

who came up to me and said I wonder why this information didn't want to be shared. Well, I don't know that. I don't have the answer to that.

But I felt absolutely within my rights, without violating the rules of the committee or the House, to share that with all of my colleagues. I did so, and I did so in a way that I think is in the best tradition of this House for as much openness as we can possibly have.

Mr. Speaker, I have no more requests for time. I thank the House for its indulgence, and I yield back the balance of my time.

MOTION TO ADJOURN

Mr. LAHOOD. 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 noes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 3, nays 382, not voting 44, as follows:

[Roll No. 127]

YEAS—3

| | | |
|---------------|---------------|-----------------|
| Johnson (IL) | McNerney | Paul |
| NAYS—382 | | |
| Abercrombie | Brown-Waite, | Davis, David |
| Ackerman | Ginny | Davis, Tom |
| Aderholt | Buchanan | DeFazio |
| Akin | Burgess | Delahunt |
| Alexander | Burton (IN) | DeLauro |
| Allen | Butterfield | Dent |
| Altmire | Buyer | Diaz-Balart, L. |
| Andrews | Calvert | Diaz-Balart, M. |
| Arcuri | Camp (MI) | Dicks |
| Baca | Campbell (CA) | Dingell |
| Bachmann | Cannon | Doggett |
| Baird | Cantor | Donnelly |
| Baldwin | Capito | Doolittle |
| Barrett (SC) | Capps | Drake |
| Barrow | Capuano | Dreier |
| Bartlett (MD) | Cardoza | Duncan |
| Bean | Carnahan | Edwards |
| Becerra | Carney | Ehlers |
| Berkley | Carter | Ellison |
| Berman | Castle | Ellsworth |
| Berry | Castor | Emerson |
| Biggart | Chabot | Engel |
| Bilbray | Chandler | English (PA) |
| Bilirakis | Clarke | Eshoo |
| Bishop (GA) | Cleaver | Etheridge |
| Bishop (NY) | Clyburn | Everett |
| Bishop (UT) | Coble | Fallin |
| Blackburn | Cohen | Farr |
| Blumenauer | Conaway | Fattah |
| Blunt | Conyers | Feeney |
| Boehner | Cooper | Ferguson |
| Bonner | Costa | Filner |
| Bono Mack | Costello | Flake |
| Boozman | Courtney | Forbes |
| Boren | Cramer | Fortenberry |
| Boswell | Crenshaw | Fossella |
| Boustany | Crowley | Foster |
| Boyd (FL) | Cuellar | Fox |
| Boyd (KS) | Culberson | Franks (AZ) |
| Brady (PA) | Cummings | Frelinghuysen |
| Brady (TX) | Davis (AL) | Gallely |
| Brady (IA) | Davis (CA) | Garrett (NJ) |
| Brown (GA) | Davis (IL) | Gerlach |
| Brown (SC) | Davis (KY) | Giffords |

| | | |
|-----------------|-----------------|------------------|
| Gilchrest | Lungren, Daniel | Rothman |
| Gillibrand | E. | Roybal-Allard |
| Gingrey | Lynch | Royce |
| Gohmert | Mack | Ruppersberger |
| Gonzalez | Mahoney (FL) | Ryan (OH) |
| Goode | Maloney (NY) | Ryan (WI) |
| Goodlatte | Markey | Salazar |
| Gordon | Marshall | Sali |
| Granger | Matheson | Sánchez, Linda |
| Graves | Matsui | T. |
| Green, Al | McCarthy (CA) | Sanchez, Loretta |
| Green, Gene | McCarthy (NY) | Sarbanes |
| Grijalva | McCaul (TX) | Saxton |
| Gutierrez | McCollum (MN) | Schiff |
| Hall (NY) | McCotter | Schmidt |
| Hall (TX) | McCrery | Schwartz |
| Hare | McDermott | Scott (GA) |
| Harman | McGovern | Scott (VA) |
| Hastings (FL) | McHenry | Sensenbrenner |
| Hastings (WA) | McHugh | Serrano |
| Hayes | McIntyre | Sessions |
| Heller | McKeon | Sestak |
| Hensarling | McMorris | Shadegg |
| Herseht Sandlin | Rodgers | Shays |
| Higgins | McNulty | Shea-Porter |
| Hill | Meek (FL) | Sherman |
| Hirono | Meeks (NY) | Shuler |
| Hobson | Mica | Shuster |
| Hodes | Michaud | Simpson |
| Hoekstra | Miller (FL) | Sires |
| Holden | Miller (MI) | Skelton |
| Holt | Miller (NC) | Slaughter |
| Honda | Miller, Gary | Smith (NE) |
| Hoyer | Miller, George | Smith (TX) |
| Hulshof | Mitchell | Smith (WA) |
| Hulshof | Moore (KS) | Snyder |
| Inglis (SC) | Moore (WI) | Solis |
| Inslee | Moran (KS) | Souder |
| Israel | Murphy (CT) | Space |
| Jackson (IL) | Murphy, Patrick | Spratt |
| Jackson-Lee | Murphy, Tim | Stark |
| (TX) | Murtha | Stearns |
| Jefferson | Musgrave | Sutton |
| Johnson (GA) | Myrick | Tanner |
| Johnson, E. B. | Nadler | Tauscher |
| Johnson, Sam | Napolitano | Taylor |
| Jones (NC) | Neal (MA) | Terry |
| Jones (OH) | Neugebauer | Thompson (CA) |
| Jordan | Nunes | Thornberry |
| Kagen | Obey | Oliver |
| Kanjorski | Oliver | Ortiz |
| Kaptur | Pallone | Pallone |
| Keller | Pascarella | Pastor |
| Kennedy | Pastor | Payne |
| Kildee | Pearce | Pearce |
| Kilpatrick | Pence | Peterson (MN) |
| Kind | Petri | Pitts |
| King (IA) | Pitts | Platts |
| King (NY) | Platts | Poe |
| Kingston | Knollenberg | Pomeroy |
| Kirk | Kucinich | Porter |
| Klein (FL) | Kuhl (NY) | Price (CA) |
| Kline (MN) | LaHood | Price (NC) |
| Knollenberg | Lamborn | Pryce (OH) |
| Kucinich | Lampson | Putnam |
| Kuhl (NY) | Langevin | Radanovich |
| LaHood | Larsen (WA) | Rahall |
| Lamborn | Larson (CT) | Ramstad |
| Lampson | Latham | Regula |
| Langevin | LaTourette | Rehberg |
| Larsen (WA) | Latta | Reichert |
| Larson (CT) | Lee | Reyes |
| Rahall | Levin | Reynolds |
| Ramstad | Lewis (CA) | Richardson |
| Regula | Lewis (GA) | Rodriguez |
| Rehberg | Lewis (KY) | Rogers (AL) |
| Reichert | Linder | Rogers (KY) |
| Reyes | Lipinski | Rogers (MI) |
| Reynolds | LoBiondo | Rohrabacher |
| Richardson | Loeback | Ros-Lehtinen |
| Rodriguez | Lofgren, Zoe | Roskam |
| Rogers (AL) | Lowey | Ross |
| Rogers (KY) | Lucas | |
| Rogers (MI) | | |
| Rohrabacher | | |
| Ros-Lehtinen | | |
| Roskam | | |
| Ross | | |

NOT VOTING—44

| | | |
|----------------|------------|---------------|
| Bachus | Emanuel | Mollohan |
| Barton (TX) | Frank (MA) | Moran (VA) |
| Boucher | Herger | Oberstar |
| Brown, Corrine | Hinchey | Perlmutter |
| Clay | Hinojosa | Peterson (PA) |
| Cole (OK) | Hooley | Pickering |
| Cubin | Hunter | Rangel |
| Davis, Lincoln | Issa | Renzi |
| Deal (GA) | Manzullo | Rush |
| DeGette | Marchant | Schakowsky |
| Doyle | Melancon | Shimkus |

| | | |
|------------|---------------|--------------|
| Smith (NJ) | Thompson (MS) | Westmoreland |
| Stupak | Towns | Woolsey |
| Sullivan | Udall (CO) | Young (AK) |
| Tancredo | Weldon (FL) | |

□ 1313

Messrs. INSLEE, KUCINICH, and LATHAM changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 1040

Whereas on June 13, 2007, the publication The Politico reported, "Democratic leaders gave in to Republican demands that lawmakers be allowed to challenge individual member-requested projects from the final version of each appropriations bill."

Whereas on November 15, 2007, Representatives Jack Kingston and Frank Wolf introduced H. Con. Res. 263, to establish a Joint Select Committee on Earmark Reform, and for other purposes;

Whereas on March 6, 2008, The Hill reports in "Obey Criticizes Kingston on earmarks" that "Kingston said Obey has been 'very irritated' with his push for reform.";

Whereas on March 5, 2008, House Appropriations Chairman David Obey sent a Dear Colleague to Republican Members stating "In light of the continuing discussion on earmarks in the Republican Conference, the Appropriations Committee needs to determine how it would proceed."

Whereas on March 6, 2008, The Hill reports in "Task Force Looking Beyond Earmarks" that "Obey issued a memo to Republicans in multiple-choice format asking them to check one of two boxes, stating whether they believed in a one-year moratorium and therefore would not be submitting earmark requests, or did not believe in a moratorium and would be submitting requests. Obey spokeswoman Kristin Brost said Obey called the memo his 'anti-hypocrisy memo, aimed at House Minority Leader John Boehner's (R-Ohio) repeated calls for a moratorium.'";

Whereas the Chairman of the Appropriations Committee Dave Obey stated in said letter: "Because it is important for the Committee to move ahead with bills in a timely fashion, I will assume that any Member not returning this form by March 19, 2008 wishes to see Congressional earmarks discontinued and will therefore be submitting no request for fiscal year 2009."

Whereas House Rule XXIII Clause 16, states that a Member may not condition the inclusion of language to provide funding for a congressional earmark on any vote cast by another Member.

Whereas the Chairman of the Appropriations Committee, Dave Obey, has conditioned the receipt of an earmark from the Committee on Appropriations on a Member's opposition to a moratorium on earmarks: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is directed to investigate without further delay violations of House rules by Representative Dave Obey and report its findings and recommendations to the House, including a recommendation

regarding the appropriate action for Representative Obey's violations.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Speaker, I move to lay the resolution on the table.

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

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

Mr. MCGOVERN. 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 219, nays 193, not voting 17, as follows:

[Roll No. 128]

YEAS—219

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

Wasserman
Schultz
Waters
Watson
Watt

Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)

NAYS—193

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

NOT VOTING—17

| | | |
|-----------|----------|---------------|
| Bachus | Hooley | Spratt |
| Boucher | Oberstar | Tancred |
| Clyburn | Rangel | Thompson (MS) |
| Gutierrez | Renzi | Woolsey |
| Hall (TX) | Rothman | Young (AK) |
| Hinche | Rush | |

□ 1342

Ms. MOORE of Wisconsin, Messrs. PAYNE, MARKEY, Ms. LINDA T. SÁNCHEZ of California, Messrs. CLEAVER, MELANCON, Ms. KAPTUR, Mr. ENGEL, Ms. RICHARDSON, Messrs. HOLT, LYNCH, SKELTON and MCNERNEY changed their vote from “nay” to “yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 312, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1036 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1036

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed four hours, with three hours confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and one hour on the subject of economic goals and policies equally divided and controlled by Representative Maloney of New York and Representative Saxton of New Jersey or their designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each 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 a proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments printed in the report are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

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 the Budget or the Majority Leader or a designee. After a motion to strike out the resolving words of the concurrent resolution (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the concurrent resolution.

SEC. 3. During consideration in the House of House Concurrent Resolution 312 pursuant