long time coming to where we think we can get it to the President's desk. I certainly want to thank the staffs on both sides of the aisle for all of their expertise, experience, and knowledge about this program. And we've been working together to get to this point in the conference committee.

I would urge passage of the motion to instruct.

I reserve my time.

Mr. CASTLE. Mr. Speaker, I yield the balance of my time to the gentleman from Utah (Mr. BISHOP), and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to offer my support for this motion to instruct conferees which will cap the amount Head Start employees may be paid at the executive schedule level to an amount currently equal to \$168,000.

I want to thank my colleague, Congressman MIKE CASTLE, the former Governor of Delaware, who is a champion for education, for offering this motion. This is a commonsense motion. It is fiscally responsible for us to use taxpayers' money, and it is a fair compromise for the Head Start employees.

If this cap is not adopted, a Head Start employee could be paid up to \$186,000, an \$18,000 difference and a substantial amount of money that would be better spent on Head Start classroom teachers and other aspects of this program.

Fiscal responsibility means not just being cautious in how much we spend. It is just as important to be responsible in where we spend.

When you have Head Start classroom teachers making an average of \$25,000 annually, it is disrespectful to divert more money and give it to employees already making well over six figures.

As the husband of a teacher, I hope my colleagues will join me in being effective about how we spend the taxpayers' money for the children.

Again, I want to thank my colleague, MIKE CASTLE, for bringing this motion to the floor.

Mr. BISHOP of Utah. Could I ask the gentleman from California if he has other speakers.

Mr. GEORGE MILLER of California. No, I have none.

Mr. BISHOP of Utah. Then I'll be the last speaker, and I think we're ready to move on with that.

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

I think in closing on this particular issue, I would like to speak also in favor of the motion to instruct of the gentleman from Delaware (Mr. CASTLE). It's a wise motion. I don't think I or anyone else here objects to any administrator making an adequate compensation. But I also think that six figures is an adequate compensation, especially when the teachers in Head Start are averaging 25 grand a year.

In 2005, the independent General Accountability Office did issue a report that warned that their financial control system in the Head Start program is flawed, failing, and it did fail to prevent multi-million-dollar financial abuses that do cheat children in this particular program.

It is important that the resources that we have go to increasing teacher salaries, hiring more teachers or supplies that directly go to help the kids in the Head Start program. And it's important that in conference we make it very clear that our resources should be targeted to those who are simply in need.

Sparky Anderson was once asked why he was such a successful manager, and he simply responded that baseball is a simple game. You have good players you keep in the right positions, and then the manager is a success.

Even Earl Weaver once said that if you do the dull things right, extraor-

dinary things won't be required. This motion to instruct may be one of those dull things, that if we do it right and do it right in this bill, we won't have to come back here and do the extraordinary things. The extraordinary things will be done by the teachers in the classrooms who are helping these kids who need this help in the Head Start program so desperately.

I urge a favorable vote on the motion to instruct.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. 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 ayes appeared to have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 3043, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 794 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 794

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. A motion to proceed to consideration of H.R. 3688 pursuant to section 151 of the Trade Act of 1974 shall be in order only if offered by the Majority Leader or his designee.

SEC. 3. Upon receipt of a message from the Senate transmitting H.R. 3043, with a Senate amendment thereto, it shall be in order to take the same from the Speaker's table and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in such amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 794 under

section 2 of H. Res. 491, because the resolution contains a waiver of all points of order against the conference report and its consideration.

The SPEAKER pro tempore (Mr. PASCRELL). The gentleman from Arizona makes a point of order that the resolution violates section 2 of House Resolution 491.

Such a point of order made under that resolution shall be disposed of by the question of consideration under the same terms as specified in clause 9(b) of rule XXI.

The gentleman from Arizona and a Member opposed, the gentleman from Florida, each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Arizona.

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

H. Res. 491 says that it shall not be in order to consider a conference report unless the joint explanatory statement includes a list of congressional earmarks that were air-dropped into it or that were not committed to the conference committee by either Chamber.

Mr. Speaker, it's unfortunate that, on the first general appropriations bill since the adoption of H. Res. 491 and its improvements to the earmarks rules, that the majority has reported a rule that waives all points of order.

I object to using veterans spending to grease the skids for a pork-laden Labor-HHS spending bill. A cursory look through the more than 150 pages of earmarks in the conference report reveals such earmarks as \$320,000 for the American Jazz Museum in Kansas City, Missouri; \$130,000 for the First Ladies Museum in Canton, Ohio; \$85,000 for the Los Angeles Craft and Folk Art Museum in Los Angeles, California.

But beyond taking exception to the bill, I raise this point of order as the only means available to highlight the alarming trend toward opaqueness rather than transparency. Rather than allow for a full debate on whether this conference report complies with the earmark rule, this rule actually prevents it.

Mr. Speaker, I have a little experience challenging earmarks on the floor. It's not been a pleasant experience at times. We don't know much of what are in these bills that get to the conference. And then when you have a conference report that comes with earmarks air-dropped into it after that, and you only get that bill just a few hours before you vote on it, then I think it behooves us to slow down a bit and say what are we doing here.

I should note that when I challenged earmarks in the House version of the bill, on one occasion we had an earmark withdrawn before the earmark amendment could be offered because there was a problem with the earmark.

□ 1900

In other cases we had the Committee on Appropriations go to the Rules Committee and actually withdraw some of the amendments before they could be challenged. So it is obvious that these earmarks have not been vetted through the process very well, and those are the earmarks that actually went through the House process.

We have here at least nine, nine that are identified, nine earmarks that were air-dropped that were not either part of the House or the Senate version. Mr. Speaker, this just is not a good practice.

One example of the air-dropped earmarks that we just found out about just hours ago, \$1 million for the Thomas Daschle Center for Public Service and Representative Democracy. Now, if we are air-dropping amendments like that into this bill, what else is in the bill? We really haven't had time to go through it. Outside groups are trying to go through this bill and simply haven't had the time. And you are going to have problems; we are going to be learning for weeks or months what's in this bill unless we slow down a bit here.

With that, Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

I would have the gentleman know that the earmarks that he refers to are clearly delineated in this conference report.

This point of order is about whether or not to consider this rule and ultimately the funding of vital education, health, and veterans programs. In fact, I would say that it is simply an effort to try to kill this conference report and, in my view, on a faulty premise at that.

Every single earmark in this conference report has been properly disclosed in conformance with House rules. This parliamentary ruse won't work because these programs are too important to the health and vitality of the Nation.

With this conference we keep our commitment to our veterans with the largest single increase in the 77-year history of the Department of Veterans Affairs. It also invests in critical domestic priorities in the Labor, Health, and Education bill with major investments in K-12 education, college affordability, increasing access to quality health care, medical research, worker protection, and job training programs. Voting "no" on this question of consideration will prevent consideration of this package, which has strong House and Senate bipartisan support.

Furthermore, the parliamentary maneuver that my good friend chooses to use today to stop this legislation is completely transparent. Just so that we keep the record straight, Madam Speaker, the changes proposed in the Boehner discharge petition that our

Republican counterparts seem so eager to have adopted would not cover any measure not now covered by our earmark rule, clause 9 of rule XXI. As a matter of fact, Mr. BOEHNER's resolution does not even include the projects that are covered by House Resolution 491, which was introduced by our majority leader, Representative HOYER, and is now in effect.

So despite whatever roadblock the other side tries to use to stop this bill, we will stand up for America's hardworking families and America's veterans. We must consider this rule and we must pass this conference report today.

Madam Speaker, I have the right to close, but in the end I am just going to urge my colleagues to vote "yes" to consider the rule.

Madam Speaker, I reserve the balance of my time.

Mr. FLAKE. Madam Speaker, I think it begs the question, if there was total transparency here, why did we waive all points of order against this rule? I would have liked to have challenged the conference report itself, but I couldn't because the Rules Committee had decided to waive all points of order. Now, you have to ask why. If everything is transparent and everything is known, why did we waive all points of order? Why am I forced to bring a point of order against the rule itself rather than the conference report?

And I would submit that I would like to believe that it is a transparency, but when you have air-dropped earmarks dropped at the last minute, again, if we are working so hard for America's hardworking taxpayers, as was just said, then why are we air-dropping an earmark for \$1 million for the Thomas Daschle Center for Public Service? Naming a center after a former Member, why is that so urgent that we have to break all the rules that we have laid out and sneak it into a bill at the last minute, with less than 24 hours, in fact, less than 12 hours to actually review it? That's not proper vetting.

I should mention that there have been statements made by the majority, and I have liked what I have heard about what we are going to do this year in terms of earmarks transparency.

The Speaker of the House said back in June that Members need to have time to read through these reports and that every earmark should have to be defended.

These nine air-dropped earmarks into this bill today don't have to be defended. They are untouchable. We can't even go at them. We can't offer an amendment to strike them out because they are air-dropped into a conference report where you have no ability to strike them.

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I appreciate the gentleman from Arizona's yielding, and I appreciate the gentleman bringing up a point of order

against the rule. And to take away that opportunity to raise a point of order against the conference report, Madam Speaker, where there are air-dropped earmarks, in this case I think the gentleman said nine, I still remember the calls from the Democratic leadership, led, of course, by Madam Speaker, Speaker PELOSI, when the Democrats won control of the House by virtue of the elections almost exactly a year ago, that this would be the most open, honest, and transparent Congress in history.

Madam Speaker, I just want to give you a quote from Speaker PELOSI promising fiscal restraint if Democrats win. And here's the quote:

"Breaking with many Democrats, Ms. PELOSI also spoke out against earmarking billions of dollars for home-State projects, a practice she calls a 'monster' that hurts Congress." And here is what she said: "I'd get rid of all of them. None of them is worth the skepticism, the cynicism the public has . . . and the fiscal irresponsibility of it." And that was in the Wall Street Journal, July 13, 2006.

Another quote from Madam Speaker PELOSI: "We will bring transparency and openness to the budget process and to the use of earmarks and will give the American people the leadership they deserve," NANCY PELOSI, press release, December 12, 2006.

Madam Speaker, this is absurd. And, again, I commend the gentleman from Arizona for calling attention to this. Where is the openness? Where is the transparency? What good do we have in regard to a point of order so that we can look at these conference reports? Where are the 2 days that we are supposed to have to look at them? So it is taken away from us. What good does it do if the Rules Committee waives all points of order?

So I commend the gentleman. He's absolutely right. We need to have some true transparency in this body.

Mr. HASTINGS of Florida. Madam Speaker, the spirit and the letter of the law has been complied with in this matter. I will just reference one aspect of compliance with clause 9 of rule XXI and with the rules in the Senate. This is what it says:

"The following list is also submitted in compliance with House Resolution 491, which requires a listing of congressional earmarks in the conference report or joint statement of managers that were not committed to the committee of conference by either house, not in a report on a bill committed to conference, and not in a Senate committee report on a companion measure. Such earmarks are marked with an 'X' in the list below."

If that ain't transparency, I don't know what is. All of them have the "X" mark, the asterisk, and are clearly following the spirit of the law.

When the Republicans were in charge, they had 14,000 earmarks, and nobody knew where they were, where they came from, when they came. And now we have them in this bill.

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

Mr. FLAKE. Madam Speaker, I am not here to defend the Republican record on earmarks. It's abysmal, frankly. I think that's one of the main reasons we are here squarely in the minority today.

But I took great heart, as did many of us, at the promises that were made with the new Congress, that we would have real transparency, real accountability. And, unfortunately, what we are seeing today is a move away from that.

Let me read a statement that I mentioned. In June of this year, the Speaker of the House, in a press conference, said, "Before Members vote on a bill, there should be an appropriate time for people to be able to read it, that it should be a matter of public record. And if there's an earmark that can stand the scrutiny, then that transparency will give the opportunity for it to be there."

When you have nine, at least, that we have been able to find, and when the gentleman says that they are all marked with an asterisk, how do we know? We have 150 pages of earmarks that we were given just this morning. We only got the hard copy of this this morning. We simply don't know. So it behooves us to move a little slower here.

If we really believe in transparency, if we really believe that these earmarks need to be there, then let's have a rule that actually allows for a point of order to be lodged against the conference report, not just against the rule.

Again, I have to say if there was complete transparency here and we didn't have anything to worry about, I think we would have had a rule that did not waive points of order against the bill. And that's why we are here today.

We need to do far better. This is a wonderful institution. There are wonderful people here. It has a great history. We need to do better by it. And I would submit that this legislation before us today with 150 pages of earmarks and nine air-dropped earmarks at the last minute does not do this institution the good that it deserves.

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

The SPEAKER pro tempore (Mrs. TAUSCHER). The question is, Will the House now consider the resolution?

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

Mr. FLAKE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the question of con-

sideration will be followed by 5-minute votes on the motion to instruct conferees on H.R. 1429 and the motion to suspend the rules and agree to House Resolution 379.

The vote was taken by electronic device, and there were—yeas 203, nays 178, and voting 51, as follows:

[Roll No. 1044]

YEAS—203

Abercrombie	Gutierrez	Neal (MA)
Ackerman	Hall (NY)	Obeys
Allen	Harman	Oliver
Altmire	Hastings (FL)	Ortiz
Andrews	Hereth Sandlin	Pallone
Baca	Higgins	Pascarella
Baldwin	Hill	Perlmutter
Barrow	Hinchea	Peterson (MN)
Bean	Hinojosa	Pomeroy
Becerra	Hirono	Price (NC)
Berkley	Hodes	Rahall
Berman	Holden	Rangel
Berry	Holt	Reyes
Bishop (GA)	Honda	Richardson
Bishop (NY)	Hoolley	Rodriguez
Blumenauer	Hoyer	Ross
Boren	Inslee	Rothman
Boswell	Jackson (IL)	Roybal-Allard
Boucher	Jackson-Lee	Ruppersberger
Boyd (FL)	(TX)	Rush
Boyda (KS)	Jefferson	Salazar
Brown, Corrine	Johnson (GA)	Sanchez, Loretta
Capps	Johnson, E. B.	Sarbanes
Capuano	Jones (OH)	Schakowsky
Cardoza	Kagen	Schiff
Carnahan	Kanjorski	Schwartz
Carney	Kennedy	Scott (GA)
Clarke	Kildee	Scott (VA)
Clay	Kilpatrick	Serrano
Cleaver	Kind	Sestak
Clyburn	Klein (FL)	Shea-Porter
Cohen	Kucinich	Sherman
Conyers	Lampson	Shuler
Cooper	Langevin	Sires
Costa	Lantos	Skelton
Costello	Larsen (WA)	Smith (WA)
Courtney	Larson (CT)	Snyder
Cramer	Lee	Space
Crowley	Levin	Spratt
Cuellar	Lewis (GA)	Stark
Cummings	Lipinski	Stupak
Davis (AL)	Loeb	Tanner
Davis (CA)	Loeb	Tauscher
Davis (IL)	Lofgren, Zoe	Taylor
Davis, Lincoln	Lowey	Thompson (CA)
DeFazio	Lynch	Thompson (MS)
DeGette	Mahoney (FL)	Tierney
DeLauro	Maloney (NY)	Towns
Dicks	Marshall	Tsongas
Dingell	Matheson	Udall (CO)
Doggett	McCarthy (NY)	Udall (NM)
Donnelly	McCollum (MN)	Van Hollen
Doyle	McDermott	Velázquez
Edwards	McIntyre	Visclosky
Ellsworth	McNerney	Walz (MN)
Emanuel	Meek (FL)	Wasserman
Emanuel	Meeks (NY)	Schultz
Engel	Melancon	Waters
Eshoo	Miller (NC)	Watson
Etheridge	Miller, George	Watt
Farr	Mitchell	Weiner
Fattah	Mollohan	Wexler
Filner	Moore (KS)	Wilson (OH)
Frank (MA)	Moore (WI)	Woolsey
Giffords	Moran (VA)	Wu
Gillibrand	Murphy (CT)	Wynn
Gonzalez	Murphy, Patrick	
Green, Al	Murtha	
Green, Gene	Nadler	
Grijalva	Napolitano	

NAYS—178

Aderholt	Bonner	Capito
Akin	Bono	Castle
Alexander	Boozman	Chabot
Bachmann	Boustany	Coble
Bachus	Brady (TX)	Cole (OK)
Baker	Broun (GA)	Conaway
Barrett (SC)	Brown (SC)	Crenshaw
Bartlett (MD)	Buchanan	Davis (KY)
Barton (TX)	Burgess	Davis, David
Biggart	Burton (IN)	Davis, Tom
Billray	Calvert	Deal (GA)
Bilirakis	Camp (MI)	Dent
Bishop (UT)	Campbell (CA)	Diaz-Balart, M.
Blackburn	Cannon	Doolittle
Boehner	Cantor	Drake

Dreier Lamborn Reichert
 Duncan Latham Renzi
 Ehlers LaTourette Reynolds
 Emerson Lewis (CA) Rogers (AL)
 English (PA) Lewis (KY) Rogers (KY)
 Everett Linder Rogers (MI)
 Fallin LoBiondo Rohrabacher
 Feeney Lucas Ros-Lehtinen
 Flake Lungren, Daniel
 Forbes E. Roskam
 Fortenberry Mack Royce
 Foss Manzullo Ryan (WI)
 Franks (AZ) Marchant Sali
 Frelinghuysen McCarthy (CA) Schmidt
 Gallegly McCaul (TX) Sensenbrenner
 Garrett (NJ) McCotter Shadegg
 Gerlach McCrery Shays
 Gilchrest McHenry Shimkus
 Gingrey McHugh Shuster
 Gohmert McKeon Simpson
 Goode McMorris Smith (NE)
 Goodlatte Rodgers Smith (NJ)
 Granger Mica Smith (TX)
 Graves Miller (FL) Souder
 Hall (TX) Miller (MI) Stearns
 Hastert Miller, Gary Sullivan
 Hastings (WA) Moran (KS) Terry
 Hayes Murphy, Tim Thornberry
 Heller Musgrave Tiahrt
 Hensarling Myrick Tiberi
 Herger Neugebauer Turner
 Hobson Nunes Upton
 Hoekstra Pearce Walberg
 Hulshof Pence Walden (OR)
 Inglis (SC) Peterson (PA) Walsh (NY)
 Issa Petri Wamp
 Johnson (IL) Pickering Weldon (FL)
 Jordan Pitts Weller
 King (IA) Platts Whitfield
 King (NY) Porter Wicker
 Kingston Price (GA) Wilson (NM)
 Kirk Putnam Wilson (SC)
 Kline (MN) Ramstad Wolf
 Knollenberg Regula Young (AK)
 Kuhl (NY) Rehberg Young (FL)

**APPOINTMENT OF CONFEREES ON
H.R. 1429, IMPROVING HEAD
START ACT OF 2007**

MOTION TO INSTRUCT OFFERED BY MR. CASTLE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 1429 offered by the gentleman from Delaware (Mr. CASTLE) on which the yeas and nays were ordered.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 32, as follows:

[Roll No. 1045]
YEAS—400

Abercrombie Conyers Grijalva
 Ackerman Cooper Gutierrez
 Aderholt Costa Hall (NY)
 Akin Costello Hall (TX)
 Alexander Courtney Hare
 Allen Cramer Harman
 Altmire Crenshaw Hastings (FL)
 Andrews Crowley Hastings (WA)
 Arcuri Cuellar Hayes
 Baca Cummings Heller
 Bachmann Davis (AL) Hensarling
 Bachus Davis (CA) Herger
 Baker Davis (IL) Herseth Sandlin
 Baldwin Davis (KY) Higgins
 Barrett (SC) Davis, David Hill
 Barrow Davis, Lincoln Hinchey
 Bartlett (MD) Davis, Tom Hinojosa
 Barton (TX) Deal (GA) Hirono
 Bean DeFazio Hobson
 Becerra DeGette Hodes
 Berkeley Delahunt Hoekstra
 Berman DeLauro Holden
 Berry Dent Holt
 Biggert Diaz-Balart, L. Honda
 Bilbray Diaz-Balart, M. Hooley
 Bilirakis Dicks Hoyer
 Bishop (GA) Bishop (OH) Hulshof
 Bishop (NY) Doggett Hunter
 Bishop (UT) Donnelly Inglis (SC)
 Blackburn Doolittle Inslee
 Blumenauer Doyle Israel
 Boehner Drake Issa
 Bonner Bonhoeffer Jackson (IL)
 Bono Duncan Jackson-Lee
 Boozman Edwards (TX)
 Boren Ehlers Jefferson
 Boswell Ellison Johnson (GA)
 Boucher Ellsworth Johnson (IL)
 Boustany Emanuel Johnson, E. B.
 Boyd (FL) Emerson Jones (NC)
 Boyda (KS) Engel Jones (OH)
 Brady (TX) English (PA) Jordan
 Broun (GA) Eshoo Kagen
 Brown (SC) Etheridge Kanjorski
 Brown, Corrine Everett Kaptur
 Brown-Waite, Fallin Kennedy
 Ginny Farr Kildee
 Buchanan Fattah Kilpatrick
 Burgess Feeney Kind
 Burton (IN) Filner King (IA)
 Calvert Calvert King (NY)
 Camp (MI) Forbes Kingston
 Campbell (CA) Fortenberry Kirk
 Cannon Foss Kleinfelder
 Cantor Frank (MA) Kline (MN)
 Capito Franks (AZ) Knollenberg
 Capps Frelinghuysen Kucinich
 Capuano Gallegly Kuhl (NY)
 Cardoza Garrett (NJ) Lamborn
 Carnahan Gerlach Lampson
 Carney Giffords Langevin
 Castle Gilchrest Lantos
 Castor Gillibrand Larsen (WA)
 Chabot Gingrey Larson (CT)
 Clarke Gohmert Latham
 Clay Gonzalez LaTourette
 Cleaver Goode Lee
 Clyburn Goodlatte Levin
 Coble Granger Lewis (CA)
 Cohen Graves Lewis (GA)
 Cole (OK) Green, Al Lewis (KY)
 Conaway Green, Gene Linder

Lipinski Pence Skelton
 LoBiondo Perlmutter Slaughter
 Loebsock Peterson (MN) Smith (NE)
 Lofgren, Zoe Peterson (PA) Smith (NJ)
 Lowey Petri Smith (TX)
 Lucas Pickering Smith (WA)
 Lungren, Daniel Pitts Snyder
 E. Platts Solis
 Lynch Poe Souder
 Mack Pomeroy Space
 Mahoney (FL) Porter Spratt
 Maloney (NY) Price (GA) Stark
 Manzullo Price (NC) Stearns
 Marchant Putnam Stupak
 Markey Rahall Sullivan
 Marshall Ramstad Sutton
 Matheson Rangel Tanner
 Matsui Regula Tauscher
 McCarthy (CA) Rehberg Taylor
 McCarthy (NY) Reichert Terry
 McCaul (TX) Renzi Thompson (CA)
 McCollum (MN) Reyes Thompson (MS)
 McCotter Reynolds Thornberry
 McCrery Richardson Tiahrt
 McDermott Rodriguez Tiberti
 McGovern Rogers (AL) Tierney
 McHenry Rogers (KY) Towns
 McHugh Rogers (MI) Tsongas
 McIntyre Rohrabacher Turner
 McKeon Ros-Lehtinen Udall (CO)
 McMorris Roskam Udall (NM)
 Rodgers Ross
 McNeerney Rothman
 Meek (FL) Roybal-Allard Van Hollen
 Meeke (NY) Royce Velázquez
 Mica Ruppersberger Visclosky
 Michaud Rush Walberg
 Miller (FL) Ryan (OH) Walden (OR)
 Miller (MI) Ryan (WI) Walsh (NY)
 Miller (NC) Salazar Walz (MN)
 Miller, Gary Sali Wamp
 Miller, George Sánchez, Linda Wasserman
 Mitchell T. Schultz
 Mollohan Sanchez, Loretta Waters
 Moore (KS) Sarbanes Watson
 Moore (WI) Schakowsky Watt
 Moran (KS) Schiff Waxman
 Moran (VA) Schmidt Weiner
 Murphy (CT) Schwartz Welch (VT)
 Murphy, Patrick Scott (GA) Weldon (FL)
 Murphy, Tim Scott (VA) Weller
 Murtha Sensenbrenner Wexler
 Musgrave Serrano Whitfield
 Myrick Sessions Wicker
 Nadler Sestak Wilson (NM)
 Napolitano Shadegg Wilson (OH)
 Neal (MA) Shays Wilson (SC)
 Neugebauer Shea-Porter Wolf
 Nunes Sherman Woolsey
 Obey Shimkus Wu
 Ortiz Shuler Wynne
 Pallone Shuster Young (AK)
 Pascrell Simpson Young (FL)
 Pearce Stires

NOT VOTING—51

Arcuri Ferguson Pastor
 Baird Fossella Paul
 Blunt Gordon Payne
 Brady (PA) Hare Poe
 Braley (IA) Hunter Pryce (OH)
 Brown-Waite, Israel Radanovich
 Ginny Jindal Ryan (OH)
 Butterfield Johnson, Sam Sánchez, Linda
 Buyer Jones (NC) T.
 Carson Kaptur Saxton
 Carter Keller Slaughter
 Castor LaHood Sutton
 Chandler Markey Tancred
 Cubin Matsui Waxman
 Culberson McGovern Welch (VT)
 Delahunt McNulty Westmoreland
 Diaz-Balart, L. Michaud Yarmuth
 Ellison Oberstar

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). Members are advised there 2 minutes remaining on this vote.

□ 1934

Messrs. TERRY, PEARCE, REICHERT, MACK, and Mrs. BACHMANN changed their vote from “yea” to “nay.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
 Mr. ELLISON. Madam Speaker, on November 6, 2007, I inadvertently failed to vote on rollcall No. 1044. Had I voted, I would have voted “yea.”

Stated against:
 Mr. POE. Madam Speaker, on rollcall No. 1044, I was unavoidably detained. Had I been present, I would have voted “nay.”

NOT VOTING—32

Baird Ferguson Olver
 Blunt Fossella Pastor
 Brady (PA) Gordon Paul
 Braley (IA) Hastert Payne
 Butterfield Jindal Pryce (OH)
 Buyer Johnson, Sam Radanovich
 Carson Keller Saxton
 Carter LaHood Tancred
 Chandler McNulty Westmoreland
 Cubin Melancon Yarmuth
 Culberson Oberstar

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1941

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.