

Sutton	Van Hollen	Wexler
Tanner	Velázquez	Wilson (OH)
Tauscher	Visclosky	Wolf
Taylor	Walz (MN)	Woolsey
Terry	Waters	Wu
Thompson (CA)	Watson	Wynn
Thompson (MS)	Watt	Yarmuth
Tierney	Waxman	Young (FL)
Towns	Weiner	
Udall (NM)	Welch (VT)	

## NOES—153

Aderholt	Garrett (NJ)	Neugebauer
Akin	Gerlach	Pearce
Alexander	Gohmert	Pence
Bachmann	Goode	Peterson (PA)
Bachus	Goodlatte	Petri
Barrett (SC)	Granger	Pitts
Bartlett (MD)	Graves	Platts
Barton (TX)	Hall (TX)	Poe
Biggart	Hastert	Porter
Bilbray	Hastings (WA)	Price (GA)
Bilirakis	Heller	Pryce (OH)
Blackburn	Hensarling	Putnam
Blunt	Herger	Radanovich
Boehner	Hoekstra	Regula
Bono	Hulshof	Reichert
Boozman	Inglis (SC)	Renzi
Boustany	Issa	Rogers (AL)
Brady (TX)	Jindal	Rogers (KY)
Broun (GA)	Johnson (IL)	Rogers (MI)
Brown (SC)	Jordan	Rohrabacher
Buchanan	King (IA)	Ros-Lehtinen
Burgess	King (NY)	Roskam
Burton (IN)	Kingston	Royce
Camp (MI)	Kirk	Sali
Campbell (CA)	Kline (MN)	Saxton
Capito	Kuhl (NY)	Schmidt
Carter	Latham	Sensenbrenner
Coble	LaTourette	Sessions
Cole (OK)	Lewis (CA)	Shadegg
Conaway	Lewis (KY)	Shays
Crenshaw	Linder	Shimkus
Cubin	LoBiondo	Shuster
Culberson	Lucas	Simpson
Davis, David	Lungren, Daniel	Smith (NE)
Deal (GA)	E.	Smith (NJ)
Dent	Mack	Souder
Diaz-Balart, M.	Manzullo	Stearns
Doolittle	McCarthy (CA)	Sullivan
Drake	McCotter	Thornberry
Dreier	McHenry	Tiahrt
Duncan	McHugh	Tiberi
Emerson	McKeon	Upton
English (PA)	McMorris	Walberg
Fallin	Rodgers	Walden (OR)
Feeney	Mica	Walsh (NY)
Flake	Miller (FL)	Wamp
Fortenberry	Miller (MI)	Weldon (FL)
Fossella	Miller, Gary	Weller
Fox	Moran (KS)	Westmoreland
Franks (AZ)	Murphy, Tim	Wilson (NM)
Frelinghuysen	Musgrave	Wilson (SC)
Gallely	Myrick	

## NOT VOTING—49

Allen	Doyle	Miller, George
Bishop (UT)	Ferguson	Nunes
Boucher	Forbes	Paul
Braley (IA)	Fortuño	Pickering
Buyer	Gingrey	Reyes
Calvert	Harman	Reynolds
Cannon	Hayes	Ryan (WI)
Cantor	Hinche	Smith (TX)
Cardoza	Hunter	Tancredo
Clarke	Johnson, Sam	Turner
Cummings	Keller	Udall (CO)
Davis (KY)	Knollenberg	Wasserman
Davis, Jo Ann	LaHood	Schultz
Davis, Tom	Lamborn	Whitfield
DeFazio	Marchant	Wicker
Diaz-Balart, L.	McCaul (TX)	Young (AK)
Dicks	McCrery	

□ 1928

Mr. BARRETT of South Carolina and Mr. PEARCE changed their vote from “aye” to “no.”

So the motion to rise was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. INSLEE. Madam Speaker, I was absent from the House floor during today's vote on H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007, which will protect women against pay

discrimination and restore all employee's rights regarding nondiscriminatory pay. The legislation will reverse the U.S. Supreme Court ruling in *Ledbetter v. Goodyear* by putting into statute widely accepted rules in employment discrimination law. I strongly support federal protections against pay discrimination; therefore, had I been present, I would have voted for H.R. 2831.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Mrs. TAUSCHER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

## LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute for the purposes of informing the Members of the schedule for the week to come, for today and for tomorrow.

The SPEAKER pro tempore. Without objection, the gentleman is recognized. There was no objection.

Mr. HOYER. Thank you, Mr. Speaker.

Ladies and gentlemen of the House, obviously, the American public sent us here to get its work done. Obviously as well, we have differences on what work we ought to be doing and what the substance of that work ought to be, and they expect us to debate that, and they expect us to have our differences, and then they expect us to resolve those differences through voting and moving legislation.

The Agriculture appropriation bill is on the floor. Mr. OBEY, myself, and Mr. BOEHNER had very long discussions about how we would consider the appropriation bills. On or about June 14, it was June 12 and 13 that we really discussed, we came to agreement. We came to agreement on how we would consider the appropriation bills, essentially the time frame that would be accorded to those bills, that we would have open rules on the appropriation bills, and that we would come to only unanimous consent agreements on the constraint of debate.

□ 1930

Furthermore, we agreed that we would offer a rule the Monday following June 14 to provide for a point of order on items added to appropriation bills.

I believe that I have, as leader, done everything I said I would do.

On Monday, I offered a unanimous consent, a request to add to our rules the point of order that the minority felt important to protect its rights. That unanimous consent, obviously, was not objected to. It is now part of our rules.

Since that time, on 10 appropriation bills we have had open rules, as we said we would. The agreement, as you have heard me state before, contemplated that you would give us, on the minority side, essentially the same unanimous consents that we gave to you in an election year 1 year ago.

Notwithstanding that understanding, we have taken 50 hours longer to consider the appropriation bills since that time than we took last year when you were in charge and Mr. OBEY gave the unanimous consent. You've heard me complain about that because I thought that was not consistent with the agreement.

Notwithstanding that, we have proceeded on this floor with open rules, and the Agriculture appropriation bill has come to the floor with an open rule. The Agriculture appropriation bill has been on the floor for some, 4, 4½ hours, and we are not really considering the substance of the Agriculture appropriation bill.

I know there is upset on your side of the aisle, I say to my friends on the minority side, about another bill. But there was nothing in the agreement that said if you were upset with another bill that the agreement reached between Mr. BOEHNER and I and Mr. OBEY would not be honored. There was nothing that said that if we're angry about another bill that we will disrupt the appropriations process.

And, therefore, it is my perception, and I think, based upon the facts that everyone in this country has observed over the last number of hours, that my perception is the agreement has not been honored. I regret that.

I will tell you that I pride myself on honoring my agreements, even when it may anger my side of the aisle, because I believe that if we are to proceed in a civil way, in a way that we can trust one another, that is what we ought to do. Notwithstanding the extra 50 hours that we've spent, we were prepared to proceed.

Now, let me read just briefly, Mr. SHADEGG was on the floor just a little while ago and spoke. This is what Mr. SHADEGG said on the 14th:

“As I understand it, this”, meaning our agreement to move bills forward, “is an attempt to make sure that we don't waste time on dilatory tactics; that, rather, we proceed through these bills in an orderly fashion, but if someone has a substantive objection that should be accommodated. Is that correct?” Mr. SHADEGG asked me.

In response, the chairman of the Appropriations Committee stated, and I quote Mr. OBEY: “It is our hope that you will respond as we did in the minority by agreeing to reasonable time limits on each of those bills in return for that.” In return for that was giving reasonable time for substantive amendments.

Again, my friends on the minority side, you have had 50 additional hours above and beyond the time that we debated the bills last year when you were in charge.

And Mr. SHADEGG responded, "Certainly. And I think we will." We do not believe that that has been done.

During that same debate, on June 14, I stated to the minority, "We expect to move forward on open rules." We have done that. "But I want to make clear, if we are subjected to what we believe were dilatory tactics, then that would not be consistent with the agreement, and therefore our provision would be that, in lawyers' terms, the agreement has been breached."

I also stated, and again I quote, "We are proceeding with reliance on the good faith of each to proceed in a manner that we believe accommodates what has been done last year and what we hope will be done this year, and that is consider these bills with the inclusion of earmarks in the bills in a manner that facilitates their being passed through this House."

In fact, Mr. HENSARLING stated, and again I quote, "I believe I heard that there is hopefully an expectation of open rules. I understand the majority leader's caveat." That was my caveat that dilatory tactics would not be employed during the course of consideration of appropriation bills.

He went on to say, "I understand there is an anticipation of unanimous consents," he said, "UCs, as historic norms dictate."

I carry around in my pocket, I've shared with my friend, Mr. BLUNT and Mr. BOEHNER, the times that we spent considering the appropriation bills last year. Those were the historic norms that we referred to when on the floor we talked about generally replicating the time constraints of last year.

"I understand," Mr. HENSARLING went on, "there is an anticipation that if bills are of historic norms, that debate time may be of historic norms."

Again, I say to my friends on the minority side, I believe we have followed those dictates and that understanding to the letter.

Now, as to the schedule, I want to tell my friends that I have, for many months, articulated the bills that we were going to consider this week. Among those bills were the appropriation bills, the Defense bill, the Agriculture appropriation bill. I've discussed with my friend, ROY BLUNT, the possibility of considering a FISA bill. We also have some conference reports. The WRDA conference report is ready, we believe. We're also going to consider the Defense appropriation bill, consistent with our agreement; and we're going to consider an energy bill.

There may be some other conference reports that will be ready. The Higher Education conference report possibly would be ready, although I think that may not occur. There are other bills that we're going to consider.

The reason I rise is, first of all, to discuss the agreement that we had, which I think has not been honored, with respect to the considerable appropriations bills. It was not with respect to other bills, but we were considering the appropriation bill.

And I tell my friend that I have discussed with the members of my caucus that we are going to complete this agenda. We will complete this agenda if it takes all of next week to complete. That will disrupt my schedule, it will disrupt your schedule, and it will not be a happy time for any of us in this body. I regret that.

I hope that those of you on the minority side who have dealt with me through the years believe that I try to treat one another as I want to be treated by them.

I regret that we are now going to go to the Rules Committee on the appropriations bills. We will go to the Rules Committee on the Agriculture appropriation bill. We will go to the Rules Committee on the Defense bill. We will go to the Rules Committee on each and every other bill.

That does not mean I expect you to sit back and simply say, well, that's fine. I expect that we will not have a happy time over the next coming days. But I also believe that you have not left me or my party with an alternative, if, in fact, we are to proceed with the people's business.

We have disagreements. That's fair. Amendments expressing those agreements offered on this floor is fair. Demanding votes on those amendments and on those bills is fair and what the American people expect.

What the American people, in my opinion, do not expect is for us to simply do nothing, to simply circle one another, yell and scream at one another, point fingers at one another and not proceed with their business.

We believe very strongly that children ought to have health care. I believe you think children ought to have health care. We have a difference of opinion as to how we accomplish that objective. That is fair.

What is not fair, from our perspective, is to simply disallow the House to proceed to do its business, to have its disagreements, to make its votes, to express its will.

And so I say to you that we will complete the agenda that I have set forth. I hope we pass all those bills. If we don't pass them, so be it. But if we pass, or whether they fail, we will consider them during this sitting, before we recess for our summer break. I regret that, but it is the only alternative with which I think I am left if, as majority leader of this House, I'm going to facilitate the accomplishment of the people's business.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I yield to my friend.

Mr. BOEHNER. I appreciate my colleague yielding.

There is no question that there was an agreement between Mr. HOYER, Mr. OBEY and myself to try to facilitate the movement of the appropriation process. During the time in the minority, the Democrats worked with us to facilitate that process; and over the course of the last 4 or 5 weeks I think

that it has worked reasonably well. Maybe not to everyone's satisfaction, but reasonably well.

What's happened here is that we have the greatest expansion of government-run health care about to go out to the floor, where there's never been a legislative hearing in the Energy and Commerce Committee on this issue. The bill has not gone through committee. We're about, as the minority, about to have this thrust upon us, a 488-page bill that was in the committee that no one ever really had a chance to read; and to bring this in such a rush in the last week has caused concern amongst members in our caucus from every wing of our caucus.

Now I understand that the gentleman would prefer that we move the appropriations process quickly. But there was a discussion all of last year and the year before and a lot of promises made earlier this year about having a more open House, allowing Members the opportunity to debate, allowing the opportunity for the Members to bring amendments to the floor; and I and my colleagues on our side are very disappointed that not only have not all of those promises been kept, that we've actually regressed beyond the time that we were in the majority. And so it is unfortunate that we find ourselves at this spot. All that we've asked, all year, is to be treated fairly.

And I would say to my colleagues on both sides of the aisle, I understand that we have differences. I'm a big believer that we ought to allow the House to work its will. But, at the end of the day, for us to work our will and for other Members to work their will, there needs to be more open debate. There needs to be more opportunities for amendments. And I will say, from the point of view of the minority, all we're asking is to be treated fairly.

In 1995, when we took the majority for the first time in 40 years, some of my colleagues in the Republican leadership wanted to treat the minority, the new minority the way we had been treated. I argued that we should never do that, that we should treat the minority the way we asked to be treated. And over the course of, again, the last several years, you have made your case about how you wanted to be treated and how the minority should be treated. You made it very clear.

We're there. And I think all we're asking, all we're asking is that you treat us the way you wanted to be treated. And if that, in fact, is the case, we can do our work. We can do what the American people sent us here to do. But we can't do it when our voices are stifled and our constituents are not allowed to be represented with their views on the floor of this House.

So I regret that it has come to this. It is going to be a tough week, but we are not going to sit here representing nearly half the American people and not allow their voices to be heard.

Mr. HOYER. Reclaiming my time. That was the proposition that the gentleman put to us and Mr. OBEY when

we discussed the appropriations bills. We agreed, and we have followed to the letter, bringing every appropriation bill considered under an open rule, every one.

□ 1945

There were no constraints imposed beyond unanimous consent constraints so that we had an open process. Everybody got an opportunity to make their points and to vote.

There is no one on this side of the aisle who has served for the last 2, 4, 6, 8, 10, 12 years who does not understand the pain that you express of your Members. They have all felt it. You know that, and I know that. Frankly, we had a previous majority leader who was not nearly as tolerant as the present majority leader, I say with some degree of perhaps humor but some degree, I think, of real truth. I believe we have complied with that agreement.

We will now conclude the business for tonight, and we will back tomorrow, and we will complete the work that I have set forth on behalf of the majority that the House contemplates. And we hope that we can try, over the next few hours, to reach a greater level of civility on both sides so that we can proceed and try to accommodate the concerns of every Member. But that has not happened.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I will be glad to yield, and then we will conclude.

Mr. BOEHNER. We will be happy to work with you and the chairman of the Appropriations Committee on a unanimous consent request for both the Ag appropriations bill and the Defense appropriation bill. We just want some understanding that there is going to be ample time for debate on the SCHIP bill that we expect to show up sometime this week. If we can agree on 2 or 3 hours of debate on the SCHIP bill, we will be more than happy to facilitate this process.

Our concern, based on what we have seen of the schedule, is that there was going to be very little debate on the SCHIP bill. That is why Members felt compelled, the need to come down and talk about it today on this bill. But we can work this out. I will just throw that out there for the gentleman's consideration.

Mr. HOYER. I will look forward to discussing the next 4, 5 or 6 days with my friend.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 47 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0341

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Ms. CASTOR) at 3 o'clock and 41 minutes a.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3162, CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT OF 2007

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-285) on the resolution (H. Res. 594) providing for consideration of the bill (H.R. 3162) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend and improve the children's health insurance program, to improve beneficiary protections under the Medicare, Medicaid, and the CHIP program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### 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. 110-286) on the resolution (H. Res. 595) 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.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3222, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-287) on the resolution (H. Res. 596) providing for consideration of the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-288) on the resolution (H. Res. 597) providing for consideration of the conference report to accompany the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes,

which was referred to the House Calendar and ordered to be printed.

#### COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE,  
Washington, DC, July 10, 2007.

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

DEAR MADAM SPEAKER. On June 28, 2007, the Committee on Transportation and Infrastructure met in open session to consider 14 resolutions authorizing the General Services Administration ("GSA") Capital Investment Program for Fiscal Year 2008, in accordance with 40 U.S.C. §3307. The resolutions authorize leases for various Federal agencies. The Committee adopted the resolutions with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on June 28, 2007.

Sincerely,

JAMES L. OBERSTAR,  
Chairman.

Enclosure.

LEASE—FEDERAL BUREAU OF INVESTIGATION,  
PHOENIX, AZ  
PAZ-01-PH08

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 210,202 rentable square feet for the Federal Bureau of Investigation, currently located in one Federal building and three leased facilities in Phoenix, AZ, at a proposed total annual cost of \$7,567,272 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.*

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

*Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement include minimum performance requirements requiring energy efficiency and the use of renewable energy.*

*Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.*

*Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.*

LEASE—FEDERAL BUREAU OF INVESTIGATION,  
SAN DIEGO, CA  
PCA-01-SD08

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C.*