

The SPEAKER pro tempore. The Clerk will notify the Senate of the action of the House.

### VETERANS EMERGENCY CARE FAIRNESS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3819, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3819, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 347]

YEAS—412

Abercrombie	Cazayoux	Franks (AZ)
Ackerman	Chabot	Frelinghuysen
Aderholt	Chandler	Gallegly
Akin	Childers	Garrett (NJ)
Alexander	Clarke	Gerlach
Allen	Clay	Giffords
Altmire	Cleaver	Gilchrest
Andrews	Clyburn	Gingrey
Arcuri	Coble	Gohmert
Baca	Cohen	Gonzalez
Bachmann	Cole (OK)	Goode
Bachus	Conaway	Goodlatte
Baird	Conyers	Gordon
Baldwin	Cooper	Granger
Barrett (SC)	Costa	Graves
Barrow	Costello	Green, Al
Bartlett (MD)	Courtney	Green, Gene
Barton (TX)	Cramer	Grijalva
Bean	Crowley	Gutierrez
Becerra	Cubin	Hall (NY)
Berkley	Cuellar	Hall (TX)
Berry	Culberson	Hare
Biggett	Cummings	Harman
Bilbray	Davis (AL)	Hastings (FL)
Bilirakis	Davis (CA)	Hastings (WA)
Bishop (GA)	Davis (IL)	Hayes
Bishop (NY)	Davis (KY)	Heller
Bishop (UT)	Davis, David	Hensarling
Blackburn	Davis, Lincoln	Herseth Sandlin
Blumenauer	Davis, Tom	Higgins
Blunt	Deal (GA)	Hill
Boehner	DeFazio	Hinchee
Bonner	DeGette	Hinojosa
Bono Mack	Delahunt	Hirono
Boozman	Dent	Hobson
Boren	Diaz-Balart, L.	Hodes
Boswell	Dicks	Hoekstra
Boucher	Dingell	Holden
Boustany	Doggett	Holt
Boyd (FL)	Donnelly	Honda
Boyd (KS)	Doolittle	Hooley
Brady (PA)	Doyle	Hoyer
Brady (TX)	Drake	Hulshof
Braley (IA)	Dreier	Hunter
Broun (GA)	Duncan	Inglis (SC)
Brown (SC)	Edwards	Inslee
Brown-Waite,	Ehlers	Israel
Ginny	Ellison	Issa
Buchanan	Ellsworth	Jackson (IL)
Burgess	Emanuel	Jackson-Lee
Burton (IN)	Emerson	(TX)
Butterfield	Engel	Jefferson
Buyer	Eshoo	Johnson (GA)
Calvert	Etheridge	Johnson (IL)
Camp (MI)	Everett	Johnson, E. B.
Campbell (CA)	Fallin	Johnson, Sam
Cannon	Farr	Jones (NC)
Cantor	Fattah	Jones (OH)
Capito	Feeney	Jordan
Capps	Ferguson	Kagen
Capuano	Filner	Kanjorski
Cardoza	Flake	Kaptur
Carnahan	Forbes	Keller
Carney	Foster	Kildee
Carson	Fox	Kilpatrick
Castle	Frank (MA)	Kind

King (IA)	Murphy, Patrick	Sestak
King (NY)	Murphy, Tim	Shadegg
Kingston	Murtha	Shays
Kirk	Musgrave	Shea-Porter
Klein (FL)	Myrick	Sherman
Kline (MN)	Napolitano	Shimkus
Knollenberg	Neal (MA)	Shuler
Kucinich	Neugebauer	Shuster
Kuhl (NY)	Nunes	Simpson
LaHood	Oberstar	Sires
Lamborn	Obey	Skelton
Lampson	Olver	Slaughter
Langevin	Ortiz	Smith (NE)
Larsen (WA)	Pallone	Smith (NJ)
Larson (CT)	Pascarell	Smith (TX)
Latham	Pastor	Smith (WA)
LaTourette	Paul	
Latta	Payne	Snyder
Lee	Pearce	Solis
Levin	Pence	Souder
Lewis (CA)	Perlmutter	Space
Lewis (GA)	Peterson (MN)	Speier
Lewis (KY)	Peterson (PA)	Spratt
Linder	Petri	Stark
Lipinski	Pickering	Stearns
LoBiondo	Pitts	Stupak
Loeback	Platts	Sullivan
Lofgren, Zoe	Poe	Sutton
Lowey	Pomeroy	Tancred
Lucas	Porter	Tanner
Lungren, Daniel	Price (GA)	Tauscher
E.	Price (NC)	Taylor
Lynch	Pryce (OH)	Thompson (CA)
Mack	Putnam	Thompson (MS)
Mahoney (FL)	Radanovich	Thornberry
Maloney (NY)	Rahall	Tiberi
Manzullo	Ramstad	Tierney
Marchant	Rangel	Towns
Markey	Regula	Tsongas
Marshall	Rehberg	Turner
Matheson	Reichert	Udall (CO)
Matsui	Renzi	Udall (NM)
McCarthy (CA)	Reyes	Upton
McCarthy (NY)	Richardson	Van Hollen
McCaul (TX)	Rodriguez	Velazquez
McCollum (MN)	Rogers (AL)	Visclosky
McCotter	Rogers (KY)	Walberg
McCrery	Rogers (MI)	Walden (OR)
McDermott	Rohrabacher	Walsh (NY)
McGovern	Roskam	Walz (MN)
McHenry	Ross	Wamp
McIntyre	Rothman	Wasserman
McKeon	Roybal-Allard	Schultz
McMorris	Royce	Waters
Rodgers	Ruppersberger	Watson
McNerney	Ryan (OH)	Watt
McNulty	Ryan (WI)	Waxman
Meek (FL)	Salazar	Weiner
Meeks (NY)	Sali	Welch (VT)
Melancon	Sánchez, Linda	Weldon (FL)
Mica	T.	Weller
Michaud	Sanchez, Loretta	Westmoreland
Miller (FL)	Sarbanes	Whitfield (KY)
Miller (MI)	Saxton	Wilson (NM)
Miller (NC)	Scalise	Wilson (OH)
Miller, Gary	Schakowsky	Wilson (SC)
Miller, George	Schiff	Wittman (VA)
Mitchell	Schmidt	Wolf
Mollohan	Schwartz	Woolsey
Moore (KS)	Scott (GA)	Wu
Moore (WI)	Scott (VA)	Yarmuth
Moran (KS)	Sensenbrenner	Young (AK)
Moran (VA)	Serrano	Young (FL)
Murphy (CT)	Sessions	

### NOT VOTING—22

Berman	Fortenberry	Ros-Lehtinen
Brown, Corrine	Fossella	Rush
Carter	Gillibrand	Terry
Castor	Herger	Tiahrt
Crenshaw	Kennedy	Wexler
DeLauro	McHugh	Wynn
Diaz-Balart, M.	Nadler	
English (PA)	Reynolds	

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1816

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCHUGH. Mr. Speaker, on rollcall No. 347, unfortunately, during the vote I was unavoidably detained off the House floor. Had I been present, I would have voted "yea."

### VETERANS' COMPENSATION COST- OF-LIVING ADJUSTMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5826, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5826.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 13, as follows:

[Roll No. 348]

YEAS—417

Abercrombie	Capps	Eshoo
Ackerman	Capuano	Etheridge
Aderholt	Cardoza	Everett
Akin	Carnahan	Fallin
Alexander	Carney	Farr
Allen	Carson	Fattah
Altmire	Castle	Feeney
Andrews	Cazayoux	Ferguson
Arcuri	Chabot	Filner
Baca	Chandler	Flake
Bachmann	Childers	Forbes
Bachus	Clarke	Fortenberry
Baird	Clay	Foster
Baldwin	Cleaver	Fox
Barrett (SC)	Clyburn	Franks (AZ)
Barrow	Coble	Frelinghuysen
Bartlett (MD)	Cohen	Gallegly
Barton (TX)	Cole (OK)	Garrett (NJ)
Bean	Conaway	Gerlach
Becerra	Conyers	Giffords
Berkley	Cooper	Gilchrest
Berman	Costa	Gingrey
Berry	Costello	Gohmert
Biggett	Courtney	Gonzalez
Bilbray	Crowley	Goode
Bilirakis	Cubin	Goodlatte
Bishop (GA)	Cuellar	Gordon
Bishop (NY)	Culberson	Granger
Bishop (UT)	Cummings	Graves
Blackburn	Davis (AL)	Green, Al
Blumenauer	Davis (CA)	Green, Gene
Blunt	Davis (IL)	Grijalva
Boehner	Davis (KY)	Gutierrez
Bonner	Davis, David	Hall (NY)
Bono Mack	Davis, Lincoln	Hall (TX)
Boozman	Davis, Tom	Hare
Boren	Deal (GA)	Harman
Boswell	DeFazio	Hastings (FL)
Boucher	DeGette	Hastings (WA)
Boustany	DeLauro	Hayes
Boyd (FL)	Dent	Heller
Boyd (KS)	Diaz-Balart, L.	Hensarling
Brady (PA)	Diaz-Balart, M.	Herger
Brady (TX)	Dicks	Herseth Sandlin
Braley (IA)	Dingell	Higgins
Broun (GA)	Doggett	Hill
Brown (SC)	Donnelly	Hinchee
Brown-Waite,	Doolittle	Hinojosa
Ginny	Doyle	Hirono
Buchanan	Drake	Hobson
Burgess	Dreier	Hodes
Burton (IN)	Duncan	Hoekstra
Butterfield	Edwards	Holden
Buyer	Ehlers	Holt
Calvert	Ellison	Honda
Camp (MI)	Ellsworth	Hooley
Campbell (CA)	Emanuel	Hoyer
Cannon	Emerson	Hulshof
Cantor	Engel	Hunter
Capito	English (PA)	Inglis (SC)

Inslee	Michael	Schakowsky
Israel	Miller (FL)	Schiff
Issa	Miller (MI)	Schmidt
Jackson (IL)	Miller (NC)	Schwartz
Jackson-Lee	Miller, Gary	Scott (GA)
(TX)	Miller, George	Scott (VA)
Jefferson	Mitchell	Sensenbrenner
Johnson (GA)	Mollohan	Serrano
Johnson (IL)	Moore (KS)	Sessions
Johnson, E. B.	Moore (WI)	Sestak
Johnson, Sam	Moran (KS)	Shadegg
Jones (NC)	Moran (VA)	Shays
Jones (OH)	Murphy (CT)	Shea-Porter
Jordan	Murphy, Patrick	Sherman
Kanjorski	Murphy, Tim	Shimkus
Kaptur	Murtha	Shuler
Keller	Musgrave	Shuster
Kildee	Myrick	Simpson
Kilpatrick	Nadler	Sires
Kind	Napolitano	Skelton
King (IA)	Neal (MA)	Slaughter
King (NY)	Neugebauer	Smith (NE)
Kingston	Nunes	Smith (NJ)
Kirk	Oberstar	Smith (TX)
Klein (FL)	Obey	Smith (WA)
Kline (MN)	Oliver	Snyder
Knollenberg	Ortiz	Solis
Kucinich	Pallone	Souder
Kuhl (NY)	Pascrell	Space
LaHood	Pastor	Spratt
Lamborn	Paul	Stark
Lampson	Payne	Stearns
Langevin	Pearce	Stupak
Larsen (WA)	Pence	Sullivan
Larson (CT)	Perlmutter	Sutton
Latham	Peterson (MN)	Tancredo
LaTourette	Peterson (PA)	Tanner
Latta	Petri	Tauscher
Lee	Pickering	Taylor
Levin	Pitts	Terry
Lewis (CA)	Platts	Thompson (CA)
Lewis (GA)	Poe	Thompson (MS)
Lewis (KY)	Pomeroy	Thornberry
Linder	Porter	Tiberi
Lipinski	Price (GA)	Tierney
LoBiondo	Price (NC)	Towns
Loeback	Pryce (OH)	Tsongas
Lofgren, Zoe	Putnam	Turner
Lowey	Radanovich	Udall (CO)
Lucas	Rahall	Udall (NM)
Lungren, Daniel	Ramstad	Upton
E.	Rangel	Van Hollen
Lynch	Regula	Velázquez
Mack	Rehberg	Visclosky
Mahoney (FL)	Reichert	Walberg
Maloney (NY)	Renzi	Walden (OR)
Manzullo	Reyes	Walsh (NY)
Marchant	Reynolds	Walz (MN)
Markey	Richardson	Wamp
Marshall	Rodriguez	Wasserman
Matheson	Rogers (AL)	Schultz
Matsui	Rogers (KY)	Waters
McCarthy (CA)	Rogers (MI)	Watson
McCarthy (NY)	Rohrabacher	Watt
McCaul (TX)	Ros-Lehtinen	Waxman
McCollum (MN)	Roskam	Weiner
McCotter	Ross	Welch (VT)
McCrery	Rothman	Weldon (FL)
McGovern	Roybal-Allard	Weller
McHenry	Royce	Westmoreland
McHugh	Ruppersberger	Whitfield (KY)
McIntyre	Ryan (OH)	Wilson (NM)
McKeon	Ryan (WI)	Wilson (OH)
McMorris	Salazar	Wilson (SC)
Rodgers	Sali	Wittman (VA)
McNerney	Sánchez, Linda	Wolf
McNulty	T.	Woolsey
Meek (FL)	Sanchez, Loretta	Wu
Meeks (NY)	Sarbanes	Yarmuth
Melancon	Saxton	Young (AK)
Mica	Scalise	Young (FL)

## NOT VOTING—17

Brown, Corrine	Fossella	Rush
Carter	Frank (MA)	Speier
Castor	Gillibrand	Tiahrt
Cramer	Kagen	Wexler
Crenshaw	Kennedy	Wynn
Delahunt	McDermott	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1823

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, we just finished a vote several minutes ago on the override of the farm bill, except that the override vote occurred on a bill that had never been considered by the House or the Senate, since the bill that we voted to override apparently is missing one title of the bill—or the conference report—that passed the House and the Senate. I am concerned about the procedures, the process, and the constitutionality of what we've just done.

I would like to ask the majority leader if he can help myself and the other Members understand just what are we dealing with here.

Mr. HOYER. Mr. Speaker, will my friend yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. Mr. Speaker, clearly, what we are dealing with is an unfortunate situation. The unfortunate situation is that apparently—and again I just learned about this about an hour and a half ago when Mr. PETERSON, the chairman of the committee, told me he and Mr. GOODLATTE were discussing this problem and how to proceed. Apparently what happened is title III, which I understand is not very controversial, but in any event, title III came up on the screen for the printing on the parchment that is sent to the President, but, unfortunately, for whatever reasons, it was not printed out and it was not caught in the proofing of that. Apparently, as well, the White House did not catch the fact that the bill was not inclusive of title III.

Frankly, I have not looked at the bill to see whether there's a title I, II, and then goes to IV, which would have been self-evident that there was a missing title.

In any event, without having researched it or talked to anybody about precedents, what has happened is that the House and the Senate passed in exactly the same form that which was vetoed by the President. Now, we passed more than that, but that which we have just voted on was passed in both Houses in exactly the form we just voted on.

The vote, therefore, superficially, off the top of my head, without having researched this, is that what we have done is we have passed that which we originally passed through the House and the Senate and sent to the Presi-

dent, notwithstanding the President's veto, and something that we did also pass, which was incorporated in that bill, was neither vetoed nor signed by the President because, unfortunately, as a result of a clerical error, it was not included in the bill.

I, in discussions with Mr. PETERSON, understand that he and Mr. GOODLATTE were in discussion on this issue when they first learned of it, and I don't know how long they knew about it before I found out about it; that, as I thought, their agreement would be that we would pass, subsequent to passing the initial bill, the title III either by unanimous consent or under the suspension calendar.

I don't know the conversations that occurred between Mr. PETERSON and Mr. GOODLATTE. Mr. PETERSON is on the floor, I know. I don't know exactly where he is. But it was his understanding that that would be an acceptable way to proceed. That was where I thought it to be.

Mr. BOEHNER. Reclaiming my time, we may have transported to the President a portion of the bill that passed the House and Senate, but we did not send to the President, apparently, the farm bill conference report as passed by the House and the Senate.

I think what's of grave concern to me is, yes, I understand that mistakes do happen in this process, but before the consideration of the override debate and vote, we were aware of the problem. And I just think that in deference to all Members, we could have waited before consideration of the override so that all the Members would understand just what we're dealing with and the problems that are contained therein. I just think that in the rush to move this override vote, we don't know what precedents of the House we may have stepped on and what constitutional problems that we may have. I would remind my colleague that there was a very small mistake made in the Deficit Reduction Act several years ago that's been the subject of a lawsuit and privileged resolutions and moral outrage from some of my friends on the other side of the aisle, which, frankly, the Deficit Reduction Act error pales in comparison to what we have here.

So I would ask my colleague, I think we need to get to the bottom of what happened.

□ 1830

I don't know that the override that we just cast—we voted to override a bill that had never been considered by the House or the Senate, and I don't know how that is constitutional.

I would be happy to yield to my friend.

Mr. HOYER. Well, as I said, everything that we voted on was passed by the House and the Senate in exactly the same form. Obviously, I agree with your premise that the bill as passed out of Congress was not the exact same bill because of the deletion of title III,