

recognized nationally as one of the top 15 independent bands;

He was a 2006 graduate of the University of Central Missouri with a degree in graphic design;

Upon completion of college, he released his first solo independent album, *Analog Heart*, which was chosen the fourth-best CD released in 2006;

It is worth noting that David Cook did not originally plan to audition for *American Idol*; he traveled to Omaha, Nebraska to support his younger brother Andrew;

Cook was often seen playing his electric guitar while performing on *American Idol*;

He received 56 percent of the vote; 97 million votes were cast.

#### NATIONAL DRUG COURT MONTH

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSEN of Washington. Mr. Speaker, today I stand in recognition of National Drug Court Month and the important work done by drug courts in my district and around the country.

Drug courts combine intense judicial supervision and comprehensive treatment in community-wide approaches to rehabilitation. They bring together teams of judges, attorneys, treatment providers, child advocates and law enforcement officers. Their tireless work gives nonviolent offenders a second chance to get clean and take back their lives.

In my district, drug court programs have enhanced public safety, saved taxpayer dollars and, most importantly, saved lives. Since 1999, the Snohomish County Drug Court in Everett, Washington, has graduated over 300 participants, of whom 94 percent have remained clean.

Drug courts are widely recognized as the most effective solution for reducing crime and recidivism among drug-addicted offenders. They come at a fraction of the cost of standard incarceration, and they work. It is our responsibility at the Federal level to provide the funds necessary to ensure that their services are available to people that need them.

So congratulations to dedicated drug court professionals and graduates from Washington State and around the country on a job well done. Thank you for your hard work and your dedication.

□ 1015

#### CALLING ON CONGRESS TO GIVE THE AMERICAN PEOPLE MORE ACCESS TO AMERICAN OIL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, this morning in my hometown of Columbus, Indiana, gasoline hit \$3.99 a gallon, one-tenth of 1 cent just shy of \$4 a gallon.

So I rise this morning to ask my colleagues, what's it going to take? What's it going to take to get this Congress to take action to lessen our dependence on foreign oil?

Now Democrats think we can tax our way to lower gas prices or, this week, sue our way to lower gas prices. But the American people know the only way to lessen our dependence on foreign oil is to lessen our dependence on foreign oil. Only by drilling in an environmentally responsible way on American soil and off American shores can the American people increase global supply and reduce the price of oil.

As Memorial Day weekend approaches and Hoosiers headed to the lake see gasoline prices blow past \$4 a gallon, I urge my fellow Americans, after \$4 a gallon, after years of inaction, ask this Congress, what's it going to take to give the American people more access to American oil?

#### PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1218 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 1218

*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 further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes. No further general debate shall be in order.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), 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.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, 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. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. During consideration in the House of H.R. 5658 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 7. In the engrossment of H.R. 5658, the Clerk shall—

(a) add the text of H.R. 6048, as passed by the House, as new matter at the end of H.R. 5658;

(b) conform the title of H.R. 5658 to reflect the addition to the engrossment of H.R. 6048;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 8. It shall be in order at any time through the legislative day of Thursday, May 22, 2008, for the Speaker to entertain motions that the House suspend the rules relating to any measure pertaining to agricultural programs.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1218.

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

There was no objection.

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

Mr. Speaker, House Resolution 1218 provides for the further consideration of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, under a structured rule, without further general debate.

The rule makes in order 58 amendments submitted to the Rules Committee for consideration under this rule. The rule waives all points of order against the amendments printed in the committee report and amendments en bloc except those arising under clause 9 or 10 of rule XXI. The rule provides for one motion to recommit with or without instructions. The rule also provides that in the engrossment of H.R. 5658, the text of H.R. 6048, as passed by the House, shall be added at the end of H.R. 5658.

Finally, the rule allows the Speaker to entertain motions to suspend the rules through the legislative day of Thursday, May 22, 2008, relating to any measure pertaining to agricultural programs.

Mr. Speaker, this rule will allow the House to finish consideration of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. General debate on this measure concluded last night. This two-part process has been used over the years to ensure that the Rules Committee has ample time to consider amendments submitted to the committee. This year, 121 amendments were submitted for consideration.

As my friend from Florida (Mr. HASTINGS) said on the floor yesterday, the defense authorization bill is one of the most comprehensive and important pieces of legislation this House considers each year.

I salute the chairman of the Armed Services Committee, Mr. SKELTON, and Ranking Member HUNTER for their hard work and cooperative effort in bringing this piece of legislation to the floor. Their bill passed the Armed Services Committee by a vote of 61-0, a testament to their bipartisan efforts and desire to ensure our Armed Forces have all the tools they need to maintain our national security and to provide our servicemembers in harm's way with the best gear and force protection possible.

America has the finest military in the world, Mr. Speaker. Unfortunately, the Bush administration's policies in Iraq have depleted our great military, put a tremendous strain on our troops, and dropped the Army's readiness to unprecedented levels.

H.R. 5658 takes us in a new direction. It will help restore our Nation's military readiness and protect our troops in harm's way. This bill supports our troops and their families by giving the military a pay raise larger than was requested by the President and prohib-

iting TRICARE fee increases. It focuses on the war in Afghanistan. It also includes Iraq policy provisions that ban permanent bases in Iraq and require the Iraqi Government to pay its fair share of reconstruction costs.

In the spirit of maintaining the committee agreement and the overwhelming bipartisan support for this bill and to further ensure that our military is fully prepared and our troops get the benefits they deserve, the Rules Committee has made in order 58 amendments for consideration on the floor today. These are amendments that the Rules Committee and the Armed Services Committee determined would not disrupt the bill's carefully negotiated content and warranted further consideration.

In addition, this rule also allows the Speaker to bring up under suspension of the rules any measure pertaining to agricultural programs.

As we all know and we heard on the floor yesterday, an unintentional clerical error occurred prior to the enrollment of the farm bill. As a result, the President did not receive the full bill. The distinguished majority leader, Mr. HOYER, has been working to remedy this situation so the President may receive the full bill for his consideration.

As a result, if a resolution is reached, and I do not know the status of the negotiations between Mr. HOYER and Mr. BOEHNER, the resulting end product will be brought to the floor without further delay so that we may complete nearly 2 years of effort and deliver once and for all on the promises we made long ago to America's farmers and ranchers.

In the meantime I must remind our colleagues that the current farm bill extension is set to expire unless we act today. Whether a resolution is reached in the coming days or how we resolve this clerical error, we must, Mr. Speaker, extend the current farm bill and this rule will simply allow that to occur.

□ 1030

Much will be made of this rule by my friends on the other side of the aisle, but I will remind them that any farm bill measure that may come before the House today will come up under suspension of the rules. That means that two-thirds of the House must support any suspension bill in order for it to pass the House. That further means that there will be no political gamesmanship and we must have a strong bipartisan vote in order to pass any bill that reaches the floor.

The farm bill conference report has overwhelming bipartisan support. It passed this House with 318 votes. It passed the Senate with 81 votes. It represents the tireless effort of many Members, including myself, and is far too important to fail, Mr. Speaker, especially in light of what was an unintended clerical error.

This rule ensures swift passage of a bipartisan defense bill and a remedy to

our already passed bipartisan farm bill, and I demand that my colleagues on both sides of the aisle support the rule.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and colleague from California (Mr. CARDOZA) for yielding me the customary 30 minutes. I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, there are two primary purposes to the rule that is before the House today. One purpose, legitimate, though unfair, relating to the defense authorization bill. The other purpose, a unilateral, partisan abuse of power by the liberal leaders of the House.

The first purpose. This rule provides for consideration of 58 amendments to the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. Of the 58 amendments that this rule makes in order, 42 are Democrat amendments. Just 14 Republican amendments were allowed. Two of those amendments have bipartisan support.

The Rules Committee has blocked two-thirds of the amendments submitted by members of the Republican Party. Reasonable, responsible amendments that raise legitimate national defense issues relating to the security of American troops and the American people are not being permitted to be debated on the House floor.

The defense authorization bill was approved by a unanimous bipartisan support, Mr. Speaker, of the Armed Services Committee. But that does not mean that that bill is perfect. Indeed, amendments to the bill were filed with the Rules Committee by both Democrats and Republican members of the Armed Services Committee. These members, who had worked in a bipartisan way in committee and who wanted to have their ideas for improving the defense authorization bill considered by the House, were denied that opportunity, and among those amendments that were blocked by the Rules Committee is the ranking Republican member of the Armed Services Committee, for whom this bill is named.

At the same time we are applauding those committee members for their bipartisan work, the Rules Committee steps in and shuts down what has been an open, cooperative process by blocking so many Republican amendments.

Mr. Speaker, the House should recognize that when a committee works in an open and honest manner to produce a truly bipartisan bill, we should recognize that, especially because it has become a rarity in this Congress.

Despite the promises made by the Democrat leaders to run the most open and honest House in history, they have made it a matter of routine to close down debate, take away the ability of every Representative to offer amendments on the House floor, to defy rules,

and to ignore over 200 years of legislative precedents. Yet, Mr. Speaker, this House has never seen anything the likes of what the Democrat leaders did last night with the vote to override the President's veto of the farm bill.

Despite having full knowledge that the bill that the Speaker of the House certified with her signature and sent to the President was not the exact same bill that passed both the House and the Senate, Democrat leaders deliberately acted to have this House vote on overriding the President's veto. The bill that the Speaker sent to the President completely omitted title III of the farm bill. This is the entire trade section that runs several dozen pages.

It has been asserted that deletion of this title from the farm bill that the Speaker sent to the President was simply a mistake, an oversight, or a technical error. That may very well be. That may very well be, Mr. Speaker. Yet Democrat leaders deliberately acted yesterday to have the House vote to override a Presidential veto on a bill that the House had never, ever passed. They took this action in direct contradiction to the simple procedures established in article I, section 7 of the United States Constitution.

Mr. Speaker, like many of my colleagues, I have often spoken to elementary and high school students about my job as a Congressman and how Congress works. The most fundamental lesson I always convey is how a bill becomes law in this Congress. It's very simple. The House and the Senate must pass the exact same bill. It must be exact. No comma difference. When they do that, the bill is sent to the President to be signed into law or vetoed and returned to the Congress.

Mr. Speaker, this did not happen with the farm bill. The bill passed by both the House and the Senate was not the bill that the Speaker of the House signed and sent to the President.

Mr. Speaker, last week I stood right here on the House floor and stated that while I believed that the farm bill was far from perfect, I would vote for the bill because of the positive provisions it included for specialty crop growers in my congressional district.

In my speech to the House and in my communications with my constituents, I specifically cited parts of the farm bill that helped convince me to vote to pass it. In particular, I spoke about the Market Access Program in reference to technical trade assistance for specialty crops, both of which help to break down unfair trade barriers and open new markets for farmers overseas. Both of these programs are part of title III of the farm bill which passed the House and Senate but was not sent to the President.

Mr. Speaker, the farm bill I voted for, and the very reasons I voted for it, was not the bill that the House voted to override yesterday.

Democrat leaders of this Congress acted in an unconstitutional way in voting to override the veto vote yester-

day. That the leaders acted unconstitutionally is not a matter of my personal opinion, it is a matter that has been ruled upon by the United States Supreme Court. In a 6-3 majority opinion written by Justice Stevens in the 1998 line-item veto case, *Clinton v. The City of New York*, the court concluded, and I quote:

"The Balanced Budget Act of 1997 is a 500-page document that became Public Law 105-33 after three procedural steps were taken. One, a bill containing its exact text was approved by a majority of the Members of the House of Representatives. Two, the Senate approved precisely the same text. Three, that text was signed into law by the President. The Constitution explicitly requires that each of these three steps be taken before a bill may 'become a law.' Article I, section 7. If one paragraph of that text had been omitted at any one of those three stages, Public Law 105-33 would not have been validly enacted."

Mr. Speaker, last night it wasn't until Republicans objected that the Democrat majority took any action to speak on the floor and inform the House of what had occurred by the omission of title III of the bill. The Democrat majority then responded, as they have for the past 16 months, by choosing the path of unilateral, partisan action over working in a bipartisan way. Keep in mind, this farm bill passed by over 300 votes in a bipartisan way.

As I stated at the beginning of my remarks, there are two parts to this rule. The first makes in order amendments to the defense authorization bill. The second provides blanket authority for any bill relating to agricultural programs to be considered under suspension of the House rules.

The inclusion of this blanket authority to suspend House rules and consider bills was not even discussed with Republicans. I say that with the knowledge I have as I speak here today, right now, at 10:39 a.m.

My colleagues on the other side of the aisle will claim that this is simply an effort to fix the farm bill. Mr. Speaker, I voted for the farm bill and I support getting it enacted into law. But this isn't just about a fix or finding the most convenient or face-saving way to act on the farm bill. It's about following the Constitution and holding Democrat leaders accountable for their deliberate actions yesterday, Mr. Speaker.

They knew the bill they put to an override vote yesterday had never passed the House in the version that it was presented to us for the override, but they did it anyway. The House should not gloss over an incident of this magnitude with such serious constitutional violations.

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

Mr. CARDOZA. I would just like to say to my friend and the gentleman from Washington State that his claim

that it was never brought before the House is simply not the facts. I was on the floor. I heard Mr. PETERSON announce to the floor that in fact there had been an error yesterday during the debate for the override. In fact, Mr. PETERSON said that he had been discussing with Mr. GOODLATTE the situation and how to remedy it. In fact, Mr. HOYER acknowledged it on the floor.

There has been no glossing over this. Mr. HOYER readily acknowledged on the floor last night that there was a clerical error about this. Certainly we are concerned about how to remedy this. That is why we are bringing this rule to the floor. We are also concerned that the farm bill expires. We have brought a resolution to the floor that allows for a bipartisan compromise that would fix that situation.

We are trying to solve problems here today. We are trying to do right by our military, we are trying to do right by our farmers, and we are doing it in a manner that would require, with regard to the farmers, at least, a two-thirds vote of this House to resolve the problem.

So, Mr. Speaker, I would submit that we are doing everything possible to remedy this situation, and we are doing it in a bipartisan manner.

With that, I would like to yield 2 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Rules Committee, a leader in the farm bill debate, and a great friend.

Ms. MATSUI. I want to thank the gentleman from California for yielding me time.

Mr. Speaker, I rise today in support of the rule and the Duncan Hunter National Defense Authorization Bill. I want to thank Chairman SKELTON and Ranking Member HUNTER for the way they worked together to craft the balanced bill before us today.

Mr. Speaker, this bill is about the men and women who serve and defend our country. One of these heroes lives in my home town of Sacramento, Sergeant Jeremiah Anderson. Sergeant Anderson is a decorated soldier who served as an armored crewman for more than 4 years. He is an American hero.

But a provision in current law has kept him from receiving the full scope of Army College Fund benefits he earned and deserves. At least 40 other veterans around the country have had the same thing happen to them. The military's educational benefits are a crucial part of the promise we make to our soldiers. We vow to repay their service by providing them with opportunities to further their education. These education benefits help our soldiers reintegrate into their communities when they return from overseas, and in return, our communities benefit from their invaluable contributions, both in the military and here at home.

We must deliver on what we promise, Mr. Speaker. I urge my colleagues to support the defense authorization bill for the good of our military families

and for the safety of our Nation in the future.

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to the gentleman from California, I just want to make this point, and this is a very, very important point. Yesterday, prior to taking up the veto override of the farm bill, the Democrat leaders knew that title III was out of the bill. Therefore, it was not a bill that had passed either House. Therefore, the ultimate rule of this land, the Constitution, was violated.

It was at that point, Mr. Speaker, that there should have been discussions on how to remedy this in a way, but there was no discussions on that, at least with the leaders on our side. Yet we went ahead with the action of overriding a veto, overriding a bill that the House had not passed.

That is what the facts were yesterday, and it was not brought to the full House's attention until the leaders on our side stood up after the vote to ask what the procedures were for clarification. Had we known that ahead of time, we probably could have gone through regular order and got this resolved in such a way that would have been acceptable to all sides.

With that, Mr. Speaker, I am pleased to yield 3 minutes to the namesake of the bill that we are debating later on, the Duncan Hunter Defense Authorization Act of 2009. The gentleman from California served as chairman of the Armed Services Committee. He has been somebody that I have looked up to in my years in Congress. He probably, if not the most knowledgeable person in this House on military affairs, he is certainly one of the most.

I yield 3 minutes to my friend from California (Mr. HUNTER).

□ 1045

Mr. HUNTER. Mr. Speaker, I want to thank my great friend from Washington for his kind remarks, and also thank the Rules Committee and the gentleman from California for his work on this bill too.

We have had a great opening session on the Armed Services bill. Our chairman, Mr. SKELTON, who brought this bill up and brought it through the committee with a unanimous vote, I think is to be greatly commended. But let me register my objection to the Rules Committee's determination that one of the amendments that I had offered was not made in order, and that is the amendment that goes to the so-called tanker deal.

Let me just explain to my colleagues that this tanker deal involves hundreds of thousands of American jobs. The Air Force has determined that the European competitor has won the tanker contest. This buy could ultimately be in excess of some \$30 billion, so there are enormous numbers of American jobs at stake.

As we went through the markup process, the Members on both sides indicated that they didn't want to try to

pass something that would in some way prejudice the GAO protest which is being undertaken right now. But let me tell you as a guy who has looked at the industrial base and the fact that big pieces of our industrial base are moving offshore at a rapid rate, at some point that is going to affect our ability to defend this country.

This is a huge deal. It is a huge transfer of high-paying aerospace jobs, basically a massive economic stimulus package for Europe. Even with the 58 percent of the tanker work that is stated by the European company will be built in the United States, that still is 42 percent of the work that will not be built in the United States, and that is compared to the American company, which does about an 85-15 split.

Now Cap Weinberger talked about this formula that he used, that for every \$1 billion you create of defense spending, you create 30,000 jobs. That means that the number of jobs at stake here, the difference between going with the European competitor or the American competitor, is well over 100,000 American high-paying aerospace jobs.

All my amendment said was this: It said that no matter who won, 85 percent of the work had to be done in the United States. That is important to keep our industrial base intact. For those folks that like the European competitor and the American company that was marrying up with it, that is Northrop Grumman, a great company that would be building the European aircraft, that would have been good for them, because they would then, instead of having 58 percent of the work done in the United States, they would have had, if my amendment had been offered and passed, that would have allowed them to get 85 percent of the work done in the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. HUNTER. That would have meant jobs for the American workers, and it would have meant that we kept a lot of that talent pool, that industrial base capability, in the United States. This would have been a huge win for American workers and it would not have prejudiced the present GAO protest that is underway right now.

So I am disappointed that this amendment was not allowed, and I hope at some point down the line the Democrat leadership will allow us to put this amendment up, which will help American workers, help the industrial base, and help to secure the defense of the United States.

Mr. CARDOZA. Mr. Speaker, with regard to the comments we just heard from our distinguished former chairman of the committee, while a lot of us have sympathy for the amendment that the gentleman put forward, it is my understanding that no defense contractor currently can meet the requirements of that 85 percent. So that is an

issue that is bigger than just simply this bill. It probably needs to be dealt with in the Armed Services Committee so they can decide the proper course of action, and it was not ruled in order for that reason.

Mr. Speaker, I would now like to yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), the chairman of the Agriculture Committee.

Mr. PETERSON of Minnesota. I thank the gentleman.

Mr. Speaker, I rise to correct the record. This bill has had a long and tortuous path, and now, unfortunately, is the victim of an unintended clerical error, and I just need to set the record straight about what happened here.

I notified Mr. GOODLATTE, who I worked on this bill with on a bipartisan basis, as soon as I found him after I found out about this. We also talked to Mr. BLUNT before the vote. So we had discussions on a bipartisan basis.

This error, apparently what happened here is that there was a procedure that used to be in place where people would initial each page after they had done the enrollment on the parchment, but that was eliminated apparently 10 years ago when the Republicans were in charge, for whatever reason. So a mistake was made on both ends of Pennsylvania Avenue. The White House vetoed a bill that was missing this title. We sent a bill down there that was missing this title. So that was the reality of what happened. I notified everybody before the override immediately about what the situation was. So that is what happened.

Now, the way we came to the conclusion to move ahead with this was discussions with the Parliamentarian and others that this in fact was a bill that was vetoed that was passed in the identical form in both the House and the Senate. We had passed all 14 of those titles in the House that were vetoed. They passed them in the Senate in identical form. It was vetoed by the White House.

There is a case from 1892, *Field v. Clark*, that was the exact same similar situation. It is very clear that they do not look beyond the parchment when they look at this veto. So the decision to move ahead was made on a bipartisan basis between Mr. GOODLATTE and me.

Mr. DREIER. Will the gentleman yield on that point?

Mr. PETERSON of Minnesota. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding, Mr. Speaker.

Let me just say my friend has just indicated that there was discussion that took place with the ranking minority member and the Republican Whip before the vote took place. The concern that we have on this issue is the fact that we even moved ahead with consideration when there was protest raised by our leadership staff saying that we have a problem here, it needs to be addressed. I didn't even know that this was taking place until

we were well into debate on the attempt to override the President's veto.

So that is a concern we have raised. We acknowledge that mistakes are made. We know that happens. It has happened under both parties in the past. But to proceed when there has been concern raised by the minority staff is another matter.

I thank my friend for yielding.

Mr. PETERSON of Minnesota. Reclaiming my time, we made a decision at the time that we thought was appropriate, and that is that we had the 14 titles. They were passed in the same way between the House and the Senate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CARDOZA. I yield the gentleman 1 additional minute.

Mr. PETERSON of Minnesota. The idea at the time was that we would ask unanimous consent to move title III after the veto override so we could marry the bill back up. There was objection raised on that regard. So what we are doing now is a process to try to fix this. This is a clerical error. This is not anything that anybody has tried to cover up. I made this clear to everybody at the beginning of the process.

Looking at this the next day, I think we made the right decision, because clearly the Senate is going to override the veto and the 14 titles that are overridden will become the law of the land. This is backed up by *Field v. Clark*.

We have still got the issue to deal with on the trade title. We have a process set up to get that resolved. It is not a partisan issue. We are just trying to get this fixed.

So you can disagree with the decision we made, and if you have a problem with it, I will take the blame. But at the time, we talked to the Parliamentarian, we discussed it among ourselves, and we decided this is the way to proceed.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished ranking member of the Rules Committee (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding. I am happy to continue engaging in a colloquy with the distinguished Chair of the Committee on Agriculture.

What I would say, Mr. Speaker, is that, again, we all acknowledge that mistakes are made. But this is a bill that has enjoyed bipartisan support. I am not going to give all my arguments. I have given them during debate on the bill. I voted against the bill, but I am not standing here trying to block it from becoming public law. We saw there were only 108 of us yesterday that voted to sustain the President's veto, so that much is there.

But the fact is that is not the bill that we voted on in this institution before, and with this concern that has come to the forefront, Mr. Speaker, it seems to me that since our Republican leadership staff indicated to members of the majority that we should not pro-

ceed until we resolve this matter, and as we discussed yesterday in our colloquy with the distinguished majority leader, Mr. HOYER, the notion of all of a sudden taking part of one bill, having it signed or vetoed, and that bill not all being included as one, it has created a tremendous confusion and a potential constitutional quagmire.

Mr. PETERSON of Minnesota. Will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend.

Mr. PETERSON of Minnesota. It is not a constitutional quagmire. I don't know why people bring this up, because it was clear in this 1892 court case what the situation is. The thing is, we initially asked, if I could explain, if it was possible to re-enroll the bill and send it back to the President in the way that it should have been done in the first place. We were told that could not be done.

The problem that we have is not so much a problem in the House, but a problem in the Senate, that there is no way that you could get this bill redone without re-passing the bill.

Mr. DREIER. Reclaiming my time, I simply want to say that the concern that we have was the rush to proceed with that veto override vote last night, when in fact from what I infer from what the distinguished chairman has just said, Mr. Speaker, that obviously the bill should be together. We should in fact move ahead, for all intents and purposes, from scratch on this so that we can follow, as Mr. HASTINGS up in the Rules Committee last night explained when we talk to school groups, how a bill becomes the law.

This is not the way it is done. This is not the way it was envisaged by the Framers of our Constitution. And, as I said last night in the Rules Committee, we have Members looking at article I, section 7 of the U.S. Constitution, which does raise this.

All we are saying is we acknowledge mistakes were made. We don't believe there was any intent here, until we proceeded after, and, again this is a bipartisan bill, after there was concern raised from our minority leadership staff members.

So that is why I believe that the decision was an incorrect one. And the notion of our now including in this Duncan Hunter National Defense Authorization bill in the rule to allow that bill to come up a provision that allows us to proceed with this kind of debate is just plain wrong.

Mr. Speaker, I thank my friend for yielding.

Mr. CARDOZA. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from California has 16½ minutes remaining and the gentleman from Washington has 12½ minutes remaining.

Mr. CARDOZA. Mr. Speaker, I yield 3 minutes to the chairman of the Agriculture Committee, the gentleman from Minnesota (Mr. PETERSON) to respond to Mr. DREIER's remarks.

Mr. PETERSON of Minnesota. Again, one of the reasons that we were moving was because the extension of the current law expires Friday and we were trying to make sure we got the work done so that we could finally get this bill passed into law, after all the time that we have been working on this.

□ 1100

If people think that I made the wrong decision here, I will take responsibility for it. But I talked to minority members. There were some on the other side that agreed with the process that we were setting forward. I apologize.

There is nobody that has spent more time working on this bill. I personally looked over everything that has been in this bill. I guess the one mistake I made was that I didn't personally read the enrolled copy of this bill and actually check each page of it before it was sent to the White House. I guess I should have done that.

A procedure was eliminated that used to be there under the Republicans. I think that procedure is now going to be reinstated after this experience. Really, this is just an error. And now we have to fix this.

So what we are doing with this rule is allowing us to pass the whole bill again, send it over to the Senate. We are also going to pass a bill that just has title III in it, send that to the Senate, so that we give the Senate all of the options that they need so that we can get this expedited and fixed as soon as possible. That is what we are trying to do here.

I apologize if some people's feelings were hurt, but we were doing the best we could.

Mr. DREIER. Would the gentleman yield?

It has nothing to do with feelings being hurt on this issue. My feelings aren't hurt at all over this issue. My concern happens to be the U.S. Constitution. I know that raising the term "the Constitution" is something that my friend might not like. And I congratulate him on his work product on this bill through the process and all. I know he has worked very hard. My feelings aren't hurt. I am just saying that we believe that things need to be done correctly, under the Constitution.

Mr. PETERSON of Minnesota. Reclaiming my time. This was done correctly. The 14 titles that were overridden yesterday were passed in an identical manner between the House and the Senate. They were vetoed by the President in that manner. The bill, once the Senate overrides, will become law. This is clarified in *Field v. Clark* in 1892, a similar situation. This is information that we knew before we proceeded, and we believe we proceeded correctly under the circumstances. Had we had unanimous consent, we wouldn't be here today. We would have had this resolved by now.

I just would hope the gentleman would help us move past all of this and in good faith let us finally get this farm bill accomplished.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Utah (Mr. BISHOP), a member of the Armed Services Committee.

Mr. BISHOP of Utah. I appreciate the opportunity of speaking on this very unique rule, which I assume covers parts of at least two or three bills. I would like to talk about one section of it, which is the Department of Defense portion.

I would also like to first congratulate Chairman SKELTON and the two subcommittee chairmen with whom I work, ABERCROMBIE and ORTIZ, for producing a bipartisan bill. They have given the image that I think could be used on other committees that if the leadership of the committee wants to come up with a bipartisan bill, it is easily possible to do that. They have done that in this particular committee. They have been fair in their leadership, their staffs have been very helpful, they have produced a good bill.

I also want to thank Representative BOREN of Oklahoma, who has taken the issue upon which I wish to address very quickly, and continues to move that forward in an attempt to be a bipartisan way.

Unfortunately, the amendment made in order under his name on this particular issue has very vague language in there and, I am afraid, only codifies the existing problem as opposed to trying to find a solution to it.

The problem exists in that a different committee with very little understanding and no jurisdiction over military affairs has passed legislation which has caused a massive problem for the military of this particular country.

A CEO of one of the major airlines has said that for every penny of unexpected cost in fuel, it costs them \$1 million of unexpected costs for their overall product. The military has the same problem of fuel costs. In 2001, we spent \$2 billion a year for fuel. This year, it may go anywhere between \$12 billion to \$13 billion a year for fuel. And three-fourths of our oil reserves in this Nation are with countries that are at least hostile or potentially hostile to this country.

Realizing that fact, the military has tried to make some provisions for the future. We have enough oil shale and coal in this country to provide for the needs of the military. There is 1 trillion barrels locked in my State. Decades ago, the Department of Defense recognized this and established certain of those sections as part of the Naval Oil Reserve, a reserve that is untapped which we could go in today and use in defense of this country, except for section 526 of the energy bill that was already passed, which cuts the knees out from under the military and its efforts.

One of the things I think they did not realize when they passed this bill was that coal—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 30 additional seconds.

Mr. BISHOP of Utah. Coal and oil shale have greater Btus, which simply means that, for the same amount of fuel, our fighters, our Humvees, our trucks could go farther or we could do what we are doing now with less energy consumption that we need.

The military has attempted to make sure we have a process with alternative fuels to make sure that we have security for the future. 526 stops that. The Rules Committee could have waived the issues of sequential referral and allowed us to discuss that on the floor, but instead they limited and restricted the debate, so that we will not have a full debate on this important issue that is about the security of the military of this country.

Mr. CARDOZA. Mr. Speaker, at this time I yield 2 minutes to the gentleman from New York, a gentleman who worked tirelessly on the farm bill and who has worked tirelessly on behalf of defense matters, my good friend, the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank my friend and colleague from California for yielding time to me.

Mr. Speaker, I rise in strong support today of this rule, the fiscal year 2009 Defense Authorization Act, which this year is appropriately named after the distinguished Republican ranking member, Mr. HUNTER.

I commend Chairman SKELTON and the entire House Armed Services Committee for their ability to work in a strong bipartisan fashion to produce a defense authorization bill that will enhance our Nation's security by providing our troops with superior equipment, and improve the quality of life for our servicemembers and their families by providing a 3.9 percent pay raise for all servicemembers, and require the administration to provide the American people with more transparency and accountability regarding the funding of the war in Iraq and Afghanistan.

When it comes down to it, maintaining a strong national defense and providing for our troops should never be a partisan issue. We can disagree regarding specific provisions and proposals on occasion, but the fact remains that the American people want bipartisan solutions from Republicans and Democrats. That moves our Nation forward, and that is exactly what this rule and the underlying defense authorization will do.

In closing, Mr. Speaker, I would just like to urge my colleagues to resist the temptation to point fingers and be partisan on this issue with the farm bill. We need to work in a bipartisan way, because this is what is important to America's farmers, and very, very important to America. By passing this rule and the defense authorization bill today, we can prove to the American people that bipartisanship still exists inside the walls of Congress.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), a former member of the Rules Committee and now a member of the Armed Services Committee.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding. We just heard from the gentleman from Utah in regard to section 526 of the Energy Independence and Security Act of 2007, the Democratic Energy Act.

Section 526, as the gentleman described, puts handcuffs on our Federal Government, particularly the Department of Defense, in regard to the ability to get other sources of fuel. 380,000 barrels of refined products per year are used by the Department of Defense, mainly by the United States Air Force, Mr. Speaker. And the cost of that fuel from 2003 to 2007 has gone from \$5 billion to \$12 billion a year. It is anticipated that in this current year it will go up another \$9 billion. This amendment that the gentleman was speaking of that I submitted to the Rules Committee last night offered by the gentleman from Texas (Mr. HENSARLING), the gentlelady from Tennessee (Mrs. BLACKBURN), and the gentleman from Hawaii (Mr. ABERCROMBIE), making this a bipartisan amendment, and of course myself, to just simply strike that section 526 so we can allow the Federal Government, in particular the Department of Defense, to utilize things like coal liquefaction or shale products, tar sand, that can convert to energy and let us utilize that fuel and cut down this cost to our Department of Defense.

I mean, we needed an opportunity, clearly, Mr. Speaker, to be able to debate that amendment on this floor. I think that overwhelmingly the majority on a bipartisan basis would support striking that amendment. We are in a crisis, and everybody knows it, in what we are paying for. It is not just individuals, but of course the whole Department of Defense. And this goes to being able to purchase jet fuel.

That is why I am opposed to this rule. That amendment should indeed, Mr. Speaker, have been made in order.

Mr. CARDOZA. Mr. Speaker, at this time I yield 1 minute to the gentleman from Maryland, the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

I rise in strong support of this rule. I suggest further, if we were all adults on this floor, everybody would say this rule, outside of the ambit of what amendments are made in order on the defense bill, is an appropriate rule. It is an appropriate rule to respond to a mistake that was made.

As the gentleman from California observed earlier in debate, mistakes are made. Unlike the previous instance some years ago, which were discussed on this floor of the deficit reduction bill where the minority was not notified, the assertion the minority was not notified was absolutely inaccurate,

and Mr. GOODLATTE would say that. In point of fact what happened was Mr. PETERSON learned of it, talked to Mr. GOODLATTE about it, then discussed it with me, and they decided jointly and bipartisanship to proceed.

Unlike the Deficit Reduction Act, the first thing that Mr. PETERSON said in arguing for the override of the President's veto was, there is a problem here. He wanted all the Members to know what the problem was. There was not a Member on the floor who didn't know what the problem was.

When they voted, a majority of the minority party voted to override the President's veto because they believed the policy proposed in that bill is a good one. The overwhelming majority of Democrats voted for that bill, and 316 out of 435 of us—there weren't 435 of us; there were 11 absentees. So 316 out of about 424 voted for this bill.

This bill, unfortunately, included fourteen-fifteenths of the bill we passed, and really a larger proportion of that because in terms of pages it was probably 95 percent, 98 percent of the bill.

Now, a mistake was made. It was not a venal mistake. It was not a conscious mistake. And the mistake was made, as everybody ought to know, by the Clerk of the Congress and OMB, and they both made the same mistake. And the mistake they made was reading from the printed copy as opposed to the parchment copy. OMB didn't read from the parchment copy, we didn't read from the parchment copy, because the belief was a decision made 10 years ago by the Deputy Clerk not to proofread the parchment because changing the parchment was too expensive, but to read from the printed copy which then, if found in error, could be corrected and reprinted and then programmed for the parchment to be printed from that. And both our side—our side, the Congress—and the OMB made the same mistake. They assumed, as normally is the case, that the parchment reflected exactly what the conference printed report said.

Unfortunately, in this instance it did not. We still don't have a full explanation of how that happened. But obviously, notwithstanding the fact that parchment indicates that title III in the table of contents is included, when you go to page 169, the end of title II, and you turn the page to 170, you go to title IV. Now, one would have thought it would have been a pretty simple proofreading job if you read the parchment. Unfortunately, the print document which was used by OMB and the Congress to proof did in fact include title III.

Okay. So we made a mistake. The administration made a mistake, we made a mistake, the bill was not whole.

This is, my friends, not an unusual situation. In an 1892 case, which was relied upon in the budget case as well, the Court clearly said: Whatever the facts are internally to the House of Representatives, what the President signs is the statute, is the law.

The Supreme Court says clearly, therefore, that what the President sent us back and the veto overridden is in fact what the court has found is the law. Now, unfortunately, it doesn't include title III. We want to pass title III.

This bill took some 15 months, 18 months of deliberation. The farm bill expires tonight or tomorrow, Friday. So we can either do another extension, which is possible, or we can pass what was overwhelmingly passed in the Senate, overwhelmingly passed in the House of Representatives, and, as I said on the floor last night, was passed in exactly the same form without title III as was passed in both Houses. There were no changes. No alterations. That was not the case in the deficit bill that was referred to by Mr. BOEHNER yesterday.

□ 1115

In fact, a very substantial difference was made in the bill without notice to the Democrats, a \$2 billion change, I might add, changing from 36 months to 13 months the implications of the reimbursement of Medicare for implements.

Now, that is all to say that this is not without precedent, number one. There are a number of cases that hold that what we did yesterday was exactly appropriate, and that law is not subject to question. Everything is subject to question, but not valid question or winning question.

So what have we done?

First of all, I discussed it with the Parliamentarian. I had not done so when we had the colloquy with Mr. BOEHNER. I then discussed it with the chairman. The chairman discussed it throughout the next few hours with Mr. GOODLATTE, Mr. CHAMBLISS, Mr. HARKIN and others.

I discussed it with Mr. REID to figure out, a mistake has been made, how do we correct that, in fairness to everybody, on a bill, that, by the way, the Deficit Reduction Act was passed by a two-vote margin in the House, and in the United States Senate was passed because of the Vice President's vote. And we were not informed, so we were somewhat concerned about the \$2 billion mistake that had been made.

In this case, that is not the issue at all, and it's a bill that was, in a bipartisan basis, passed by a majority of the Republicans and overwhelming majority of Democrats.

So what solution did we come up with? Resending the bill that, under the Supreme Court's edict is, in fact, law if it is overridden in the Senate, so that fourteen-fifteenths of what is the Congress's intent will be accomplished.

The rule then says, but in an abundance of caution, we'll also provide for the passage of the entire bill and send it over to the Senate, as has been passed overwhelmingly in both Houses.

In addition to that, we said, the bill does not include title III that is going to be in the veto message that's sent to the Senate.

I know for the public, this is pretty esoteric, and they don't really care. What they care is the substance.

But the point that I'm trying to make is, we are trying to correct a mistake and serve the agricultural community, serve those millions of people who are relying on the nutritional aid, serving those people who are relying on the conservation assistance throughout this country, to have this bill, after 18 months almost of consideration, serious bipartisan working and overwhelming bipartisan votes in both Houses, enacted into law.

But we are also providing separately for the passage of title III. In other words, we're doing title III twice, once as the full bill so we can repass the full bill. If the Senate decides, as I hope it will, to pass that again, then we will not only have passed fourteen-fifteenths, we will have passed fifteen-fifteenths in another bill, and they will be reconciled and they will be consistent with the law and with the will of this body representing the American people.

Now at about 7 p.m. last night, those of you who heard the colloquy, I indicated to Mr. BOEHNER we ought to talk about this. I went by Mr. BOEHNER's office to explain to him what I thought the solution to this problem was and discuss it with him. He was not at his office. I left a message and my phone number at 7 o'clock last night. I have not yet received a response to that visit.

I went to his office to suggest that, pursuant to my representation on the floor, we discuss that. I have not yet received a phone call.

I did talk to Mr. BLUNT last night. I've talked to Mr. BLUNT this morning. I frankly am offended, I will tell you, by the mischaracterization of what we are doing here by the representatives of the minority leader's office.

There are no games being played here. There was a mistake made. And if we were adults and nonpartisan and wanted to deal with this in a responsible way, I suggest we would have agreed on this proposal.

Now, unfortunately, we didn't get to an agreement. I don't allege that anybody on your side has agreed to this. But to suggest that it hasn't been discussed, informed, and I called as soon as I came in this morning, the leadership on your side, to explain exactly this procedure.

Now you can disagree with the farm bill or not disagree with the farm bill. I understand that additional games are going to be played, as it was my perception last week were played. On Thursday, 131 or 132 of you decided, notwithstanding the fact that I am sure you are for funding the troops in Iraq, you voted "present." That was your decision.

It's my understanding now that perhaps you're being urged, some of you who are for this bill, to deny the two-thirds on the suspension of a bill that has gotten essentially three-quarters of

this House and 80 percent of the United States Senate supporting it.

Ladies and gentlemen, at some point in time the American public expects us to act as adults, not simply as partisan protagonists, to conduct business, notwithstanding the fact because we are humans, and those who work for us are humans and are under great stress. They have to work around the clock. They work 15-hour days, sometimes longer days. And we expect them to act without ever making a mistake. That is unreasonable. And when they make mistakes, and when we make mistakes, it is appropriate for us respond in a way that will correct those mistakes and, at the same time, carry out the policies that are overwhelmingly supported by this body.

My friends on both sides of the aisle, I would hope that we could do that. I regret that the minority leader has not called me back. I regret that he has not sat down and, with me, had the opportunity to discuss this. I had a discussion with him before the vote last night. It was a very calm, reasonable discussion, Mr. Lawrence and I, outside the middle door. We knew there was a problem. We knew we had to solve it. I think this does, in fact, solve it from the standpoint of adopting the policy overwhelmingly supported by this Congress of assuring that title III is addressed, and assuring us of the opportunity to make sure that it's not subject even to any lawsuit question by, again, passing the entire bill supported by, as I said, over 75 percent of the Congress of the United States.

I understand there may be questions about which amendment was allowed in order to the defense bill and which wasn't, so on that case, you may vote differently on the rule. But on the addressing of the mistake that was inadvertently made, and I stress again, by the Congress and by the Office of Management and Budget, same mistake apparently was made, that we can correct this as adults treating one another in a way that each of us would want to be treated to act so that we adopt policies that are supported by this Congress.

Mr. HOYER. I would be glad to yield to my friend, Mr. BLUNT, if he wants time.

Mr. BLUNT. Well, I thank my friend for yielding. And certainly we do have a disagreement here on how to move forward. I tend to agree with the idea that the only way to rectify this and not have future court challenges is to send a bill to President that there's no question about. Let's go through that process and get it done.

I would say that the lecture on adult behavior from my very good friend, the majority leader, and he and I both know we are good friends; we're going to be friends when we leave here with this discussion today, is I don't know that that's very helpful.

The standards of the House on trying to help people through mistakes did not just begin yesterday. And I, personally, the Republican leaders generally,

were challenged over and over again on anything that could potentially be a way to challenge our integrity, our goodwill on the issue that you just brought up of the Deficit Reduction Act.

Let me tell you the big difference in that and this. The big difference in that and this is that at least this Republican leader had no idea until we were at the bill signing ceremony that there was a problem because it all happened in the Senate.

I'm just saying what I knew, Mr. HOYER. I had no idea. My guess is that nobody else did either or they wouldn't have scheduled a bill signing ceremony where 100 people were sitting in the East Room waiting for 30 minutes beyond the time it was supposed to start because the White House was deciding how to deal with this particular problem. And they did decide how to deal with it, and they may very well have looked at the case that you looked at, the 1892 case, because the Court eventually looked at that. The Parliamentarian may have given advice at that time on that case. It may have been the same advice you're getting now.

But the big difference in then and now was that the President signed the bill. And I don't really know how the House would have started that process again. It wasn't something that back at the House that we had some options to deal with.

That's why I'm supportive of the option that would give the President the bill we intended to give him. I'm not supportive of sitting here all day and being told that that's not an adult point of view.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. It's your time, and if you'd give me back time, I'd yield to you right now.

Mr. HOYER. I thank you. I hope I didn't imply that. What I said, what I meant to say, if I misspoke, not that the—we, first of all agree and, as I've said, we're going to do what you suggest in an abundance of caution to assure us, ourselves, and I would hope that we would all, or least those who are for the farm bill would vote for it, the entire bill will be put on suspension. In light of the fact we had 75 percent of this House support that bill, that would be more than enough to pass it on suspension. We're going to do that in an abundance of caution.

In addition, we're going to do title III separately so the Senate can have that option as well, so if on the veto override they do fourteen-fifteenths of the bill, they can do the one-fifteenth, that is, title III at the same time so they would contemporaneously move forward.

When I refer to, and if I offended the gentleman, adult behavior, this is not a political problem. It is a procedural problem that we need to cure, and we've been working to cure it. You and I have had discussions about it, very positive discussions about it over the

last 12 hours. And I would hope that we could proceed on that basis.

And I yield back some time.

Mr. BLUNT. Well, I thank my friend for yielding back. You know, it's possible, for instance, on dividing this bill up, that I could have been for the farm bill, which I was, at great criticism from my colleagues and some editorial writers in the country. I was for the farm bill 6 years ago. I live in a district where the farm bill matters.

It's very possible that I'm not all that excited about the soft wood lumber provision in title III. I would just suggest to my friend, I might vote against title III and be doing that because I have real opportunities to do that since we divided this up, which was part of my case yesterday as to why a partial bill sent to the President doesn't mean that the entire House was in favor of the bill in its division rather than its totality. I hate to start down that line where that happens.

I would also say that I read from the Clerk of the House today that somehow this is a problem because of a Republican procedure, change in procedure 10 years ago. 10 years ago. And again, instead of the majority saying it's a mistake, which I'm willing to accept, the majority has to say, well, it's really something foisted upon us by the Republicans a decade ago.

Amazingly, we dealt with those same procedures for a decade, and on our side of the building, I'm not aware of any problems created by that. Certainly the problem we've talked about was a Senate side of the building problem, and I think we all know that. But, again, you know, looking back 10 years.

Now, if you want to change the procedures, apparently Republicans changed them 10 years ago, lived with those for 10 years or more. If you want to change the procedures to have a greater protection of the process, I think that's fine.

But to have to reach back 10 years and say this was a mistake created by the Republicans, there's only so long that we can take blame for everything on anything that happens on the House floor.

This is a procedural problem. I'm not sure it's the first one. We haven't really sent that many bills to the White House that were either substantive or controversial, in my view, in this Congress. But I'm not opposed to that.

But, you know, again, looking back 10 years and saying this is really a problem the Republicans created a decade ago does not move us toward acting like adults on the floor of the House.

I hope we can solve this problem. I hope I can be part of that solution. Frankly, I don't think dividing up the bill is part of that solution, and I think it subjects the whole process to court cases. And you might win again on the 1892 case.

But the difference in this and the last case, the most recent case, is that the

House has the bill back under its control, as opposed to a bill signed by the President, exactly like the 1892 case was, where the President signed the bill and then the courts say, well, the President signed a bill that the House and Senate purported was the finally passed bill, and so it's the law.

Well, the President didn't sign this bill, and so we have a great opportunity to do something to ensure that we don't spend all kinds of time and effort in court proving that a 1892 standard would still be the case in 2008 or 2009.

I thank the gentleman for yielding. I'm sure we're going to have a vigorous debate today.

Mr. HOYER. Reclaiming my time. I thank the gentleman for his comments.

I simply rise to say that this rule accomplishes exactly, in my opinion, what the minority whip wants to accomplish. It provides for the full passage of this bill under suspension, which the gentleman was for when it passed before, which I was for, and I will vote for. And that suspension accomplishes exactly that objective, so that any defect caused by the mistake will be cured.

Secondly, it's not blame. I, frankly, think the decision that was made 10 years ago was a rational decision. The decision was not to use the parchment copy as a copy to mark on to correct. There was no criticism there. It was simply that's when the decision was made. I think it, frankly, was a good decision.

The problem was, neither OMB nor ourselves used the parchment copy. We used the printed copy. The printed copy did, in fact, have title III in there. And obviously both the President and ourselves thought that the bill that was signed was the full bill. It ended up not being so, so we're going to correct that. I think we're correcting it properly.

I would urge all Members to vote for the rule, vote for the full bill, the farm bill which, as I said, got over 75 percent of the House and over 80 percent the Senate. Vote for title III so that, frankly, that can be passed more quickly by the Senate under its rules, and the leader has already indicated he will move forward on that.

If you have a disagreement, you won't vote for that. I understand that. And I think we will, therefore, cure the issue at hand.

I congratulate the Rules Committee for adopting this rule. I urge my colleagues to vote for the rule, and if we do so, we will adopt a farm bill that I think will be good for the country. I think we will enact a farm bill which will be unimpeachable in either aspect, and I think we will have done what the American people expect us to do.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. It's kind of a mouthful to hear this is a bipartisan bill when 42 amendments go to Democrats and 14 go

to Republicans. That's one Republican amendment for every three Democratic amendments. But it's a bipartisan bill?

It's kind of amazing for me to hear Democrats who talk about the war and talk about the need for Iraqis to start to cover their own expenses, and then they don't allow an amendment that says, when we train their security, we pay. The Iraqis don't have to pay the bill. In this legislation if we use our \$1 billion that's in the section provided the Iraqis don't have to pay us back. Our amendment would treat it as a loan.

This amendment is not being allowed on the floor today. Why not? Why not have a debate about whether the Iraqis should have to pay for their own expenditures, for their own security, when they have amassed over \$40 billion in a separate fund that they're not spending, and they have over \$15 billion in their checking account which continues to grow each and every day.

Why wasn't our amendment allowed? There's a simple reason. It would have passed.

What a fraud to say you want Iraqis to pay, and you won't even allow an amendment to be offered on the floor of the House that would require them to pay.

Mr. Speaker, there is no reason not to have this debate. There is no reason not to educate ourselves about the dollars that the Iraqis have that they're not spending. This is not a bipartisan debate. This is a partisan debate.

□ 1130

Anything to deal with Iraq, if you have Republicans who wanted to be part of the solution, you say, No way. It's just going to be our way or the highway.

I oppose this rule. It is a fraud to say it's bipartisan.

Mr. CARDOZA. Mr. Speaker, I just want to commend the gentleman from Maryland for giving us an incredibly articulate, accurate, and statesman-like presentation.

I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. For the purpose of a unanimous consent, I yield to the gentleman from Georgia (Mr. BROWN).

(Mr. BROWN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Georgia. Mr. Speaker, Scripture states in Ephesians 5:6-7, "Let no one deceive you with empty words, for because of these things the wrath of God comes upon the sons of disobedience. Therefore, do not be partakers with them."

I want to talk about the truth. The fight against earmarks is a fight against abusing the legislative process to fund non-constitutional, Member pet projects—that usually lack any federal purpose—with the American taxpayer's money. Not all earmarks are bad, but the process has become so corrupted that it has led to blatant abuse—bridges to nowhere, tea-pot museums, tropical rainforests, wine centers in California, and other highly question-

able items. In the past few years, literally thousands of earmarks have frequently been added in the dead of night, without any oversight, without hearings, without transparency, and without accountability.

I signed a pledge this year not to seek earmarks until this process has been cleaned up, for which I have been attacked on all sides. Nevertheless, I will not partake in a corrupt process. It must be reformed, and I for one am willing to lead that fight. It is a fight that will determine if our children have a better standard of living than we do, or a worse standard of living.

This bill has made the process more difficult to weed out the pork, instead of easier to eliminate real abuse of taxpayers' dollars. It makes it difficult to regulate because it expands the definition of an earmark to include prudent, relevant changes within the normal committee structure. I believe that the Chairman is well intentioned, but we all know where the road of good intentions leads to . . . to ruin and destruction. The Chairman's definition of an earmark is overly broad and misleading. The Armed Services Committee is the appropriate committee to oversee and modify military programs and to make adjustments when needed. Mr. FRANKS for example, offered an amendment in committee to restore \$6 million to the Joint Tactical Ground System Pre-Planned Product Improvement effort and offered an offset from a program that could not use it yet. The Commanding General of U.S. Army Space Missile Defense Command/Army Forces Strategic Command sent a letter calling attention to the risks caused by underfunding this upgrade. The Armed Services Committee is the appropriate place to address this issue. The Committee exercised proper oversight, and the amendment was offered during the committee mark-up. Are we now calling this an earmark? Can Members of the Armed Services Committee no longer exercise oversight? Where else would we legislate, if it is not on the authorization bill?

We've cut our military into muscle and bone, and yet we're asking more now of them than ever. Threats to America are real and rapidly growing. Countries like China, North Korea, Iran, and others could potentially challenge us, and yet we're underfunding programs like missile defense, we're not replacing our aging aircraft as quickly as we should, and when Members of the Armed Services Committee offer amendments to strengthen our national security, to strengthen our defense, now . . . for the first time, we are treating amendments offered in the normal committee mark-up process as if they are pork projects for Members. Are badly needed aircraft and ships—that have gone through the committee process—now to be treated in the same manner as pork projects tucked into bills during the middle of the night? We're diluting the entire meaning of the word earmark . . . and we're making this broken earmarking process even worse.

I would like to be able to offer an amendment today, that would give the President the authority to take some of these earmarks . . . some that are not needed as badly as are life-protecting and lifesaving equipment needed immediately to save lives of our troops in Iraq . . . I would like to let the President use the unnecessary earmarks for that purpose, but I can't offer my amendment. I cannot offer my amendment now for fear that it would potentially strip vital equipment—F-22s, C-17s,

LPDs, and other legitimate, reviewed, debated items out of the bill that are now deemed earmarks. I urge my colleagues to reconsider; this is not the path to transparency and accountability.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. CARDOZA. Mr. Speaker, I continue to reserve.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, you know, we just heard the gentleman, the majority leader, say the public expects us to act as adults, not as partisan protagonists. That, I certainly hope, is the case. And let me draw attention not to the farm bill portion of the rule but to the defense authorization portion of this rule.

As Members of this body know, over the last couple of years I have brought more than 100 amendments to the floor to strike particular earmarks. Not once, not once on one bill did I target just Democrat earmarks or Republican earmarks. Earmarking is a bipartisan problem. We have a former Member of this body in jail today because we didn't do proper vetting and oversight on earmarks that came through the committee process or just through the appropriations process and then sailed through the floor. That same thing is happening today.

There are more than 500 earmarks in this bill. I'm told that Members of the minority party weren't even given the list during the markup. So there was never any opportunity to challenge those earmarks or to even find out what they are. Now we get the list, and when I submit amendments to be offered to strike the particular earmarks, I'm given one. I offered four: two Democrat earmarks, two Republican earmarks. And the only earmark amendment made in order was one challenging one Republican earmark.

Now, we just heard that the public expects us to act as adults, not as partisan protagonists. I spoke to the majority leader this morning. I asked him to please rectify this problem. I asked him to please just make in order one of the Democratic earmarks. He said he would work at it.

I know this isn't the proper forum. We can't ask for unanimous consent. This is for debate only. But if we really want to act as adults and not partisan protagonists, then we can't treat this earmark debate as a Republican problem or a Democrat problem. It's our problem.

And I would urge a "no" vote on the rule unless it's corrected.

Mr. CARDOZA. Mr. Speaker, in reference to the gentleman from Arizona, I would certainly like to say he's certainly been bipartisan in his offering of striking of earmarks. He's offered them in the past on both sides, and I will acknowledge that the gentleman has

talked to the majority leader and it will be under discussion.

I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona, a member of the Armed Services Committee, Mr. FRANKS.

Mr. FRANKS of Arizona. I thank the gentleman. Thank you, Mr. Chairman.

Mr. Speaker, as we have told ourselves time and time again, the first purpose of this body is to help this government defend its citizens against external national security threats. I believe that the most dangerous threat to peace on the planet today is the danger of Iran gaining nuclear capabilities. Yet the majority of this Congress has prevented us from even voting on a military contingency plan to prevent Iran from gaining this deadly capability.

Mr. Speaker, the reality is that Iran is moving inexorably toward the capability to have nuclear weapons. If they gain those weapons, we will see proliferation across the world, and I am convinced that terrorists will gain this deadly technology. If one such weapon is detonated in the United States of America, it will change our concept of freedom forever.

Mr. Speaker, there should be an opportunity for this body to vote to make it clear that if Iran continues to pursue that, that the military option is on the table. There are only two reasons, in my judgment, ultimately that Iran will not pursue this capability: that is a military intervention, or the conviction on the part of Iranian leaders that that will indeed take place if they do not desist from this effort to gain nuclear capability.

Mr. Speaker, the highway of history is littered with the consequences of strategic ambiguity. And this is a danger here today. We tell Iran that it is our policy that they will not gain nuclear capability, and yet we do nothing to make it clear to them that the military option is on the table if they proceed.

The best chance for us to prevent Iran from gaining a nuclear capability and at once to prevent war with Iran is to make sure that they know that we will not avoid the military option if it becomes necessary. It is the best hope of doing both of those things, Mr. Speaker. We must proceed to do everything in every way, diplomatically and otherwise, to prevent this, but we must not take the military option off the table.

Mr. CARDOZA. Mr. Speaker, I would like to inquire from the gentleman from Washington if he has any remaining speakers.

Mr. HASTINGS of Washington. I have numerous people that would like to speak, but I haven't got the time for that. If the gentleman would entertain an extension of time on both sides, I would be more than happy to allow my Members to speak. But I'm constrained for time.

So if the gentleman would allow me unanimous consent for some more, I would do that. But I will leave it up to the gentleman.

I am the last speaker under the regular time.

Mr. CARDOZA. Mr. Speaker, I cannot entertain a motion on unanimous consent to extend. We've been debating this for longer than the allotted period of time already.

I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I woke up today and heard on the news that oil is \$137 a barrel on the worldwide market, and I think it's time for the House to debate ideas. I know there are a number of ideas in this House on lowering the cost of gasoline specifically.

So I'm going to ask my colleagues to vote to defeat the previous question so that this House can finally consider solutions to rising energy costs. When the previous question is defeated, I will move to add a section to the rule, not rewrite the entire rule. But that section would say it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. With that, Mr. Speaker, I urge my colleagues to defeat the previous question so we can now really have a dialogue on the rising price of energy in this country. I believe it's strongly the responsibility of the elected leaders of the people to take this issue up, and we will have this opportunity by defeating the previous question.

I yield back my time.

Mr. CARDOZA. Mr. Speaker, I will let the numbers speak for themselves.

The bipartisan defense bill passed through the committee by a vote of 61-0. Fifty-eight amendments were made in order in the spirit of maintaining that bipartisan vote. The bipartisanship that was exhibited on the farm bill and the farm bill vote was 318 ayes, and 81 in the Senate voted "aye."

However you look at it, the facts remain that these overwhelmingly bipartisan measures deserve and demand our strongest support. I encourage the House to vote in the affirmative.

I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1218 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 9. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes 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 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule

[a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 1218, if ordered; and suspending the rules and adopting House Resolution 986.

The vote was taken by electronic device, and there were—yeas 228, nays 192, not voting 14, as follows:

[Roll No. 350]

YEAS—228

Abercrombie	Costello	Hill
Ackerman	Courtney	Hinchey
Allen	Cramer	Hirono
Altmire	Crowley	Hodes
Arcuri	Cuellar	Holden
Baca	Cummings	Holt
Baird	Davis (AL)	Honda
Baldwin	Davis (CA)	Hooley
Barrow	Davis (IL)	Hoyer
Bean	Davis, Lincoln	Insee
Becerra	DeFazio	Israel
Berkley	DeGette	Jackson (IL)
Berman	Delahunt	Jackson-Lee
Berry	DeLauro	(TX)
Bilirakis	Dicks	Jefferson
Bishop (GA)	Dingell	Johnson (GA)
Bishop (NY)	Doggett	Johnson, E. B.
Blumenauer	Donnelly	Jones (OH)
Boren	Doyle	Kagen
Boswell	Edwards	Kanjorski
Boucher	Ellison	Kaptur
Boyd (FL)	Ellsworth	Kildee
Boyd (KS)	Emanuel	Kilpatrick
Brady (PA)	Engel	Klein (FL)
Braley (IA)	Eshoo	Kucinich
Brown, Corrine	Etheridge	Lampson
Butterfield	Farr	Langevin
Capps	Fattah	Larsen (WA)
Capuano	Filner	Larson (CT)
Cardoza	Foster	Lee
Carnahan	Frank (MA)	Levin
Carney	Giffords	Lewis (GA)
Carson	Gonzalez	Lipinski
Cazayoux	Gordon	Loeback
Chandler	Green, Al	Lofgren, Zoe
Childers	Green, Gene	Lowey
Clarke	Grijalva	Lynch
Clay	Gutierrez	Mahoney (FL)
Cleaver	Hall (NY)	Maloney (NY)
Clyburn	Hare	Markey
Cohen	Harman	Marshall
Conyers	Hastings (FL)	Matheson
Cooper	Hereth Sandlin	Matsui
Costa	Higgins	McCarthy (NY)

McCollum (MN)	Price (NC)	Space
McDermott	Rahall	Speier
McGovern	Rangel	Spratt
McIntyre	Renzi	Stark
McNerney	Reyes	Stupak
McNulty	Richardson	Sutton
Meek (FL)	Rodriguez	Tanner
Meeks (NY)	Ross	Tauscher
Melancon	Rothman	Taylor
Michaud	Roybal-Allard	Thompson (CA)
Miller (NC)	Ruppersberger	Thompson (MS)
Miller, George	Ryan (OH)	Tierney
Mollohan	Salazar	Towns
Moore (KS)	Sánchez, Linda	Tsongas
Moore (WI)	T.	Udall (CO)
Moran (VA)	Sanchez, Loretta	Udall (NM)
Murphy (CT)	Sarbanes	Van Hollen
Murphy, Patrick	Schakowsky	Velázquez
Murtha	Schiff	Visclosky
Nadler	Schwartz	Walz (MN)
Napolitano	Scott (GA)	Wasserman
Neal (MA)	Scott (VA)	Schultz
Oberstar	Serrano	Waters
Obey	Sestak	Watson
Olver	Shea-Porter	Watt
Ortiz	Sherman	Waxman
Pallone	Shuler	Weiner
Pascarell	Sires	Welch (VT)
Pastor	Skelton	Wilson (OH)
Payne	Slaughter	Woolsey
Perlmutter	Smith (WA)	Wu
Peterson (MN)	Snyder	Wynn
Pomeroy	Solis	Yarmuth

NAYS—192

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

Whitfield (KY) Wilson (SC) Wolf  
Wilson (NM) Wittman (VA) Young (FL)

## NOT VOTING—14

Andrews Gillibrand Rush  
Carter Hinojosa Walden (OR)  
Castor Kennedy Wexler  
Crenshaw Kind Young (AK)  
Fossella Paul

## □ 1209

Messrs. McKEON and TURNER changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. CARTER. Mr. Speaker, on rollcall No. 350, On Ordering the Previous Question, Providing for consideration of H.R. 5658, the Department of Defense Authorization, 2009, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 223, nays 197, not voting 14, as follows:

[Roll No. 351]

## YEAS—223

Abercrombie Davis (AL) Israel  
Ackerman Davis (CA) Jackson (IL)  
Allen Davis (IL) Jackson-Lee  
Altmire Davis, Lincoln (TX)  
Arcuri DeFazio Jefferson  
Baca DeGette Johnson (GA)  
Baird Delahunt Johnson, E. B.  
Baldwin DeLauro Jones (OH)  
Barrow Dicks Kagen  
Bean Dingell Kanjorski  
Becerra Doggett Kaptur  
Berkley Donnelly Kildee  
Berman Doyle Kilpatrick  
Berry Edwards Kind  
Bishop (GA) Ellison Klein (FL)  
Bishop (NY) Ellsworth Langevin  
Boren Emanuel Larsen (WA)  
Boswell Engel Larson (CT)  
Boucher Eshoo Lee  
Boyd (FL) Etheridge Levin  
Boyd (KS) Farr Lewis (GA)  
Brady (PA) Fattah Lipinski  
Braley (IA) Filner Loebsack  
Brown, Corrine Foster Lofgren, Zoe  
Butterfield Frank (MA) Lowey  
Capps Giffords Lynch  
Capuano Gonzalez Mahoney (FL)  
Cardoza Gordon Maloney (NY)  
Carnahan Green, Al Markey  
Carney Green, Gene Marshall  
Carson Grijalva Matheson  
Cazaayoux Gutierrez Matsui  
Chandler Hall (NY) McCarthy (NY)  
Childers Hare McCollum (MN)  
Clarke Harman McDermott  
Clay Hastings (FL) McGovern  
Cleaver Herseht Sandlin McIntyre  
Clyburn Higgins McNeerney  
Cohen Hill McNulty  
Conyers Hinchey Meek (FL)  
Cooper Hirono Meeks (NY)  
Costa Hodes Melancon  
Costello Holden Michaud  
Courtney Holt Miller (NC)  
Cramer Honda Miller, George  
Crowley Hoolley Mollohan  
Cuellar Hoyer Moore (KS)  
Cummings Inslee Moore (WI)

Moran (VA) Ryan (OH) Tauscher  
Murphy (CT) Salazar Taylor  
Murphy, Patrick Sánchez, Linda Thompson (CA)  
Murtha T. Thompson (MS)  
Nadler Sanchez, Loretta Tierney  
Napolitano Sarbanes Towns  
Neal (MA) Schakowsky Tsongas  
Oberstar Schiff Udall (CO)  
Obey Schwartz Udall (NM)  
Oliver Scott (GA) Van Hollen  
Ortiz Scott (VA) Velázquez  
Pallone Serrano Visclosky  
Pascarell Sestak Walz (MN)  
Pastor Shea-Porter Wasserman  
Payne Sherman Schultz  
Perlmutter Shuler Waters  
Peterson (MN) Sires Watson  
Pomeroy Skelton Watt  
Price (NC) Slaughter Waxman  
Rahall Smith (WA) Weiner  
Rangel Snyder Welch (VT)  
Reyes Solis Wilson (OH)  
Richardson Space Woolsey  
Rodriguez Speier Wu  
Ross Spratt Wynn  
Rothman Stupak Yarmuth  
Roybal-Allard Sutton  
Ruppersberger Tanner

## NAYS—197

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

## NOT VOTING—14

Andrews Fossella Rush  
Blumenauer Gillibrand Walden (OR)  
Carter Hinojosa Wexler  
Castor Kennedy Young (AK)  
Crenshaw Paul

## □ 1218

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

A motion to reconsider was laid on the table.

Stated against:

Mr. CARTER. Mr. Speaker, on rollcall No. 351, On Agreeing to the Resolution H. Res. 1218, Providing for consideration of H.R. 5658, the Department of Defense Authorization, 2009, I as unavoidably absent due to a family medical emergency. Had I been present, I would have voted “nay.”

## PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 350 and 351, had I been present, I would have voted “yea” on No. 350 and “yea” on No. 351.

## RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. SERRANO). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

## H. RES. 1221

Whereas the Democratic Leadership has engaged in a continuing pattern of withholding accurate information vital for Members of the House of Representatives to have before voting on legislation;

Whereas the conference report on H.R. 2419, which was adopted by the House on May 14, 2008, and the Senate on May 15, 2008, contained title III, relating to trade, which contained sections 3001 through 3301;

Whereas the Speaker and the Clerk certified that the enrolled copy of H.R. 2419 transmitted to the President was a true and accurate reflection of the actions taken by the House and Senate;

Whereas the enrolled copy certified by the Speaker and the Clerk and presented to the President failed to include title III and sections 3001 through 3301 and was not an accurate or complete document;

Whereas the President vetoed and returned to the House said certified copy;

Whereas before laying the President's message before the House, the Speaker and the Democratic Leadership were informed by the Office of the Law Revision Counsel and the Committee on Agriculture that said certified copy was erroneous and not an accurate or complete document;

Whereas on May 21, 2008, the Democratic Leadership deliberately chose to ignore that notification and instead allowed the House to vote on an incorrect version of this legislation;

Whereas a veto override requires ⅔ of the House to vote in the affirmative, and knowledge of this mistake may have influenced each Member's decision and therefore changed the outcome of this vote, which is why the Democratic Leadership chose not to pursue a correction of this legislation;

Whereas the effect of these actions raises serious constitutional questions and jeopardizes the legal status of this legislation;