

Mr. TIM MURPHY of Pennsylvania changed his vote from “no” to “present.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

Mrs. TAUSCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 186, answered “present” 2, not voting 12, as follows:

[Roll No. 797]

AYES—232

Abercrombie	DeLauro	Kildoe
Ackerman	Dent	Kilpatrick
Allen	Dicks	Kind
Andrews	Dingell	Kingston
Arcuri	Doggett	Klein (FL)
Baca	Doyle	Kucinich
Bachmann	Edwards	Kuhl (NY)
Baird	Ellsworth	Lampson
Baldwin	Emanuel	Langevin
Barrow	Emerson	Lantos
Bean	Engel	Larsen (WA)
Becerra	Eshoo	Larson (CT)
Berkley	Farr	Latham
Berman	Fattah	LaTourette
Berry	Filner	Lee
Biggart	Forbes	Levin
Bishop (GA)	Frank (MA)	Lewis (GA)
Bishop (NY)	Gerlach	Lipinski
Blumenauer	Gillmor	Loebsack
Boren	Gonzalez	Lofgren, Zoe
Boswell	Gordon	Lowe
Boucher	Green, Al	Lynch
Boyd (FL)	Green, Gene	Maloney (FL)
Boyd (KS)	Grijalva	Maloney (NY)
Brady (PA)	Gutierrez	Markey
Braley (IA)	Hall (NY)	Matheson
Brown, Corrine	Hare	Matsui
Butterfield	Harman	McCarthy (NY)
Capps	Hastings (FL)	McCollum (MN)
Capuano	Herseth Sandlin	McDermott
Cardoza	Higgins	McGovern
Carnahan	Hinche	McIntyre
Carson	Hinojosa	McNerney
Castle	Hirono	McNulty
Castor	Hodes	Meek (FL)
Chandler	Holden	Meeks (NY)
Clay	Holt	Melancon
Cleaver	Honda	Michaud
Clyburn	Hooley	Miller (NC)
Cohen	Hoyer	Miller, George
Conyers	Inlee	Mollohan
Cooper	Israel	Moore (KS)
Costa	Jackson (IL)	Moore (WI)
Costello	Jackson-Lee	Moran (VA)
Courtney	(TX)	Murphy (CT)
Cramer	Jefferson	Murphy, Patrick
Crowley	Jindal	Murtha
Cuellar	Johnson (GA)	Nadler
Cummings	Johnson (IL)	Napolitano
Davis (AL)	Johnson, E. B.	Neal (MA)
Davis (CA)	Jones (NC)	Obey
Davis (IL)	Jones (OH)	Oliver
Davis, Lincoln	Kagen	Ortiz
Davis, Tom	Kanjorski	Pallone
DeGette	Kaptur	Pascarell
Delahunt	Kennedy	Pastor

Paul	Scott (GA)
Payne	Scott (VA)
Perlmuter	Serrano
Pomeroy	Sestak
Porter	Shea-Porter
Price (NC)	Sherman
Rahall	Shuler
Reyes	Shuster
Rodriguez	Sires
Ross	Skelton
Rothman	Slaughter
Roybal-Allard	Smith (WA)
Ruppersberger	Snyder
Rush	Solis
Ryan (OH)	Space
Salazar	Spratt
Sanchez, Linda	Stark
T.	Sutton
Sanchez, Loretta	Tanner
Sarbanes	Tauscher
Schakowsky	Taylor
Schiff	Thompson (MS)
Schwartz	Tierney

NOES—186

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

ANSWERED “PRESENT”—2

Gohmert	Tancredo
---------	----------

NOT VOTING—12

Clarke	Ellison	Oberstar
Crenshaw	English (PA)	Rangel
Davis, Jo Ann	Johnson, Sam	Schmidt
DeFazio	Marshall	Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1400

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated against:

Ms. SCHMIDT. Mr. Speaker, I missed the last vote due to an appointment. Had I been present I would have voted “no” on the Journal.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 599 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 599

Resolved, That during further consideration of 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, the bill shall be considered as read. No further debate on any pending amendment shall be in order. A further period of general debate shall be confined to the bill and shall not exceed 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The amendments printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Notwithstanding clause 11 of rule XVIII, no further amendment shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. After a motion that the Committee rise has been rejected on a legislative day, the Chair may entertain another such motion on that day only if offered by the chairman of the Committee on Appropriations or the Majority Leader or designee. After a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the bill.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from California, my very good, good friend, Mr. DREIER. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 599.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 599 provides for further consideration of the FY 2008 Agriculture, Rural Development, Food and Drug Administration appropriations.

Mr. Speaker, I rise in support of the rule, and I rise in strong support of the underlying bill.

I want to thank my dear friend from Connecticut, ROSA DELAURO, the chairwoman of the Agriculture Appropriations Subcommittee for her work on this bill and her passion for fighting hunger in this country and around the world. I also want to commend Ranking Member KINGSTON and Chairman OBEY and Ranking Member LEWIS for all of their efforts and their hard work.

I very much regret that we have gotten to this point. I do not take the idea of structuring debate on appropriation bills lightly. Unfortunately, we have gotten to the point where structuring debate on the Agriculture appropriations bill is the only way to pass the bill before we break for the district work period.

As the distinguished majority leader so eloquently noted the other day, we have spent hours and hours and hours, beyond historical norms, to complete our work on the appropriations bills. Last June, Democratic and Republican leaders came to an agreement that, in exchange for allowing full and fair debate with up or down votes on dozens of amendments, Republicans would allow the appropriation bills to proceed through the House. We have been able to come to unanimous consents to consider those bills, and they have largely passed with large bipartisan majorities.

Now, I know that some of my friends on the other side of the aisle were upset with the process used to consider the SCHIP bill, and after our discussion in the Rules Committee last night, I understand their concerns. But they have decided to use that frustration as an excuse to prevent completion of our important appropriations work, and we do not believe that that is in the best interest of the Nation. Clearly, my friends on the other side have decided to abandon the June agreement, and

that is their right. But it is our responsibility, in the majority, to complete these bills in a timely way.

Unfortunately, it has become clear that a small number of Members on the other side was willing to use a filibuster-by-amendment strategy to shut down the House and prevent us from completing our work. Mr. Speaker, if Members wish to filibuster bills, they should run for the United States Senate.

There is a difference between serious legislating and obstructionism. And I believe that offering amendments to cut bills by \$50,000 and then \$100,000 and then \$101,000 and so on, and debating these bills forever and ever and ever and using procedural mechanisms to unjustifiably delay the consideration of bills, not to move serious legislation forward, but to delay the consideration of bills, I think that's obstructionism. And I think what we saw on the floor the other day was obstructionism.

This rule makes in order 12 amendments, all of them Republican amendments on a variety of issues. Many of what I would call the "usual suspect" amendments were made in order, amendments by members of the Republican Study Committee to cut certain programs in the bill, an amendment to cut funding across the board, an amendment from my good friend, Mr. FLAKE, to eliminate earmarks.

Mr. Speaker, I also regret that tensions have risen over the last several days. Perhaps it's inevitable before a break, and perhaps it's the heat and humidity, but I hope that all of us can come back after Labor Day refreshed and rededicated to doing the people's business in a civil way.

Mr. Speaker, HILLARY CLINTON says "it takes a village." Maybe for us it takes a recess. In this business, your word is everything; without it, there is no trust. And without any trust, this would be a very, very unhappy place to work.

I thought we had a very good discussion in the Rules Committee last night. I believe we understand each other and where we're coming from a bit better. I know my friend, Mr. DREIER, and other members of the Rules Committee are eager to look for ways that we can make this process better. They have my word and I think the word of all of us on the Democratic side that we want to work with them to make that happen.

In the meantime, however, we have a responsibility to do the people's business. And the rule before us allows us to do that in an orderly way that allows for vigorous debate and votes on amendments.

So, Mr. Speaker, I urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

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

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. I begin by expressing my great appreciation to my friend from Worcester for yielding me the customary 30 minutes.

I have to ask myself exactly why it is that we are here. One might think that this is Groundhog Day. We've already passed a rule on the Agriculture appropriations bill, and I would say to my friend, we've already passed the so-called SCHIP bill, which proposes a cut for seniors on the Medicare program and a massive tax increase for people all across this country and perpetuates this generational warfare challenge. That bill is behind us.

We have not had a single dilatory motion that I've seen since passage of this SCHIP legislation, and yet the Rules Committee chose last night to do something that, from all of the research that we have done, has never been done in the history of the Republic.

It is true that on occasion we have, after lengthy debate, come back with second rules when we were in the majority. For example, in 1995, we came back with a rule on the Interior appropriations bill that, by the definition of the new majority, would have been defined as an open rule. It simply said there would be a preprinting requirement that was put in order for all of the other amendments that would be offered during the measure.

Mr. Speaker, never before have we seen a rule on an appropriations bill come from the Rules Committee to the floor that self-executes one amendment. But this rule doesn't self-execute one amendment; it self-executes six amendments. This has never, ever been done.

We did, as my friend from Worcester said, have an interesting long discussion last night. We were here until nearly 3:30 in the morning yesterday, and then we had a lengthy discussion as we were waiting for votes here on the floor last night up in the Rules Committee. And I talked about the fact and my colleagues on our side talked about the fact that this was unprecedented. And Mr. HASTINGS, the gentleman from Fort Lauderdale, said, oh, well, will the world come to an end? The world isn't going to come to an end. But one of the great privileges that I have is working with our colleague, DAVID PRICE, on our House Democracy Assistance Commission. And we are, right now, engaged with 12 new and reemerging democracies around the world. I like to argue that one election a democracy does not make.

It's really hard work building democracies. And in countries like Lebanon, Afghanistan, Liberia, Kenya, Macedonia, the Republic of Georgia, the Ukraine, Haiti, Colombia, East Timor, Indonesia, Mongolia, countries that are moving towards democracy or have relatively young democracies, we have been working with their new parliaments because we know how important it is to have parliaments that have committee structure, oversight of

the executive branch, libraries, members who can work to provide constituent services. That's what this 20-member Commission that DAVID PRICE now chairs, and I'm privileged to serve as the ranking minority member on, has been working on.

What we've done, Mr. Speaker, is we've said we have a 220-year history in the United States House of Representatives. We don't claim to have a corner on the truth, we don't know exactly how it's done, but we do have experience. And Mr. Speaker, it saddens me greatly that as we continue to work with these new and reemerging democracies for these countries that are just beginning to have a taste of political pluralism, the rule of law, and the opportunity to build democratic institutions, that we, today, are once again restricting the opportunity that the minority has had.

I will say that my friend has talked about breaking an agreement. You know, there was an agreement, a bond that was talked about in last year's election and a bond that was made with the opening speech that was delivered by my California colleague, the gentlewoman from San Francisco, our new Speaker, the first woman Speaker of the House of Representatives. I regularly laud the fact that she has done that, the first Californian and the first Italian American. I am very proud as a Californian.

□ 1415

But I will tell you that commitment was made on the opening day, and has been made repeatedly, by my very good friend from Maryland (Mr. HOYER), the distinguished majority leader, time and time again. We have continued to hear about this promise that we will have a great new sense of openness. We will have transparency. We will have accountability. We will have the things to which we all supposedly aspire. But what is it we have gotten here, Mr. Speaker?

As bad as you all say that we were when we were in the majority, as bad as the now majority says that we were, Mr. Speaker, when we were in the majority, we would have never contemplated self-executing five amendments in a rule for an appropriations bill.

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

Mr. DREIER. I yield to the gentleman from Wisconsin.

Mr. OBEY. I'm sorry, but the record shows that in the year 2000, when you were chairman, on three occasions, Transportation, Labor-H and Agriculture, you reported self-executing rules.

Mr. DREIER. If I can reclaim my time, Mr. Speaker, I would just say, were there six amendments that were self-executing in the passage of any of those rules?

Mr. Speaker, I am happy to yield back to the gentleman from Wisconsin.

Mr. OBEY. No. They were always Republican amendments, in contrast to

this, which are both Republican and Democrat.

Mr. DREIER. Mr. Speaker, reclaiming my time, never before have we had an action such as this, self-executing six amendments in passage of the rule and completely shutting down the process. Mr. Speaker, never before has this been done. I have a litany of colleagues who share my outrage. They want to be heard.

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

Mr. MCGOVERN. Mr. Speaker, facts are a stubborn thing. At this point, I would like to yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, we have proceeded for 10 appropriation bills with an open rule with an agreement we would reach a unanimous consent agreement on those rules within the framework of the time that we spent last year.

I said on the floor that we spent approximately 52 hours longer on the first 10 bills than we had last year under unanimous consents that Mr. OBEY agreed to. I am informed by Mr. OBEY that our staff has recomputed the time, and when one includes the Agriculture bill, it is closer to 80-plus hours longer under open rules. That was certainly not shutting anybody down or out. That was not our intent. In fact, it was not our practice. As I pointed out then, we complied, we think, with the letter of that to which we agreed.

We now find ourselves in the context of trying to move forward on very important legislation. This bill was open, of course, for debate and amendment for an extended period of time. The debate was not used for amendments or debate about the substance of the bill before us.

In fact, it is my understanding the Rules Committee talked to those who wanted to offer amendments in this rule. It is not shutting out all amendments. In fact, what it is doing is including a number of amendments on both sides of the aisle. It includes in the self-executing, to which the gentleman refers, a balanced group of amendments, all of which, we think, will be agreed to.

Mr. FLAKE is going to offer some amendments, one I have a particular interest in. He was given the choice of what amendments that he wanted to offer. Yes, we have limited amendments, because we have limited time and we want to complete this bill.

When we complete the debate on this bill, it will be just a little shorter than the bill that was considered last year. Just a little. We think it is fair. But we are here because we did not pursue the agreement that we thought we had with the open-rule process.

Now, we still have one additional bill to go, the Defense bill. We are discussing that. We are hopeful that perhaps we can proceed as we have proceeded in the past, with an open rule on that bill.

But we are trying to facilitate the doing of the people's business. We said we would do that. That is what we are doing. We believe that Members have been treated fairly.

Yesterday, on SCHIP, there was a request of me to include an additional hour of debate. That was agreed to. I think that was a good and full debate. We had very significant differences on that bill. The bill was approved by the House. I think this bill will be approved by the House and moved. That will leave us just one appropriation bill. I think by the end of this week, we will have passed all of our appropriation bills.

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

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I know that my very good friend, the distinguished majority leader, as am I, is an institutionalist. He is just a little junior to me in this House. I came here just a few months before he did in his special election in 1981.

Mr. HOYER. I will try to show the gentleman the appropriate respect, given that seniority.

Mr. DREIER. That is the reason I reminded my friend of that, of course, Mr. Speaker.

Let me just say that getting the people's business done is a priority for every Member of this House. I recognize the responsibility of ensuring that we move through with our appropriations work. As the gentleman knows very well, we were able to complete the House's work on appropriations bills in the past. The distinguished majority leader wants to do that as well.

I do believe that if we look at the, you can call it a bump in the road, we have had very, very strong disagreement, as I said earlier, over the SCHIP bill. There was a lot of consternation about this. But the fact of the matter is, the additional hour was granted. We have now moved beyond that bill. We are now at nearly 2:30 in the afternoon, and things have moved certainly relatively smoothly today on the floor. I am just saying that I am very, very concerned about setting this kind of precedent to the appropriations process itself.

I recognize we came forward with closed rules in the past. You all, unfortunately, have had twice as many closed rules at this point from the beginning of the last Congress. But on the appropriations process, I just hope, for the good of the institution, that being the half of the American people who won't be able to be heard, there were more than 60 amendments that were in the queue to be considered for this measure, that we don't go down to only 12 amendments. I just find that very troubling.

Mr. Speaker, I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank my friend for his observations, and I reclaim my time.

Mr. Speaker, very frankly, as I have said, we have spent almost 80 hours more on the first 10 bills than we spent last year under the unanimous consents we granted to you under Mr. OBEY's leadership. Given that fact, we considered a lot of amendments.

From my perspective, frankly, in a group of 435, the reason you have a Rules Committee is because you can't possibly accommodate all 435 Members if they want to offer one.

Mr. DREIER. Thanks for telling me that. I was wondering.

Mr. HOYER. As the former chairman of the Rules Committee, you know that.

Mr. Speaker, in fact, in my opinion, although we allowed it, there were an extraordinary number of redundant amendments, 1.25 percent, 1 percent, .75 percent. I understand that. They were message amendments. I understand making messages. That is part of what we are about.

This rule that the gentleman is very concerned about is a precedent. Frankly, we argued for following the precedent of last year. That was not done.

We are now trying to get the business of the people done, while at the same time giving a fair number of amendments, as we do on almost every other bill, but not every amendment. We think that we have done that. We think that we are fair in terms of the amendments that are included in the self-execution, because they are not just Democratic amendments. There are a balanced, equal number of amendments, and one other significant amendment I think will be unanimously supported, I hope and believe, and will facilitate the consideration of this bill and substantively move ahead the work of our country and our people.

Mr. DREIER. Mr. Speaker, if the gentleman will yield further, I mentioned the fact that this is the 27th year for the two of us to be serving in this great institution. If one goes back and looks beyond last year but instead at the appropriations process which during our 27-year period has been considered under an open process, there are times when we would be here late at night voting on appropriations bills in the past. It has allowed Members to work their will as they have gone through this.

So while you have looked at the precedent of last year as part of this agreement that you and Mr. BOEHNER had, the concern that I have is that this is setting a precedent for the future, which is a very, very troubling one.

Mr. Speaker, I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I will repeat: We are hopeful that we will be able to move forward in the future, next year, as we do the appropriation process, consistent with what we did on the first 10 bills and what we may do on the twelfth bill, in a manner that honors and respects one another's ability

to make their point but also to do the business of the people. That is what they expect us to do. That is what we are going to do.

Mr. DREIER. Mr. Speaker, I yield 5 minutes to the gentleman from Dallas, Texas (Mr. SESSIONS), a hard-working member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I rise in strong opposition to this highly unorthodox rule and the unnecessary limiting process that is being proposed and that was even talked about here on the House floor today.

Mr. Speaker, today, for the first time since my service in Congress, the House is considering a rule for the Agriculture appropriations bill that is something other than an open rule. It is also the first time since I began my service that the Rules Committee reported out a limited rule for an appropriations bill that self-executes amendments and revisions to the base text of the bill that may not have withstood the scrutiny of this Congress.

One of the self-executing amendments of particular concern that was inserted late last night in the Rules Committee is included in part A of this rule. It is described as adding a limitation, and I quote, to effectively eliminate three West Virginia earmarks from the committee report accompanying the bill.

Upon further review, it turns out that these three earmarks total more than \$1.5 million and were requested by Congressman ALAN MOLLOHAN and would benefit the Canaan Valley Institute, a nonprofit established by Congressman MOLLOHAN.

This highly irregular inclusion of this self-executing provision of the rule is particularly troubling, because the Canaan Valley Institute is currently under investigation by the FBI. In March, when he requested this funding, Congressman MOLLOHAN certified that he had no financial interest in any of the earmarks and affirmed the worthiness of each project.

I strongly believe that this late-night maneuver was not properly vetted through the regular order processes. As a result of that, several serious questions have arisen.

I would like to engage the Democrat Member of the Rules Committee, my friend from Massachusetts (Mr. MCGOVERN), on a few questions about this process.

The first question that I would yield to the gentleman on is, who asked the Rules Committee to take this highly unusual action and what explanation did they provide to justify the removal of Representative MOLLOHAN's earmarks?

Mr. MCGOVERN. If the gentleman will yield, the distinguished chairman of the Appropriations Committee, who is on the floor here today, Mr. OBEY, did. If you would like to ask him questions, you may.

Mr. SESSIONS. I am going to continue asking you questions, and I will continue yielding to you. I appreciate the gentleman.

Did anyone on the Rules Committee inquire as to whether Mr. MOLLOHAN's certification of no financial interest had been proven in any way deficient or inaccurate?

□ 1430

Mr. OBEY. Would the gentleman yield?

Mr. SESSIONS. I yield to the chairman.

Mr. OBEY. Let me simply say the reason these amendments are in the self-executing rule is that we agree with you that under the circumstances they should not be in the bill.

As I warned the House when we first started bringing appropriation bills to the floor, our committee did not have enough time to adequately get all of these amendments that were coming at us, and so we asked for a process which would allow us during the month of August to review all of them.

In the end the House decided they did not want to do that. One of the major reasons is because Members of your party wanted to make certain that we had an opportunity to deal with them on the floor now. I warned at the time that meant that mistakes would be made. They were. When we caught the mistake, I went to the Rules Committee and Mr. MOLLOHAN agreed that under the circumstances they ought to come out.

We ought to be congratulated for it, rather than being questioned about it.

Mr. SESSIONS. Reclaiming my time and continuing my dialogue with the gentleman, in other words, you had figured out that they were inappropriately inserted?

Mr. OBEY. No, we had determined that because they were in controversy, for the good of the House they should not be considered at this time.

Mr. SESSIONS. Continuing my dialogue with either gentleman, in as much as the Mollohan earmarks were approved by the entire Appropriations Committee, does the gentleman know whether the appropriation Members on both sides of the aisle have been advised about the reasons for canceling funding for the projects which they have overwhelmingly approved with the knowledge that it was appropriate at the time?

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

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Let me simply say to the gentleman that I very much regret the tone that the gentleman is taking here today.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. Mr. Speaker, I rise to yield the gentleman from Dallas an additional minute.

Mr. SESSIONS. Mr. Speaker, another question which I wish to ask is whether the Rules Committee could advise Members seeking to remove Member-supported earmarks from other pieces of legislation, whether they might take

advantage of the precedent we are setting here today and whether they might expect the Rules Committee to look favorably on similar requests for self-executing provisions in the future?

Mr. Speaker, the reason why we ask these questions is because the self-executing provisions of this rule are highly unusual and I believe raise lots of questions. We look forward to asking these questions and hope we get forthright answers.

Mr. MCGOVERN. Mr. Speaker, let me finish what I was about to say to the gentleman from Texas.

I very much regret the tone of his remarks here on the floor today. Last night the gentleman talked about the need for civility and the need for us to have more comity in this Chamber. It is clear today that he obviously lost sight of at least the spirit of his remarks last night. I regret that very much.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I think we again need to remind ourselves why we are here in this situation. And I don't like it, but we are here because people need to experience the consequences of their own actions, at least adults do.

Why are we here? We are here because as the distinguished majority leader pointed out, despite the agreement that we felt we had reached for consideration of the appropriation bills, we had seen more than 4 hours of dilatory action the last time this bill was on the floor. As a result, this House was not able to complete action on a single provision in the agriculture appropriation bill even though we were told that the minority was really unhappy about something else totally unrelated to that bill.

So they dragged this out for 4 hours during which we were able to accomplish nothing. At the same time, the President is on the other end of Pennsylvania Avenue. At the same time we have had foot-dragging on the part of the minority on this bill, the President held a press conference this morning in which he is attacking the Congress for not moving these bills at a sufficiently rapid speed.

Secondly, I would point out that, as the distinguished majority leader indicated, we have spent some 86 hours more debating appropriation bills this session than we spent debating appropriation bills the previous session when the now-minority party was then in control. Why was that the case? Because last year we considered 144 amendments to those appropriation bills, whereas this year we have considered 339 amendments. That is a 77 percent increase. It illustrates why I keep referring to filibuster by way of amendment.

There comes a time when we have to face the fact that if the public's work is to be done, we need to move these bills forward. It was very clear that this bill was going nowhere the last time it was on the floor. The distin-

guished majority leader informed the minority if that was the case, we would have to go to the Rules Committee in order to move the people's business forward. That is exactly what we have done.

With respect to his criticism about this rule containing self-executing provisions, I would simply point out that on eight occasions when the gentleman from California was chairman, his committee reported out, and this House passed, self-executing rules.

In 2000, it occurred on the Transportation, Labor-HHS and Agriculture bills.

In 2001, it occurred on Agriculture, Treasury-Postal, Foreign Ops and Energy and Water.

In 2002, it occurred on the Interior bill. And I have them before me.

In each case, they contain the magic words "provides that the amendment or amendments printed in the Rules Committee report accompanying the rule shall be considered as adopted."

Let me simply point out that I think it is indeed regrettable that we have had to adopt this approach in order to finish the public's business on time. But in fact, if Members of the minority want to know why it was required, all they have to do is look in the mirror.

Now I would yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. I will say in response to the assessment that the gentleman provided of my service as chairman of the Rules Committee, I never reported out a rule that shut down the entire process, which is exactly what this rule is doing. With regard to self-executing items—

Mr. OBEY. Reclaiming my time, with all due respect, this amendment makes in order 14 amendments. The majority of those amendments are Republican amendments. One of them is an amendment by the gentleman from Arizona that in fact goes after a project in the district of the majority leader. That is hardly shutting down the process.

Mr. Speaker, they were the ones who shut down the process 2 days ago when they refused to allow us to consider a single new amendment during a 4-hour period.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the distinguished minority leader.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague from California for yielding.

I come to the floor today to express my disappointment over where this process has led us and the fact that we are going to shut down the appropriations process and go to what we would refer to as martial law.

Now over the last several days it has become clear that our Members are concerned about what has happened to the process of due deliberation in the House. Over the last several days my name has been taken in vain over the fact that there was an agreement reached earlier this year between Mr.

HOYER and myself and Mr. OBEY. And there was an agreement we would bring earmark reform to the appropriation process, and as part of that agreement that we would work towards a unanimous consent request on each of the appropriation bills.

I want to tell my friend, Mr. Speaker, tell my friend from Wisconsin that I feel as though I have kept my part of the deal. I have worked diligently with our Members to try to come to an agreement that our Members felt was fair. The gentleman outlined the number of hours that we have taken on the appropriations bills this year. There is no question that more time has been taken. And that is because we have had a change in the majority here in Congress. We have had a serious change in each of the appropriation bills in terms of the priorities of the new majority versus the priorities of the former majority. So one would expect that more time was going to be taken on these appropriations bills this year.

But what brought all of this to an end was the process by which the State Children's Health Insurance reauthorization was coming to the floor where our Members were shut out of debate, where we were presented with a 488-page bill at 11:30 one night and expected to be in committee the next day ready to have committee action on a bill that had never ever had a hearing.

Now as I mentioned to the gentleman the other night, all we seek on this side is fairness. And so the tactics employed on the Ag appropriations bill the other night was an opportunity for our Members to try to come down and talk about their concerns with the process and their concerns with that work product.

But the actions taken here today to shut the whole appropriations process down, lock it under a rule, self-execute six amendments into this process is unprecedented. I heard the gentleman over the last several years talk about process and how the minority ought to be treated. I heard it day after day.

And I might add to my friend that I had some sympathy for the concerns that he raised. But as I mentioned the other night, all we seek is to be treated the way you asked to be treated. That's all we ask. We could have had a discussion about trying to come to a unanimous consent request on the balance of this bill. We could have sat down and tried to work through the process on the Defense appropriation bill so we wouldn't have to go through this; but that opportunity wasn't presented. So I stand here today with regret that we have had to come to this point.

I am one who believes that there is a way we can disagree on our policy differences here without being disagreeable; that there is a way that the two sides can make their points without cutting the legs off the other side.

But the actions here that are being taken will do nothing more than stifle the ability of the minority to make its

case, the minority who represent nearly half of American people, to effectively make our case on this bill, and I think it is regrettable.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman.

Let me simply say the gentleman says we have "shut down the appropriations process." That is absolute nonsense. We are making in order 12 amendments, all of them Republican amendments. Three of the six self-executing amendments are amendments that are sponsored in all or in part by Republicans.

If anyone shut down the process, it was the minority party which filibustered for 4 hours the last time this bill was on the floor and didn't allow us to complete consideration of a single item in the bill. Not one. In addition to which when we tried to pursue a unanimous consent agreement before that bill hit the floor, we were denied that opportunity by the minority party.

We had an understanding with the minority party that these bills would be finished in roughly equivalent time to that which was taken last year. The minority party was so angry about a bill that was going to extend health care to 5 million additional kids they walked away from that agreement, and that's why we are here today.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 8 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman. I might just add to the count of amendments, lest it be forgotten on Tuesday night, that I accepted both the Gingrey and the McHenry amendments.

□ 1445

So that is 14 Republican amendments that have been allowed for debate and discussion.

I'm saddened by the path that we've taken to find our way here today, but I must also say that, yes, I'm glad. I'm glad that we've arrived here today because this Agriculture appropriations bill is a good bill, it's a fair bill, and it has the potential to do so much for people and for our communities who are in such need. And, yes, in fact, over the last several months it has been a product of hard work, of honest partnership, of an ongoing collaboration over a number of weeks from my colleagues on both sides of the aisle.

I'm sorry that I don't see the ranking member of this subcommittee, Mr. KINGSTON, on the floor. Mr. KINGSTON can attest to the kind of work we have done together to produce and to craft a very solid piece of legislation that, in fact, will make a difference in people's lives.

And we should not forget how much that we have put into this bill and why. At the subcommittee level, the full committee level, even, as I said, this

past Tuesday, this bill has been a bipartisan process, giving every single member of the subcommittee and of the full committee the opportunity to engage, to propose amendments, to ask for a vote if they wanted to. It has been a totally open process.

As a matter of fact, in the full committee there was not even one vote called because there was such a sense of agreement on every single amendment and the process that we went through in that committee. For that, I stand here very proud as the Chair of this subcommittee, and the first time that I have served as the Chair of this committee, we produced a bill that has such support. I defy any of the other 11 subcommittees to have that same kind of bipartisanship that we had.

This bill is too important. There's critical responsibilities. And maybe people don't view this bill as that important, but speak to rural America, speak to people who care about what's happening in nutrition, speak to people who care about conservation in this country. That is what is in this bill, renewable sources of energy. To let it be filibustered, to play political games, to let that take precedent over this bill is what's happened.

The minority shut down this process. The minority's tactics, 4 hours, 4 hours, and I appreciate the minority leader's disappointment with SCHIP, but on Tuesday night SCHIP was not the legislation that we were discussing. Four hours. Those tactics, tied to other legislation, have stood in the way of this process, even as the American people, in fact, do insist that we get to work fulfilling our obligations to consumers who want safe drugs and food.

It's good to see the gentleman from Georgia on the floor because JACK KINGSTON and I have worked very well together, as I said, to produce a good bill, one of which I stand here proudly to support and to carry on with today.

Our priorities have been to have safe drugs and food, farmers who rely on fair and functioning markets, children who need healthy food to meet their potential, and rural communities who need opportunities to thrive. And our priority has been to move with swift purpose, clear direction on several key goals: strengthening rural America, protecting the public health, improving nutrition for more Americans, transforming our energy future, supporting conservation, investing in research and enhancing oversight.

The bill provides discretionary resources of \$18.8 billion. It is \$1 billion above 2007, \$987.4 million above the budget request, and to be sure and to make it very clear, 95 percent of the increase over the budget request, \$940 million, is used to restore funding that was eliminated or cut in the President's budget, to acknowledge that we have, in fact, the obligation to meet the needs of hundreds of our communities and millions of Americans.

It is about strengthening rural America. And what we do in terms of facili-

tating growth, softening the impact of population loss, this bill includes \$728.8 million to support community facilities, water and waste disposal systems, and business grants to protect our public health. We provide \$1.7 billion for the FDA, \$62 million over the budget request, the first step in a fundamental food safety transformation at FDA.

We include \$39.8 billion for food stamps, a program to meet increased participation and to ensure rising food prices. We fund the Women, Infants and Children program above the President's request. We step up to priorities like investing in research, which many of you have requested in earmarks in this bill, and conservation; and when it comes to transforming energy, this budget includes bioenergy, renewable energy research, \$1.2 billion, including loans and grants in rural areas of this country.

I'm proud of the bill. I'm proud of its priorities and the goals that we set out to accomplish. We have obligations here, and that is to discuss and to recognize what our roles are and what we do here in order to meet the needs of the American public, not to interrupt for 4 hours for political gain or for whatever is annoying you that day, to disrupt the process, shut it down. And we're going to move forward, we're going to discuss this bill, we're going to pass the bill and achieve the goals. You choose delay. We choose to proceed to go forward in a responsible way.

I urge my colleagues to support this rule.

Mr. DREIER. Mr. Speaker, with the utmost respect for my good friend from New Haven, the distinguished Chair of the subcommittee, I will say that we could at this moment be debating this bill if we continued with this open amendment process.

The SCHIP measure is over and done. My friends on the other side of the aisle have won this debate. We are prepared to move ahead with an open amendment process that will allow for a free-flowing debate.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. We have no guarantees with regard to the process.

Mr. DREIER. If I can reclaim my time, let me just tell you the guarantee of the process. I was very happy to yield to my friend, and I will be happy to yield to her again, but I will say, Mr. Speaker, the fact of the matter is we have not had any dilatory tactics put into place since passage of the SCHIP bill. All the time we spend on this rule could have been spent discussing exactly what the gentlewoman has been speaking about.

Mr. Speaker, with that, I yield 2 minutes to my very good friend from Morristown, New Jersey, a hardworking member on the Committee on Appropriations, Mr. FRELINGHUYSEN.

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, I respectfully change the subject.

Mr. Speaker, all Members should be aware that there's language in this bill that greatly expands existing U.S. policy on importing drugs from other countries by allowing the wholesale importation of medicines not just for personal use but now for commercial use. Implementation of this new language would legalize the practice of reimportation of even more undocumented prescription drugs of unknown origin into the United States.

Mr. Speaker, existing Federal policies allow for importation of prescription drugs for personal use, but this new provision opens the floodgates to the unknown. This is a risk we should not take, not for prescription drugs nor for any products that might do harm to our loved ones.

Mr. MCGOVERN. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Massachusetts has 9½ minutes remaining. The gentleman from California, 14 minutes remaining.

Mr. MCGOVERN. We will reserve our time at this point.

Mr. DREIER. Mr. Speaker, I'm very happy to yield 2 minutes to our colleague from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to this rule as well. I don't think it's a good precedent to set to move away from open rules on appropriations. I'm one that's often accused of dilatory tactics on these bills, having so many amendments on earmarks. These aren't dilatory at all.

I should note that on the bill that we had a couple of weeks ago, the Energy and Water bill, I believe I offered seven or eight. With that, one Member came to the floor before I offered and withdrew or asked for an amendment which he received to strike his own earmark.

We're seeing the same here, three earmarks stricken from the bill in the Rules Committee because an amendment was going to be offered to strike them on the floor.

My understanding is with the Defense bill tomorrow that there will be another amendment, self-executing rule to strike another earmark that was going to be challenged on the floor.

So this is not dilatory at all to come to the floor and say, hey, there are earmarks here that might be questionable. There are a lot of earmarks that would go to private companies. These are, in essence, sole source contracts.

I sympathize with the chairman of the Appropriations Committee, Mr. OBEY, who said many times that we simply don't have the staff to police this many earmarks. I don't think you could have policed the 15,000 we had a couple of years ago. If this Congress is successful in cutting that down by half, we can't come close to policing that number either.

We have former Members in jail because of earmarks that we approved in

this body. We simply can't go on like this, and if we shut down this process in a manner where we're only allowed to question a certain number of earmarks, I wanted to question 10 on this bill. There are 410 in the bill. Ten is not an unreasonable number. I was only allowed five.

Who knows on the bill that we do tomorrow if we have a closed rule. If we aren't able to question these, where are we able to do it?

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend from Mariposa, California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman from California.

I rise in opposition to this new structured rule for the Ag appropriations bill. I'm very disappointed that the Rules Committee decided to shut down a free and open amendment process on this bill. My constituents at home deserve the right to have their opinions for or against any provision of this bill heard.

One of those provisions would be an amendment that was offered to strike section 738 in H.R. 3161. This amendment was found out of order by the Rules Committee. Section 738's intent is to stop horse slaughter. However, the unintended consequences of this section will have a detrimental effect on the entire equine industry.

Should this amendment become law, the breeding industry will be negatively affected when foreign buyers are not able to transport their American horses to another country. International and domestic racing events will also be adversely impacted by this provision when racing horses are not able to move across borders.

The economic detriment that would occur if this bill passes without our amendment is almost as expansive as the actual language of section 738. Every industry, from television revenues gained from major horse races to the small, family equine breeder, would feel the impact. In fact, the U.S. horse industry supports 1.4 million jobs and has an annual economic impact of \$102 billion.

In addition, restricting USDA funding to inspect horses will spread animal disease.

How the Rules Committee determined this amendment was out of order, when it is clearly an important and germane amendment to the Ag appropriations bill, is beyond my comprehension. In deeming this amendment out of order, they have closed out an entire industry from being able to have their views expressed through their representatives on legislation that would have huge economic impacts.

I urge my colleagues to join me in voting against the rule to the Ag appropriations bill.

□ 1500

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my colleague from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I want to thank the gentleman for yielding.

Mr. Speaker, I want to say that I support one of the self-executing amendments in this rule, and it's my understanding that in the original Ag appropriations bill, there was very broad language relating to horse slaughter intending to stop horse slaughter in the U.S. that has passed this House overwhelmingly on six different occasions.

And the gentlelady from Connecticut in responding to the concerns that that amendment was overbroad has asked that a self-executing amendment be included in this rule that is sponsored by three Democrats and myself. I would say that she addressed our concerns, and I would commend her for that.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. I thank the gentleman for yielding his time on this issue we have just mentioned here.

I would first like to thank the Agriculture appropriations committee for their hard work on this legislation. It's a thoughtful piece of legislation, and I do plan to support it.

Mr. Speaker, I do need to express my concern and disappointment on an amendment I was planning to offer along with Representatives COSTA, KING, SALAZAR, and RADANOVICH that was not made in order.

Even though Representative SPRATT's amendment, which replaced section 738 dealing with horse slaughter, was accepted by the Ag appropriations committee and addresses some of the large issues, including transportation and animal health inspection, it fails to address one major issue. With 100,000 horses abandoned each year in the United States, and animal adoption facilities overflowing, how, how are we supposed to deal with these animals?

Having spent most of my life involved in animal agriculture, I understand many of the issues firsthand. I have worked with a variety of animals, dairy cows, feeder pigs, to my current cow-calf operation, and we have always had horses on the farm, even today. In fact, I can share with you that on the 4th of July, this past 4th in my hometown of Lamoni, Iowa, I was awarded first place in the horse hitch category, a beautiful horse and buggy.

Mr. SPRATT's amendment that was accepted by the committee does not address this issue of what to do with the additional 100,000 unwanted horses with nowhere to go and no one to take care of them. The burden will fall to the American taxpayer. Just housing and fitting one horse costs around \$1,900 per year. Mr. SPRATT's amendment will cost \$127 million in just the first year alone for these animals.

I want to be very clear: I love horses. I have owned horses my entire life, and they have been some of the most loyal companions over the years.

But I do have major concerns to the fact that we are making it illegal for

horses to be slaughtered for human consumption, but not addressing what we are going to do with these horses and how we are going to care for them. We all should have a major concern and do something about it. This problem is not simply going to go away. I thank the gentleman for the time.

I would again like to reiterate my disappointment over not being allowed to offer my amendment, but I do support the bill.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I appreciate the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this modified closed rule on an appropriations bill.

I had two very substantial amendments. The gentlelady from Connecticut, the distinguished chairman, said that she was going to accept my message amendment, my 1 percent cut, the \$50,000 amendment that I brought on Tuesday. Of course, it was a dilatory amendment to try to get an opportunity to speak about the CHIP legislation that we knew was coming under a closed rule.

But now I have two good amendments that were not made in order. One amendment would say no money in this bill would be allowed to grant food stamps or WIC money to anybody but United States citizens, not to immigrants, not to illegal immigrants. In some cases, the current law is very vague on that issue, a very substantive amendment that was not made in order.

Finally, one other amendment, the Farm Service Agency in my district, in Gordon County, Calhoun, Georgia. In fact, that Farm Service Agency serves several counties and is doing a great job.

I am denied the opportunity to argue on behalf of the citizens of Gordon County to keep that Farm Service Agency open. I am denied that by this modified closed rule.

Regretfully, I have to stand and say that I am going to vote "no" on this rule, urge my colleagues to vote "no."

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply say that of all people, the gentleman who just spoke is way off base when he cries about being denied an opportunity to deal with an amendment.

It was his amendment for \$50,000 that this House debated for 4 hours without coming to a resolution thereon because of the filibuster that was being conducted on that side of the aisle. To suggest that somehow that Member, who single-handedly held us up for 4 hours, to suggest that he was denied, is a joke.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from California has 8 minutes

remaining. The gentleman from Massachusetts has 6½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to a hardworking member of the Committee on Appropriations, the gentleman from Alexander, Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from California in recognizing the huge town of 160 people of Alexander, Iowa.

Mr. Speaker, I rise in opposition to the rule because it does cut off and stifle debate on an appropriations bill. This really violates the open rule tradition on appropriation bill debate in the House and runs counter to the way we ought to be deciding to spend the taxpayers' resources.

Having said that, I want to commend the gentlelady from Connecticut for her great work, and the ranking member from Georgia really did an outstanding job.

There is one particular component of the new rule I would like to make a comment on. The reported bill contains a provision, section 746, stating that "no funds in this act may be used to authorize qualified health claims for conventional foods."

This provision means that none of the funds in the bill can be used to give permission to display important health information, irrespective of whether or not the information is scientifically valid.

The provision, as reported, would clearly stifle the FDA's ability to put forth information on health benefits in foods.

This new rule self-executes a provision which narrows a reported version of section 746 to stipulate that the funding prohibition applies only to the FDA. The problem is that the change doesn't really address the problem.

If this provision is intended to help FDA avoid wasted time and resources on frivolous petitions, it misses the mark. Nothing in this revised language removes or alters FDA's responsibility to review these petitions as required by law. The provision only denies final approval or authorization of the use of valid claims as to the risks and benefits of foods sold in the U.S.

This means that FDA still must carry out its mission of reviewing petitions on claims, but just cannot issue approvals, even if they are warranted. The problem is that if FDA does not do it, nobody will.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the distinguished chairwoman of this subcommittee and the chairman of the full committee.

Mr. Speaker, I think that we have waited long enough for energy reform and for nutrition reform, which is what this bill tackles. I rise today to support working for American farmers, but also working for those who get up every day without a meal.

To recognize that it is important to have food safety, it's important to have an improved food and lunch program and food stamps, it's important to focus on nutrition, and that is what we have done here.

I am glad to see that there is an aspect that deals with alternative fuels; and having written a bill dealing with cellulosic ethanol, I know that we have to move in a more effective direction. But I am also glad that we recognize a particular viable aspect of the importance of dealing with hunger in America.

I am concerned and hope that as we move forward, one of our vital assets, the Hunger Center, will move toward authorization, as I understand, and then increase funding so that it can be a tool to the Department of Agriculture in dealing with the question of hunger in America and around the world. This particular bill also provides more help for USAID, and I believe that it is an important asset.

In the short time that I have I would like to yield to the gentlelady from Connecticut to ask a question, and that is to comment on a point I made about the Hunger Center, and the fact that it is moving towards authorization that we will see in the years to come, an opportunity for more work on its part and more resources.

Ms. DELAURO. First of all, I want to thank the gentlelady for her comments. I think we have worked very hard in this bill, in fact, to increase the opportunity for nutrition. I would be happy to work with the gentlelady from Texas. We have \$2 million in the bill for the Hunger Center and will look forward to working with you as we move forward to try to increase those funds.

Ms. JACKSON-LEE of Texas. I ask my colleagues to support the bill.

Mr. Speaker, I rise today in support of H.R. 3161, which strengthens our rural communities, while making sure that the American people have adequate, safe and nutritious food to eat. Let me commend the Chairwoman of the Subcommittee, Ms. DELAURO, for her exceptional leadership in crafting such extraordinary legislation to combat hunger, obesity and malnutrition in our nation and around the world. That is why I strongly support this bill.

Mr. Speaker, H.R. 3161 allows us to reinvest in the often forgotten but most vitally important rural areas of America. H.R. 3161 is designed to sustain the vitality of rural America, as well as protecting public health and food safety, improving nutrition and healthy eating, and promoting renewable energy and conservation in America.

Mr. Speaker, more than 3 million households in the rural America continue to have inadequate or no water or sewer service at all. H.R. 3161 is the solution to this disparity in that it provides \$500 million for rural water and waste disposal grants, a 14 percent increase over 2007, and \$1 billion for water and waste direct loans for the fiscal year.

Mr. Speaker, energy independence and protecting our environment are universal concerns to us all. The Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes.

A bill that I have proposed, the 21st Century Energy Independence Act acknowledges this issue and aims to replace oil imports with domestic alternatives such as traditional and cellulosic ethanol that can help reduce the \$180 billion that oil contributes to our annual trade deficit, and end our addiction to foreign oil.

My bill alleviates our dependence on foreign oil and fossil fuels by utilizing loan guarantees to promote the development of traditional and cellulosic ethanol technology. In addition to ensuring access to more abundant sources of energy, replacing petroleum use with ethanol will help reduce U.S. carbon emissions, which are otherwise expected to increase by 80 percent by 2025. Cellulosic ethanol can also reduce greenhouse gas emissions by 87 percent. Thus, transitioning from foreign oil to ethanol will protect our environment from dangerous carbon and greenhouse gas emissions.

Mr. Speaker, H.R. 3161 supports an innovative solution to our national energy crisis as well. H.R. 3161 ensures that America achieves energy independence and improves our environment by establishing a loan guarantee program which supports projects for the harvesting, storing, and delivery of agriculture residues for use in cellulosic or traditional ethanol production plants. H.R. 3161 supports energy and conservation, nearly doubles funding for renewable energy loans and grants to businesses to grow our economy, create new jobs, lower energy prices, and reduce global warming. The bill provides resources for research, aid to farmers and ranchers, and loans to businesses, restores many vital programs such as the Grazing Lands Conservation Initiative, Resource Conservation and Development, and the watershed programs.

Mr. Speaker, recent food scares—about peanut butter and lettuce—have made Americans nervous about where their food originates. H.R. 3161 tackles these concerns and addresses the importance of food safety. This bill fully funds the Food Safety and Inspection Service at USDA, shifts funds to fill vacancies in federal meat inspector positions, invests in research, and funds a transformation of FDA food safety regulations. It also prohibits imported poultry products from China, and sets a timeline for USDA to implement critical country of origin labeling for our meat supply after six years of Republican delays.

In addition, H.R. 3161 provides a special supplemental nutritional program for women, infants, and children other known as (WIC). This provision is so essential because it affords many women, especially women of color in lower income brackets, the opportunity to care for themselves and their newborns after birth. Without programs such as WIC, many mothers would not be able to maintain a healthy lifestyle during pregnancies and after childbirth. Because of WIC, mothers can afford their nutritional foods they need to sustain their pregnancies and avoid miscarriages, stillbirths and defects caused by malnourishment during pregnancy. H.R. 3161 invests \$233.4 million (4 percent) more than the President to feed more than 8 million pregnant women, mothers and children next year.

Mr. Speaker, I believe in the importance of multilateral engagement, and in the immense value of working with other concerned parties. Hunger and malnutrition are truly global problems, and, while I strongly urge the United States to be a leader in combating both, it is

not the only world actor. International organizations, like the United Nations, are actively combating global hunger through a number of different organs including the World Food Programme, the Food and Agriculture Organization, and the World Health Organization. Additionally, regional organizations, such as the African Union (AU) and the New Partnership for Africa's Development (NEPAD), play a crucial role in efforts to eradicate hunger.

I have an amendment that requires coordination and integration between different foreign assistance programs, and it states that assistance shall also be coordinated and integrated in the recipient country with other donors, including international and regional organizations and other donor countries.

Nonetheless, hunger is not a problem facing not only the international community faces, but it is also a problem in our own country. Many women, children, and the elderly should not wake and go to bed hungry in our great nation, but tragically this happens all too often in the cities and villages and small towns of our great country. Too many Americans continue to suffer from food shortages, hunger, and insecurity. According to 2005 figures, 35.1 million people live in households that are "food insecure," or they do not know where their next meal will come from.

The commodity supplemental food program incorporated into H.R. 3161 provides \$500,000 monthly in the year 2007 to combat hunger and increases funding in this area to allow people in five additional states to participate in the program and expand those getting food in states already in the program. In addition, under the Food Stamp Benefit provision, H.R. 3161 protects the most vulnerable and helpless; families of soldiers in combat. Like the recently passed Farm bill, the measure ensures that the families of soldiers in combat are not penalized under the Food Stamp program. It also rejects the Administration's proposal to restrict eligibility for food stamps by excluding needy families who are receiving certain other services.

Mr. Speaker, let us remember that 1 in 3 American adults is overweight or obese and more than 9 million children are struggling with obesity. H.R. 3161 aims to improve the eating habits of Americans, particularly our children, through programs that teach children about healthy eating. H.R. 3161 increases funding for nutrition programs, including the Expanded Food and Nutrition Education Program, which broadens Fresh Fruit and Vegetable and Simplified Summer Food programs to all states to provide nutritious foods to children in low-income families, and specialty crop grants to encourage more fruit and vegetable consumption.

Obesity is associated with 35 major diseases including chronic and life-threatening conditions such as cancer, diabetes and heart disease. It is important to keep our Nation healthy by providing access to high consumption of vegetables and fruits to the future of our great country, our children. By supporting H.R. 3161 we assure a healthy consumption of nutritional foods for children whose only crime is that their families are poor.

Mr. Speaker, H.R. 3161 is essential because it addresses one of the most staggering causes of death in children: malnutrition. Malnutrition remains a significant problem worldwide, particularly among children. According to the United Nations World Food Programme,

severe acute malnutrition affects an estimated 20 million children under the age of five worldwide and is responsible in whole or in part for more than half of all deaths of children. Malnutrition kills approximately one million children each year, or an average of one every thirty seconds.

These statistics are absolutely frightening and simply intolerable. They are also avoidable. The World Food Programme estimates that, when implemented on a large scale and combined with hospital treatment for children who suffer complications, a community-based approach to combating malnutrition could save the lives of hundreds of thousands of children each year.

Mr. Speaker, H.R. 3161 recognizes the importance of helping our neighbors in combating the hunger. H.R. 3161 provides funding for the Foreign Agricultural Service in the amount of \$159,136,000 and transfers of \$4,985,000, for a total salaries and expenses level of \$164,121,000, an increase of \$2,817,000 above the amount available for fiscal year 2007 and a decrease of \$9,073,000 below the budget request.

In addition, H.R. 3161 permits the United States Agency for International Development (USAID) to use up to 25 percent of the funds appropriated for local or regional purchase of food to assist people threatened by a food security crisis.

Mr. Speaker, if it were not for grants such as the McGovern-Dole International Food for Education and Child Nutrition Program, many foreigners would have no other choice than to leave their native country in pursuit of a better life. H.R. 3161 reminds us that it is important for the United States to foster a relationship with other parts of the world, so that citizens of developing countries can also have basic rights such as sufficient amount of food. The McGovern-Dole International Food program is funded in this bill in the amount of \$100,000,000, an increase of \$1,000,000 above the amount available for fiscal year 2007, and the same as the budget request.

The George McGovern-Robert Dole International Food for Education and Child Nutrition Program fights child hunger and poverty by supporting school feeding operations, which provide nutritious meals to children in schools. This simple formula has been proven to be a success. Because of such programs, students are better able to concentrate and learn more quickly on a full stomach. Enrollment and attendance rates have skyrocketed as a result of school feeding programs, particularly among girls who are too often denied an education.

Mr. Speaker, there are 110 million school-aged children suffering from hunger every day, and they are counting on America's leadership and generosity to provide them with an opportunity to break the cycle of poverty. This bill provides that leadership and generosity, and it is for this reason that I urge my colleagues to join me in voting for its passage by an overwhelming margin.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend from Kiron, Iowa (Mr. KING).

Mr. KING of Iowa. I thank the ranking member from California for yielding and for his leadership on the Rules Committee. That has been an important model leadership for our conference.

Mr. Speaker, I rise in opposition to this modified closed rule for a number of things, but the issues that I may be able to raise in this amount of time is that as the chairman of the Appropriations Committee said, the amendments that are approved under this rule are Republican amendments, but I would point out that those which are adopted under the rule, the self-executing amendments, are not Republican amendments for the most part.

I have in my hand an amendment that says "offered by Mr. MOLLOHAN of West Virginia," the one that was the subject of Mr. SESSIONS' remarks that strikes those three earmarks that were in there.

Now, they were stricken because, according to the chairman, they were in controversy. Now, this controversy has not been something that has been a large area of discussion here on this floor. But the gentleman from West Virginia has said he is unaware of any investigations. He may be the only one in this Congress that's unaware.

I would point out that the Speaker handed the gentleman from West Virginia the gavel to the appropriations subcommittee that he chairs. He held and still holds the purse strings of the agency that's been reported as looking into this that has brought out this controversy.

□ 1515

That is why we are here on this. These three earmarks that came from West Virginia from Mr. MOLLOHAN stricken by a self-enacting rule, now is this also going to be the policy in the case on the Department of Defense appropriations bill that comes up? Because there are at least nine earmarks in that bill as well. So these are the consequences of a closed rule. There is friction, there is controversy, there is 4½ hours of debate, which is greatly to the resentment of the gentlelady from Connecticut.

But I would say we got through Justice approps through an open rule, and we did so with legitimate debate, and we were here to perfect the legislation, and we did so to the extent and we executed the will of this body. This rule does not execute the will of this body. This rule self-enacts. Vote down the rule.

Mr. MCGOVERN. Mr. Speaker, I regret the fact that the gentleman feels he needs to personalize this debate; and I would only ask the gentleman, how many ranking Republicans are right now under investigation who continue to serve in their capacity?

I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding, and I thank Chairman ROSA DELAURIO for an incredible bill that I would like to get to so we can vote on it.

The debate on this rule I think just shows what is going on here, which is a reason to stall, a reason to just eat up the time so that we really don't get to

the underlying issues. Because they know when we pass this bill it is going to pass with a bipartisan vote.

Mr. DREIER. Will the gentleman yield?

Mr. FARR. No, I will not yield; and I want to say why.

In law, you learn an old adage that says, in order to get equity, you have got to show equity.

The other night we were on the floor with a bunch of amendments, and the amendment was debated, and it was accepted by the chairwoman. And then we went on and debated with motions to adjourn, motions to rise for a number of hours.

The gentleman who offered the original amendment that was adopted also had 11 other amendments. This is a \$100 billion operation, the U.S. Department of Agriculture, \$100 billion. His amendments were to cut \$50,000, another amendment for \$60,000, another amendment for \$7,000, another amendment for \$39,000. And it went on. The list went on and on. He could have put all of those into one amendment. It still wouldn't have even matched \$1 million.

So the point is that these were all dilatory amendments to just try to delay the time; and I think that equity was not shown, partnership was not shown, bipartisanship was not shown. And that is why we have a rule that is fair, allows these amendments, 12 more, to be debated, and the self-executing rule did self-execute some Republican amendments as well.

I urge the adoption of this rule.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 1 minute to my friend from Hobbs, New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from California for yielding.

Mr. Speaker, I rise to oppose this unduly restrictive rule. I had two amendments that I was prepared to offer to this legislation, neither of which will be considered here today. They were pretty simple, really.

My first amendment would have increased funding for the Wildlife Services by \$500,000 to support the Mexican Wolf Recovery Program in New Mexico and Arizona. This program is teetering on the edge of failure. My attempt to add a modest amount of additional funding to manage dangerous problem wolves was rejected by the majority.

My second amendment was an attempt to bring protections to the endangered wolves in the Northeast United States, where many in the conservation community believe they are being killed by Wildlife Services.

My amendments were filed in a timely fashion. The committee was alerted to my intentions all along. Yet this is the result of the rule that we have before us today.

Mr. Speaker, I ask unanimous consent that the rule be amended to allow me to offer my two amendments which have been placed at the desk, which were also filed with the Rules Committee, were provided to the Appropria-

tions Committee and are critically important to my constituents in New Mexico.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. PEARCE. Mr. Speaker, I have a unanimous consent request.

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield for that purpose?

Mr. MCGOVERN. No, I do not, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has not yielded for that purpose.

The gentleman's time has expired.

Mr. MCGOVERN. Mr. Speaker, I am reserving at this time because I am the last speaker on my side.

MOTION TO ADJOURN

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

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

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

Mr. DREIER. 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 165, nays 254, not voting 13, as follows:

[Roll No. 798]

YEAS—165

Aderholt	Fallin	McCaul (TX)
Akin	Feeney	McCrery
Alexander	Ferguson	McHenry
Bachmann	Flake	McKeon
Bachus	Forbes	McMorris
Baker	Fortenberry	Rodgers
Barrett (SC)	Fox	Mica
Bartlett (MD)	Franks (AZ)	Miller (FL)
Barton (TX)	Frelinghuysen	Miller (MI)
Biggart	Gallely	Miller, Gary
Billbray	Garrett (NJ)	Murphy, Tim
Bilirakis	Gerlach	Musgrave
Bishop (UT)	Gilchrest	Myrick
Blackburn	Gillmor	Neugebauer
Blunt	Gingrey	Nunes
Boehner	Goodlatte	Paul
Bonner	Granger	Pearce
Bono	Graves	Pence
Boustany	Hastert	Peterson (PA)
Brady (TX)	Hastings (WA)	Petri
Broun (GA)	Hayes	Pickering
Brown (SC)	Heller	Pitts
Brown-Waite,	Hensarling	Poe
Ginny	Herger	Porter
Buchanan	Hobson	Price (GA)
Burton (IN)	Hulshof	Pryce (OH)
Buyer	Hunter	Putnam
Calvert	Inglis (SC)	Radanovich
Camp (MI)	Issa	Regula
Campbell (CA)	Jordan	Rehberg
Cannon	Keller	Reichert
Cantor	King (IA)	Renzi
Capito	King (NY)	Reynolds
Carter	Kingston	Rogers (AL)
Castle	Kirk	Rogers (KY)
Chabot	Kline (MN)	Roskam
Cole (OK)	Knollenberg	Royce
Conaway	Kuhl (NY)	Ryan (WI)
Cubin	Lamborn	Sali
Culberson	Latham	Schmidt
Davis (KY)	LaTourette	Sensenbrenner
Davis, David	Lewis (CA)	Sessions
Deal (GA)	Lewis (KY)	Shadegg
Dent	Linder	Shays
Doolittle	Lucas	Shimkus
Drake	Lungren, Daniel	Shuster
Dreier	E.	Simpson
Duncan	Mack	Smith (NE)
Ehlers	Manzullo	Smith (TX)
English (PA)	Marchant	Souder
Everett	McCarthy (CA)	Tancred