| | | |
|---|---|---|
| Rohrabacher | Simpson | Walsh (NY) |
| Ros-Lehtinen | Smith (NE) | Wamp |
| Roskam | Smith (TX) | Waters |
| Royce | Souder | Weldon (FL) |
| Ryan (WI) | Stark | Weller |
| Sali | Stearns | Westmoreland |
| Saxton | Sullivan | Whitfield (KY) |
| Schmidt | Tancredo | Wicker |
| Scott (GA) | Terry | Wilson (NM) |
| Sensenbrenner | Thornberry | Wilson (SC) |
| Serrano | Tiahrt | Wolf |
| Sessions | Tiberi | Woolsey |
| Shadegg | Turner | Young (AK) |
| Shays | Upton | Young (FL) |
| Shimkus | Walberg | |
| Shuster | Walden (OR) | |

NOT VOTING—10

| | | |
|---|---|---|
| Ackerman | Hooley | Paul |
| Carson | Jindal | Wasserman Schultz |
| Cubin | McNulty | |
| Heller | Miller, Gary | |

□ 1327

Ms. WATERS changed her vote from ''aye'' to ''no.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–493) on the resolution (H. Res. 873) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 869, I call up the joint resolution (H.J. Res. 69) making further continuing appropriations for the fiscal year 2008, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 69

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Public Law 110–92 is further amended by striking the date specified in section 106(3) and inserting ''December 21, 2007''.

The SPEAKER pro tempore. Pursuant to House Resolution 869, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 69.

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

There was no objection.

□ 1330

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

It is now 1:30 in the afternoon, very late into December and we have to decide how soon we want to get out of town so that we don't have to look at each other for the remainder of the year.

This vehicle is necessary to simply keep the government open while we're making the final decisions on all remaining appropriations for the fiscal year.

There have been numerous meetings going on this week all over Capitol Hill, and there have obviously been many communications going on between the Hill and other locuses of influence and power in the city. And I would hope that those would bear fruition sometime soon.

Meanwhile, if we want to keep the government open, we have no choice but to pass this continuing resolution. It simply extends, it keeps the government open for another week, to December 21, 2007. I think it's self-explanatory.

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

Mr. LEWIS of California. Mr. Speaker, the last time that Chairman OBEY and I were on the floor together, I was heard to quote our friend, Will Rogers, and it had to do about sometimes we talk more than we should. I was intrigued by the fact that while he advised us to never miss the opportunity to shut up, that recently in Latin America there's discussion among Latin leaders in which a fellow by the name of Chavez kept talking and talking and talking, and this is by way of suggesting that we don't really have to keep talking today. I think it was the King of Spain, DAVID, who said, ''Por que no te calles?'' If I could repeat that, ''Por que no te calles?'' That is, if we don't talk too much, we'll be all right here today.

Mr. Speaker, it is kind of hard to believe that Christmas is less than 2 weeks away and that DAVID OBEY provides me with material for my own presentation one more time.

While most Americans are Christmas shopping and decorating their Christmas tree, Congress continues to stumble its way to completing its business for the year. Unfortunately, we still have a long way to go, so we find ourselves today considering yet another continuing resolution.

It was just 1 year ago the House passed a series of continuing resolutions to ensure the continuation of government funding programs into the new fiscal year. My friend Chairman DAVID OBEY came to the House floor as the ranking member during that debate to criticize Republicans in the House and Senate for their failure to pass the annual spending bills by the end of the fiscal year. He spoke of the breakdown in the budget process and vowed that things would be different under a Democratic majority.

We are now only, I say, 74 days in the new fiscal year, and once again the ranking member of the Appropriations Committee is on the floor decrying the breakdown of regular order. The only difference is that DAVID OBEY is now Chairman OBEY, and I'm the committee's ranking member.

The breakdown of regular order, particularly in the Senate, is largely to blame for our failure to complete our work in a timely manner. Earlier this year, my chairman was absolutely beating us all over the room because of our failure to pass bills at the end of the year.

The Senate leader held up our bills. Mr. OBEY knew that we'd passed all of our bills in the House by July 4. The year before we'd done the same thing, and all the bills had been signed by the President. And lo and behold, Mr. OBEY finds himself. Frankly DAVID, I thought you had much closer relationships with the Senate than I, but here we are. The breakdown of regular order, particularly in the Senate, is largely to blame for our failure to complete our work in a timely fashion.

The President has been very clear all year long that he would veto any spending bill or any omnibus package that exceeded his budget request. All told, the House-passed spending bills exceeded the President's budget request by $23 billion, and yet the Democrat majority chose to dismiss or ignore the President's clear intent, that is, until now.

A short time ago, Chairman OBEY instructed the committee staff to prepare an omnibus spending bill and pare spending back to exceed the President's request by $11 billion. Not included in this total, there was over $7 billion being designated as emergency spending.

Just in the last several days, maybe even hours, the Democratic leadership finally got the message. They came to the realization that the President was, indeed, serious. So it all appears that, after months of work by our exhausted committee staff, work can finally begin on a spending package that the President may be able to sign. I say may be able to sign because the President has not yet seen the details of the omnibus package that will come forward.

For good measure, let me make very clear the President will veto any omnibus spending package that contains any controversial policy provisions, any gimmicks or any consequential budgetary sleight of hand.

I urge Chairman OBEY to resist the urge on his part to add any so-called contingency spending anywhere in this package, as it may lead to a presidential veto.

I'd like to close by quoting my friend, Mr. OBEY, from a past CR debate. He said, and I quote, ''We are here

today with not a single dollar having been appropriated to any government program that has anything whatsoever to do with the domestic operations of this government. That is a disgraceful performance. And so we are left with the choice of passing this continuing resolution or having the government shut down.''

Again, my friends, these are the words of Chairman DAVID OBEY from last year, then Ranking Member OBEY. They are particularly meaningful today.

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

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

Mr. Speaker, I had thought that perhaps once this session we could simply do our jobs straightaway without having the usual, trite partisan slogans uttered again and again. I'd hoped that we wouldn't continue to chew the same cud over and over again. But evidently we can't. So I will simply take a couple of minutes to respond to the gentleman's comments.

For me to take lectures from the minority party on fiscal management or the management of appropriations would be akin to Willie Sutton lecturing the House on bank security. It wouldn't be taken very seriously.

But let me, nonetheless, since the gentleman has chosen to engage in yet another round of carping, let me simply point out that the gentleman is now making a fuss, once again, because we have not passed appropriation bills singly and now face the prospect of an omnibus appropriation bill with all domestic appropriations tossed into one budget document. If that, in fact, occurs, what it will mean is that the President sent us one budget document and we sent him one back. That's hardly a Federal offense, the last time that I checked.

Secondly, I would simply point out that this Congress has passed and sent to the President appropriation bills totaling about 75 percent of all of the discretionary spending in the budget. The reason that none of the domestic bills have been finalized is because the President chose to veto the Labor, Health, Education appropriation bill. So we are now engaged in the only action left open to us, which is to reach a negotiated agreement between the Senate and the House and between the Congress and the President. We are trying to achieve the required negotiated result between the two branches of government and between the two branches of the legislative portion of the government.

Let me simply say that there will be, at the end of this year, there will be one critical difference between this Congress and the previous Congress controlled by our friends on the other side. In the previous Congress, they were able to pass not a single domestic appropriation bill through the Congress. They had passed them through the House, just as we passed all of our appropriation bills through the House. In fact, they didn't pass all of their appropriations bills through the House. They didn't get the Labor-H bill passed last year, which was the major domestic appropriation because they did not see fit to provide a minimum wage increase for workers, and so they preferred to bury the bill rather than have a bill pass which carried a minimum wage increase for America's workers.

But the critical difference between them and us is that when we took over this Congress in January, we had to first clean up their mess. We had to spend the first six weeks passing appropriation bills to make up for the fact that they had not passed a single domestic appropriation bill. And so, as a consequence, we will have one critical difference when our work is done, hopefully at the end of next week. We will have passed all of the appropriation bills necessary to keep the government running for a full fiscal year. We may not have done it in single fashion, as they would prefer, but the fact is that, whether they like the packaging, we will have done our jobs, and I would submit we will have done our jobs on a bipartisan basis.

There were, on average, 60 Republicans who helped us every step of the way in trying to pass these appropriation bills. I think that demonstrates that we had bipartisan legislation before us in virtually all instances on those appropriation bills, and that was reflected in the fact that, on average, we had over 60 Republicans supporting each of those bills.

We could not get the bills through the Senate, but they will, in the end, be passed, and that, in the end, will be a critical difference between the result of the record produced by our friends on the other side last year and one that will be produced, I would hope, on a bipartisan basis this year under different management.

So with that, if the gentleman has any further comments, I'll withhold. If he has any further speakers, I'll withhold. If he doesn't, I'm prepared to yield back.

Mr. LEWIS of California. Mr. Speaker, I really don't have any other speakers, but I did want to apologize to my colleague and take just a moment to do that. If, indeed, I have lectured the gentleman, I certainly would want to apologize to the House for that, for the House knows he's never lectured us or anybody else. Now I'm not certain what may have gone on in his own caucus, but certainly he doesn't lecture us.

And if my quoting his own words takes the term ''carping,'' I guess it's difficult not to quote him exactly, and if that's carping, so be it.

Mr. Speaker, I have no additional speakers and yield back the balance of my time.

Mr. OBEY. Let me simply take a moment to indicate where I think we are on the appropriation matters. I think we have a reasonable prospect of finishing our work for the year come the middle of next week. I had originally been predicting that we would be out of here on the 22nd of December and reconvene after the 27th. I'm now slightly more optimistic than I was initially. And I think that, while none of us may be particularly enamored of the final result, I think that we are getting closer to having a result which can be supported by many people on both sides of the aisle, at least in the House itself.

□ 1345

I cannot speak for what the Senate will produce, but I would hope that Members would familiarize themselves. As soon as we have the final product available, we will try to make that product available to Members so that they have an opportunity to review it before we actually vote on it next week.

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

The SPEAKER pro tempore. Pursuant to House Resolution 869, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. LEWIS of California. I am, in its present form.

Mr. OBEY. Mr. Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LEWIS of California moves to recommit the joint resolution H.J. Res. 69 to the Committee on Appropriations with instructions to report the same back to the House promptly with the following amendment:

At the end of the joint resolution, add the following:

Sec. 2. Public Law 110–92 is further amended by adding at the end the following new section:

''Sec. 151. Appropriations, funds, and other authority made available by this joint resolution that are related to the provisions of title IX of the Act referred to in section 101 (1)—

''(1) shall be available, notwithstanding section 106, until enactment of a supplemental appropriations Act for fiscal year 2008 that provides supplemental appropriations for one or more of the appropriation accounts included in such title IX; and

''(2) are designated as being for overseas deployments and related activities pursuant to subsections (c)(2)(E) and (d)(1)(E) of section 207 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.''.

The SPEAKER pro tempore. Does the gentleman from Wisconsin insist on his point of order?

POINT OF ORDER

Mr. OBEY. Mr. Speaker, we have had virtually no time to understand what the content of this resolution is; but as I read it, I would make a point of order against the amendment on germaneness grounds because the resolution adheres to a December 21 delimiting date, whereas the instructions in the proposed amendment refers to matters outside of the time period in question, and I will, therefore, suggest that the motion is not in order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. LEWIS of California. Mr. Speaker, I will just speak on the point of order.

Mr. Speaker, the motion to recommit that I was about to present is quite simple. The motion will ensure that we continue to provide funding for our troops in harm's way until Congress takes the necessary action to pass a bridge fund or a full-year war supplemental.

The SPEAKER pro tempore. Is the gentleman speaking on the point of order or on the motion to recommit? The question is whether the point of order is well taken. If the gentleman doesn't wish to speak on the point of order, the Chair is prepared to rule.

The Chair finds that the amendment proposed in the motion to recommit exceeds the temporal ambit of the joint resolution beyond the delimiting date in section 106 of Public Law 110–92. Accordingly, the point of order is sustained, and the motion to recommit is ruled out of order.

Mr. LEWIS of California. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to table the motion.

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

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

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the grounds 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 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on passage of the joint resolution, if arising without further debate or proceedings in recommittal.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 15, as follows:

[Roll No. 1161]

YEAS—222

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

NAYS—194

| | | |
|---|---|---|
| Aderholt | Boozman | Chabot |
| Akin | Boustany | Coble |
| Alexander | Brady (TX) | Cole (OK) |
| Bachmann | Broun (GA) | Conaway |
| Bachus | Brown (SC) | Culberson |
| Baker | Brown-Waite, Ginny | Davis (KY) |
| Barrett (SC) | Buchanan | Davis, David |
| Barrow | Burgess | Davis, Tom |
| Bartlett (MD) | Burton (IN) | Deal (GA) |
| Barton (TX) | Buyer | Dent |
| Biggert | Calvert | Diaz-Balart, L. |
| Bilbray | Camp (MI) | Diaz-Balart, M. |
| Bilirakis | Campbell (CA) | Doolittle |
| Bishop (UT) | Cannon | Drake |
| Blackburn | Cantor | Dreier |
| Blunt | Capito | Duncan |
| Boehner | Carter | Ehlers |
| Bonner | Castle | Emerson |
| Bono | Everett | English (PA) |
| | Fallin | Latham |
| | Feeney | LaTourette |
| | Ferguson | Lewis (CA) |
| | Flake | Lewis (KY) |
| | Forbes | Linder |
| | Fortenberry | LoBiondo |
| | Fossella | Lucas |
| | Foxx | Lungren, Daniel E. |
| | Franks (AZ) | Mack |
| | Frelinghuysen | Manzullo |
| | Gallegly | Marchant |
| | Garrett (NJ) | Marshall |
| | Gerlach | McCarthy (CA) |
| | Gilchrest | McCaul (TX) |
| | Gingrey | McCotter |
| | Gohmert | McCrery |
| | Goode | McHenry |
| | Goodlatte | McHugh |
| | Granger | McKeon |
| | Graves | McMorris Rodgers |
| | Hall (TX) | Miller (FL) |
| | Hastings (WA) | Miller (MI) |
| | Hayes | Moran (KS) |
| | Hensarling | Murphy, Tim |
| | Herger | Musgrave |
| | Hobson | Myrick |
| | Hoekstra | Neugebauer |
| | Hulshof | Nunes |
| | Hunter | Pearce |
| | Inglis (SC) | Pence |
| | Issa | Peterson (PA) |
| | Johnson (IL) | Petri |
| | Johnson, Sam | Pickering |
| | Jones (NC) | Pitts |
| | Jordan | Platts |
| | Keller | Poe |
| | King (IA) | Porter |
| | King (NY) | Price (GA) |
| | Kingston | Pryce (OH) |
| | Kirk | Putnam |
| | Kline (MN) | Radanovich |
| | Knollenberg | Ramstad |
| | Kuhl (NY) | Rehberg |
| | LaHood | Reichert |
| | Lamborn | Renzi |
| | Lampson | Reynolds |
| | | Rogers (AL) |
| | | Rogers (KY) |
| | | Rogers (MI) |
| | | Rohrabacher |
| | | Ros-Lehtinen |
| | | Roskam |
| | | Royce |
| | | Ryan (WI) |
| | | Sali |
| | | Saxton |
| | | Schmidt |
| | | Sensenbrenner |
| | | Sessions |
| | | Shadegg |
| | | Shays |
| | | Shimkus |
| | | Shuster |
| | | Simpson |
| | | Smith (NE) |
| | | Smith (NJ) |
| | | Smith (TX) |
| | | Souder |
| | | Stearns |
| | | Sullivan |
| | | Tancredo |
| | | Terry |
| | | Thornberry |
| | | Tiahrt |
| | | Tiberi |
| | | Turner |
| | | Upton |
| | | Walberg |
| | | Walden (OR) |
| | | Walsh (NY) |
| | | Wamp |
| | | Weldon (FL) |
| | | Weller |
| | | Westmoreland |
| | | Whitfield (KY) |
| | | Wicker |
| | | Wilson (NM) |
| | | Wilson (SC) |
| | | Wolf |
| | | Young (AK) |
| | | Young (FL) |

NOT VOTING—15

| | | |
|---|---|---|
| Ackerman | Hooley | Paul |
| Carson | Jindal | Regula |
| Crenshaw | McNulty | Rush |
| Cubin | Mica | Waters |
| Heller | Miller, Gary | Waxman |

□ 1411

Messrs. JOHNSON of Georgia and UDALL of Colorado changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. REGULA. Madam Speaker, on rollcall 1161, I was in the Chamber and trying to cast my vote as the rollcall was closed. Had I been permitted to enter my vote, I would have been recorded as ''nay.''

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, December 12, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Jennifer Brunner, Secretary of State, the State of Ohio, indicating that, according to the unofficial returns of the Special Election held December 11, 2007, the Honorable Robert E. Latta was elected Representative to Congress for the Fifth Congressional District, State of Ohio.