

Mr. LAHOOD, thank you for your comments. Thank you for the moment of remembrance in prayer. I think that's so important.

Again, I want to thank you, Mr. Speaker. I want to thank the lady from Kansas. We have brought this to the floor and we are saying 25 years later to the families, "We didn't forget you. We, the House of Representatives, will never forget you." And may we never forget those who have given their lives for their country and those who are fighting for this country in Afghanistan and Iraq.

□ 1130

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

Mrs. BOYDA of Kansas. I would just say God bless these families, and God bless the United States of America.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Kansas (Mrs. BOYDA) that the House suspend the rules and agree to the resolution, H. Res. 1421, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JONES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### PROVIDING FOR CONSIDERATION OF H.R. 2638, CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1488 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 1488

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, not-

withstanding the operation of the previous question, the Chair may postpone further consideration of such motion to such time as may be designated by the Speaker.

SEC. 3. The chairman of the Committee on Appropriations shall insert in the daily issue of the Congressional Record dated September 24, 2008, such material as he may deem explanatory of the motion.

##### POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 1488 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver on all points of order against consideration of the motion to concur, which includes a waiver of section 425 of the Congressional Budget Act, which also causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona (Mr. FLAKE) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, the reason I'm standing today is to question this bill in terms of the unfunded mandate point of order. I can tell you honestly, I have no idea if this bill contains unfunded mandates, and I would suggest that most people here are in that position because we only got this bill last night. We haven't been able to read its contents. We know very little of it except that we know very little of it.

This is a massive bill. Let me just take one part of it, and this part has concerned me about a lot of the legislation that's come forward before this body in recent years. We were told earlier this year that we were going to have a transparent process in terms of earmarks. And, frankly, some good language was passed—earlier this Congress, I should say—to provide transparency and to ensure that when earmarks are passed, they receive a thorough vetting, at least that we know who introduced them and have a chance to actually challenge those earmarks on the floor of the House. We have not had that opportunity here.

This legislation is coming to us with more than 1,200 earmarks that were attached to it in the subcommittee. Now, these earmarks were known only to my office because we managed to get a copy from the Appropriations Committee—that we could not get officially, we had to get unofficially. I would venture that very few other

Members have even seen the list of earmarks. Keep in mind that this bill, this Defense Appropriations bill that is included in this CR, has not even been marked up by the full committee. So the full committee has not even seen these earmarks. There are more than 1,200 in the House version; I think there are more than 800 in the Senate version. So, more than 2,000 earmarks that have been added that very few outside of the committee—and outside of the subcommittee that actually dealt with it—have even seen.

Now, the chairman of the Appropriations Committee was asked about this secretive process earlier today, and Bloomberg said, and I quote, "He was asked if the process has been secretive, and he said, 'It has; because if it's done in the public, it will never get done.'" The chairman of the Appropriations Committee said he wanted to avoid his colleagues pontificating on the content of the legislation, saying that's what politicians do when this stuff is done in full view of the press. He said, "We've done this the old fashioned way by brokering agreements in order to get things done, and I make no apology for it."

Now, think of that statement. We've passed rules in this House saying that we would have a thorough vetting, yet we're bringing more than 1,200 House earmarks to the floor that have not even been vetted by the committee. We're supposed to have that list long before and to be able to vet them, we haven't done that. And we don't even have a chance here. I don't have the opportunity to stand and question any of these earmarks, and neither do any of my colleagues.

Let me just read a few of them that are in here. The Presidio Heritage Center, one of the Speaker's Office's earmarks, \$1.7 million. What is it? We really have no idea. We only got the disclosure letter last night or this morning, and that doesn't tell you all that much. Why is the Presidio Heritage Center in the Defense bill? Yet we won't be able to challenge that here; we won't be able to have a vote on that because it was slipped in, not even vetted by the committee, and certainly not vetted by the full House.

There is a \$3 million earmark for a Cold Weather Layering System. What is that? Is that a coat? We don't know. All I know is this is likely an earmark that's going to a private firm. This is a sole-source contract that everybody has been, rightly, up in arms about when the Federal Government gives out single-source contracts. Here we are doing it without even vetting it in the committee; we're not even vetting it on the House floor. It's passed and done, and we don't even know who it's for or what it's about. Yet, we're doing it. Why? What is the rush to do something like this?

I understand that this all may seem a little trivial in a week that we may approve \$700 billion, but I think it speaks to why people across the country are

fed up with us as a Congress for not even vetting these kind of things and for letting 1,200 earmarks come into a bill that we haven't even seen and won't be able to vote on.

We have an up-or-down vote. This is not even a conference report. There aren't even motions to recommit. This is up or down, take it or leave it, 1,200 earmarks that you have never seen. How does that square with the promises that were made earlier this Congress?

Now, I make no bones about it; I don't think our party on the Republican side did well with earmarks. We let far too much go. And some of us stood up and tried to stop it. The majority party came into Congress, won the elections in 2006, took over the majority on promises that they would do something. And I have to say that this is proof, once again, that it hasn't been done. How in the world can anyone stand up today and say we have kept our promise in terms of transparency?

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

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

Mr. Speaker, technically, this point of order is about whether or not to consider this rule, and ultimately the underlying bill. And in reality, it's about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on keeping the government running, providing hurricane and other disaster assistance and other critical items. So I think that that is just wrong. And I hope that my colleagues will vote "yes" so we can consider this important legislation on its merits and not kill it on a procedural motion.

We need to move forward with this legislation. We need to keep this government running. Those who oppose this bill can vote against final passage, but we need to move forward. So I would urge my colleagues to not allow a purely procedural tactic to kill this bill.

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

Mr. FLAKE. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 4½ minutes remaining.

Mr. FLAKE. Mr. Speaker, I recognize that I'm here on an unfunded mandates point of order. It's the only chance I've got. They don't allow anybody to stand up and challenge any earmarks. That's not allowed under the rule. So this is the only chance anybody has to stand up and say anything about this bill, and it's a crying shame.

And I don't blame the gentleman from the Rules Committee for not wanting to address the point at hand here; I don't blame him at all. I wouldn't want to either. I wouldn't want to say that I'm a member of a Rules Committee that would violate the very rules that we ourselves adopted earlier this year so blatantly to simply say we're just not going to discuss

it, we're going to bring 1,200 earmarks to the floor and not discuss them at all.

Let me suggest why it happens this way. I mentioned this was done behind closed doors without rank-and-file Members knowing anything about these earmarks at all. There is good reason for that. If you look at these earmarks, a total of 1,200 worth about \$5 billion, 60 percent of the earmarks in this bill go to members of the Appropriations Committee. I'm sorry. The Appropriations Committee are getting 37 percent of all earmarks. When you add to the appropriators those in leadership, those who are committee Chairs, those who are ranking members, so the leadership and the powerful here, 60 percent of the earmarks in this bill are going to that group, which makes up, I think, just under 25 percent of this body.

Now, if anybody's wondering why this is done behind closed doors and in secret and not with rank-and-file Members able to even see this, that's one of the reasons. Because not only are earmarks bad and it's a misallocation of resources, it can lead to things that we have seen in this House, but it's a spoil system, it's a spoil system. When leadership and those who are on the right committees get these earmarks, it shows what a sham the argument is that we have to do this because we as Members of Congress know our districts better than those bureaucrats and we have to earmark those dollars. Well, does somebody who happens to be a chairman or a ranking minority member happen to know his district a lot better than anybody else? Because that's what we're seeing here, we're seeing a spoil system.

And it's simply not right. It is not right that we are approving here, with one fell swoop, 1,200 earmarks from the House—800 from the Senate, but that's their business, our business is here—over 1,200 earmarks that nobody in this body has really seen, unless you happen to serve on the subcommittee of Appropriations because the full Committee on Appropriations never vetted these earmarks either. That is simply not right.

I don't know when we stand up and say we've had enough, because people all over the country certainly have. I don't know why we haven't realized it. I'm sure it's reflected in the 9 percent approval ratings that we have. But in a week where we're approving \$700 billion—or likely to approve \$700 billion—to bail out other institutions, this might seem trivial to some to be approving \$5 billion in earmarks.

But I think why people across the country are upset is they say, you know you have control of this. You made promises years ago that you would clean up this process and you aren't, because nobody with a straight face can say that we have cleaned up this process when you bring to the floor, under this bill, more than 1,200 earmarks that have received no vetting

whatsoever and will receive no vetting whatsoever because we can't even challenge those on the floor today.

I have no time remaining. Let me just say, let's hold back. Let's slow this legislation down—whichever we can, whether it's procedurally or otherwise—because we cannot continue to do business this way.

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

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 9 minutes remaining.

Mr. MCGOVERN. I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

□ 1145

Mr. OBEY. Mr. Speaker, let me simply respond to one thing the gentleman said. He said that no one has done any reforming of the earmarking process since the Democratic Party took control of this House.

I would point out that the facts indicate quite the contrary. The first year that we were in the majority, we eliminated all earmarks for a year until we could get a handle on the process that had been driven wildly out of control by the previous majority from the other side of the aisle. The second year, we indicated that we would try to cut the amount of money spent on earmarks by 50 percent. The Senate dissented from that. And in the end we were only able to cut it by 40 percent. I would say that is a significant change.

We also, in the process, provided the public's right to know by guaranteeing that every Member who sought an earmark would have to sign a letter, publicly displayed, which spelled out who asked for the earmark and which spelled out and made quite clear that the Member would have no personal financial interest in the earmark. We also provided that these earmarks would be posted on the committee Web site. As a result, the public will know who has asked for what and they will know who got what. I call that reform even if the gentleman doesn't want to admit it.

Mr. MCGOVERN. Mr. Speaker, I just want to associate myself with the remarks of the chairman of the Appropriations Committee.

I should point out that all of the earmarks are made public. They are on the Rules Committee Web site. They are available in the Appropriations Committee. I should also point out that we have instituted reforms so that what happened when the Republicans were in control, for example, when they air-dropped a provision to provide blanket immunity to drug companies and inserted it into a defense bill after everything had been closed cannot happen.

I will also say that I think Members of this Congress should have the right to advocate for their districts and make decisions as to how money

should be allocated. It is our responsibility as the legislative branch to have a role in where that money goes versus bureaucrats who work with the White House.

I will also say that there are a lot of Republicans who have applied for and received earmarks. They have gone through this process where they had to fill out forms and vet it through the committee. I know a lot of Republicans, including some of my Republican colleagues on the Rules Committee, have earmarks on this bill because it's public. And I actually trust them to be advocates for their district.

So, I would point out to my colleagues that things are very different from how they were when the Republicans were in control of this House. There is more sunshine. There is more accountability. I would urge my colleagues to vote "yes" on the motion to consider.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WEINER). All time having been yielded back, the question is, Will the House now consider the resolution?

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 242, nays 168, not voting 23, as follows:

[Roll No. 628]

YEAS—242

Abercrombie	Cooper	Gutierrez
Ackerman	Costa	Hall (NY)
Aderholt	Costello	Hare
Allen	Courtney	Harman
Altmire	Cramer	Hastings (FL)
Andrews	Crowley	Herseth Sandlin
Arcuri	Cuellar	Higgins
Baca	Cummings	Hill
Baldwin	Davis (AL)	Hinojosa
Barrow	Davis (CA)	Hirono
Bean	Davis (IL)	Hobson
Becerra	Davis, Lincoln	Hodes
Berkley	Davis, Tom	Holden
Berman	DeGette	Holt
Berry	Delahunt	Honda
Bishop (GA)	DeLauro	Hooley
Bishop (NY)	Dicks	Hoyer
Blumenauer	Dingell	Inslee
Boren	Doggett	Israel
Boswell	Donnelly	Jackson (IL)
Boucher	Doyle	Jackson-Lee
Boyd (KS)	Edwards (MD)	(TX)
Brady (PA)	Edwards (TX)	Jefferson
Braley (IA)	Ellsworth	Johnson, E. B.
Butterfield	Emanuel	Jones (NC)
Capps	Eshoo	Kagen
Capuano	Etheridge	Kanjorski
Cardoza	Everett	Kennedy
Carnahan	Fattah	Kildee
Carney	Filner	Kilpatrick
Carson	Foster	Kind
Castor	Frank (MA)	Klein (FL)
Cazayoux	Garrett (NJ)	Kucinich
Chandler	Giffords	LaHood
Childers	Gilchrest	Lampson
Clarke	Gillibrand	Langevin
Clay	Gonzalez	Larsen (WA)
Cleaver	Gordon	Lee
Clyburn	Green, Al	Levin
Cohen	Green, Gene	Lewis (CA)
Conyers	Grijalva	Lewis (GA)

Lipinski	Payne	Smith (WA)
Loeb sack	Pearce	Snyder
Lofgren, Zoe	Perlmutter	Solis
Lowey	Peterson (MN)	Space
Lynch	Pomeroy	Speier
Mahoney (FL)	Price (NC)	Stark
Maloney (NY)	Pryce (OH)	Stupak
Markey	Rahall	Sutton
Matheson	Rangel	Tanner
Matsui	Regula	Tauscher
McCarthy (NY)	Reyes	Taylor
McCollum (MN)	Richardson	Thompson (CA)
McDermott	Rodriguez	Thompson (MS)
McGovern	Rogers (AL)	Tierney
McIntyre	Ros-Lehtinen	Towns
McNerney	Ross	Tsongas
McNulty	Rothman	Turner
Meek (FL)	Roybal-Allard	Udall (NM)
Meeks (NY)	Ruppersberger	Van Hollen
Melancon	Rush	Velázquez
Michaud	Ryan (OH)	Visclosky
Miller (NC)	Salazar	Walsh (NY)
Miller, George	Sánchez, Linda T.	Walz (MN)
Mitchell	Sanchez, Loretta	Wasserman
Mollohan	Sarbanes	Schultz
Moore (KS)	Saxton	Waters
Moore (WI)	Schakowsky	Watson
Moran (VA)	Schiff	Watt
Murphy (CT)	Schwartz	Waxman
Murphy, Patrick	Scott (GA)	Weiner
Murtha	Scott (VA)	Welch (VT)
Nadler	Serrano	Wexler
Napolitano	Sestak	Wilson (NM)
Neal (MA)	Shea-Porter	Wilson (OH)
Oberstar	Sherman	Wolf
Obey	Shuler	Woolsey
Oliver	Simpson	Wu
Ortiz	Sires	Yarmuth
Pallone	Skelton	Young (AK)
Pascarell	Slaughter	Young (FL)
Pastor		

NAYS—168

Akin	Forbes	McKeon
Alexander	Fortenberry	Mica
Bachmann	Fox	Miller (FL)
Bachus	Franks (AZ)	Miller (MI)
Barrett (SC)	Frelinghuysen	Miller, Gary
Bartlett (MD)	Gallegly	Moran (KS)
Barton (TX)	Gerlach	Murphy, Tim
Biggart	Gingrey	Myrick
Bilbray	Gohmert	Neugebauer
Bilirakis	Goode	Nunes
Blackburn	Goodlatte	Pence
Blunt	Granger	Petersen (PA)
Boehner	Graves	Petri
Bonner	Hall (TX)	Pickering
Bono Mack	Hastings (WA)	Pitts
Boozman	Hayes	Platts
Boustany	Heller	Poe
Brady (TX)	Hensarling	Porter
Brown (GA)	Herger	Price (GA)
Brown (SC)	Hoekstra	Putnam
Brown-Waite,	Hulshof	Radanovich
Ginny	Hunter	Ramstad
Buchanan	Inglis (SC)	Rehberg
Burgess	Issa	Reichert
Burton (IN)	Johnson (IL)	Renzi
Buyer	Johnson, Sam	Rogers (KY)
Calvert	Jordan	Rogers (MI)
Camp (MI)	Keller	Rohrabacher
Campbell (CA)	King (IA)	Roskam
Cannon	King (NY)	Royce
Cantor	Kingston	Ryan (WI)
Capito	Kirk	Sali
Carter	Kline (MN)	Scalise
Castle	Knollenberg	Schmidt
Chabot	Kuhl (NY)	Sensenbrenner
Coble	Lamborn	Sessions
Cole (OK)	Latham	Shadegg
Conaway	LaTourette	Shays
Crenshaw	Latta	Shimkus
Culberson	Lewis (KY)	Shuster
Davis, David	Linder	Smith (NE)
Deal (GA)	LoBiondo	Smith (NJ)
Dent	Lucas	Smith (TX)
Diaz-Balart, L.	Lungren, Daniel E.	Souder
Diaz-Balart, M.		Stearns
Doolittle	Mack	Sullivan
Drake	Manzullo	Tancred
Dreier	Marchant	Terry
Duncan	Marshall	Thornberry
Ehlers	McCarthy (CA)	Tiahrt
Emerson	McCauley (TX)	Tiberi
Fallin	McCotter	Upton
Feeney	McCrery	Walberg
Ferguson	McHenry	Walden (OR)
Flake	McHugh	

Wamp	Weller	Wilson (SC)
Weldon (FL)	Westmoreland	Wittman (VA)

NOT VOTING—23

Baird	Engel	McMorris
Bishop (UT)	English (PA)	Rodgers
Boyd (FL)	Farr	Musgrave
Brown, Corrine	Fossella	Paul
Cubin	Hinchey	Reynolds
Davis (KY)	Johnson (GA)	Spratt
DeFazio	Kaptur	Udall (CO)
Ellison	Larson (CT)	Whitfield (KY)

□ 1213

Messrs. HALL of Texas, DOOLITTLE, Ms. GINNY BROWN-WAITE of Florida, and Mr. POE changed their vote from "yea" to "nay."

Mr. COSTELLO changed his vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ELLISON. Mr. Speaker, on September 24, 2008, I inadvertently missed Rollcall No. 628. If I were present, I would have voted "yea."

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

Mr. MCGOVERN. 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. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1488.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, H. Res. 1488 provides for consideration of the Senate amendment to H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

The rule makes in order a motion by the chairman of the Committee on Appropriations to concur in the Senate amendment with a House amendment. The rule provides 1 hour of debate on the motion, equally divided and controlled by the Committee on Appropriations.

The House amendment inserts language for continuing appropriations for fiscal year 2009, making emergency supplemental appropriations and covering three regular fiscal year 2009 appropriations bills, each in a separate division.

Division A provides continuing appropriations for all agencies and activities that would be covered by the regular fiscal year 2009 appropriations bills until enactment of the applicable regular appropriations bill or until March 6, 2009, whichever occurs first. Emergency FY09 appropriations for LIHEAP and advanced technology vehicle manufacturing loans are also included.

Division B provides \$22.9 billion in emergency supplemental appropriations for relief and recovery from hurricanes, floods, and other natural disasters.

Division C provides \$487.7 billion in FY09 funding for the Department of Defense.

Division D provides \$40 billion in FY09 funding for the Department of Homeland Security.

Division E provides \$72.9 billion in FY09 funding for Military Construction and Veterans Affairs.

Mr. Speaker, let me begin with the good news, a fact that my friends on the other side of the aisle cannot refute. This is the last time that we will have to deal with Bush's budget priorities. After 8 years of President Bush's fiscal mismanagement, we will soon vote on the final Bush appropriations bill.

Eight years ago, George Bush became the 43rd President of the United States. Are the American people better off after 8 years of George Bush? The answer is a clear and resounding no. His administration and the then Republican-controlled Congress inherited a \$5.6 trillion budget surplus from President Clinton, and they turned that into about a \$3.2 trillion deficit and have left us with a national debt that stands at \$9.8 trillion. That is the biggest debt we have had in the history of the United States of America.

Because of George Bush, we are stuck in a quagmire in Iraq. Because of George Bush, more people are living in poverty and more people are going hungry than they were 8 years ago. And because of this President and his administration, we have the worst financial crisis since the Great Depression. Just 40 days from the election and 117 days until the next president is inaugurated, President Bush is asking for a \$700 billion blank check to fix the mess on Wall Street that he and his allies helped create.

Thankfully, this continuing resolution will keep the government up and running until March 6 of 2009 and hopefully, at that time, we will have a President with a very different set of priorities.

The process getting here hasn't been perfect. I am disappointed that we weren't able to consider all of the appropriations bills here in the House under regular order. But my Republican colleagues share much of the blame for this inaction. Every time the Republicans had an opportunity to act like statesmen and do the business of the American people, they decided to do the opposite, to play partisan games in attempts to score political points. Instead of acting like honest brokers, they decided to demagog these bills until there was no ability for the House to act on them.

We should all remember last year when the Republicans tried to filibuster the Agriculture appropriations bill by offering silly amendment after silly amendment, cutting a program by

\$50,000, then \$75,000 and then \$100,000. And we should all remember earlier this year when the Republicans attempted to kill the Labor-HHS appropriations bill by replacing it in committee with the Interior bill. So when my friends on the other side of the aisle complain about the lack of regular order, I would suggest they take a good, long look in the mirror.

And this bill isn't perfect. Because of the intransigence by the White House, there are a lot of programs that I care deeply about that are underfunded. But this is the best product we could hope for under these circumstances. Thanks to the hard work and dedication of the chairman of the House Appropriations Committee, DAVID OBEY, and his incredible staff, there are some bright spots in this bill.

First and foremost are the increases in LIHEAP and WIC. This bill fully funds LIHEAP, something the Republicans never did, and increases funding for the WIC program by \$1 billion over 2008. At a time when energy and food prices are skyrocketing, we cannot and will not ignore the plight of Americans who are struggling to heat their homes or put food on the table. I am also pleased the bill includes \$23.5 million more for the Commodity Supplemental Food Program. This increase will prevent 70,000 low-income women, infants, children and seniors from losing access to food.

I am also pleased that there is a \$2.5 billion increase in Pell Grants. Unfortunately, this will not restore Pell Grants to the original purchasing power, but it is a good start that will prevent potential cuts in student aid that could come during the school year.

Another critical component of this continuing resolution is the disaster aid package. Earlier this year, Iowa and the Midwest were hit with disastrous floods. Wildfires have caused major damage in the West. And this hurricane season has already been deadly and costly with Hurricanes Gustav and Ike causing major damage in the gulf coast States. This continuing resolution includes almost \$23 billion to address these natural disasters. Funding will be directed to FEMA, the Community Development Block Grants Program, the Army Corps of Engineers, and several other important disaster recovery efforts that will help these ravaged areas across our Nation. I am also pleased that there is \$100 million to help Haiti recover from Ike and other hurricanes, and another \$100 million for international food aid to provide emergency food assistance.

In addition, the fiscal year 2009 Defense, Military Construction and Veterans Affairs, and Homeland Security appropriations bills are all included in this continuing resolution. There is no higher priority than providing funding for our military and for the men and women who defend our Nation.

Finally, let me comment on what is not in this bill. Unfortunately, and at

the insistence of the White House, there is no economic stimulus package, no new money for food stamps, unemployment insurance or Medicaid. There is no new money for transportation projects to help jumpstart our ailing economy, and there is no ban on off-shore drilling.

Mr. Speaker, I simply cannot understand how this President and his Republican partners in the House and Senate can ask for a \$700 billion blank check for Wall Street, but oppose \$50 billion to help people afford to put food on the table or to make ends meet while they look for a job in this ailing economy or prevent States from cutting health care benefits to people on Medicaid.

Republicans like to say that people have to pull themselves up by their own bootstraps. Well, it's hard to do that if you can't afford any boots. During these tough economic times, it is critical that we help all Americans, not just the fat cats on Wall Street. Yet as Katrina and this economic crisis here have shown, the Republican Party has no interest in helping the people who need it most.

Again, Mr. Speaker, the good news is that this is the last time that we will have to deal with this President and his budgetary priorities. Help, I believe, is on the way. With a new administration and more Democrats in Congress, we will be able to finally act on these priorities of the American people.

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

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

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

Mr. HASTINGS of Washington. Wow. I couldn't help but listening to my friend from Massachusetts state at least his interpretation of history, but the fact is, just when the American people think that Congress can't sink any lower, the liberal leaders of the House and Senate prove that they are up to this challenge and they are finding another way to do it.

I have only 30 minutes to speak today, and that's simply not enough time to detail each of the many broken promises that the Democrat majority made to the American people in the election of 2006, and they have promptly done exactly the opposite. For brevity's sake, let me just list some of the more egregious:

Democrat leaders promised the most open House in history. That means allowing Members the open opportunity to offer amendments on the House floor to change and improve legislation. Instead of a record of openness, the Democrats have delivered the most closed down, sit-down-shut-up record in the history of this country. That's not

an exaggeration, it's a fact. Sixty-three times the Members of this House have been totally blocked from offering even one amendment on the House floor. They have not just set the record for closing down the House, they have shattered it and left it in the dust. They promised one thing to get elected in 2006, and then promptly have done another thing.

In addition to shutting down the House and taking away the ability of Members to offer amendments and alternatives on bills, they perfected a procedure that should be known as the Pelosi ping-pong. It's a trick, it's a gimmick, a game that allows the House and Senate to just ping-pong a bill back and forth between the two Chambers while writing in secret the text of the final legislation that will eventually become law.

They play the Pelosi ping-pong to bypass and sneak around the normal process of holding conference committees where the House and the Senate work in public to bridge differences and publicly write final texts of new laws. By playing Pelosi ping-pong, Democrats keep Members of the House, Members of the Senate and the American people in the dark while they work in a back-room way cutting deals, stuffing in unvetted earmarks, and hiding the process from public scrutiny.

Despite their loud complaints and protests about conference committees not being properly followed when they were in the minority just 2 years ago, Speaker PELOSI and Senator HARRY REID have abandoned them almost completely in this Congress for this far more abusive and secret game they are now playing.

Speaker PELOSI promised that if the Rules Committee met in the dead of the night, after 10 p.m., that the House would not act on that bill the following day. Yet here we are, early this afternoon, considering a rule and a bill that the Rules Committee didn't even begin meeting on until after 11 p.m. last night. It's another broken promise to the American people.

Speaker PELOSI and the liberal leaders of this House promised that a bill would be available for 24 hours before the House would vote on it. This would allow Members to read it and know what they are voting on. The text of this massive bill was not made available to the Rules Committee until 11 p.m. last night. It's over 1,100 pages long, yet the 24-hour waiting period promised by Speaker PELOSI has been abandoned. This massive bill is being rushed through the House.

The rules of the House were also unilaterally rewritten by Speaker PELOSI and the Democrats to block a vote on a fair trade agreement with Colombia, which is America's strongest ally in South America. The rules don't say there has to be a yes vote on the agreement, only that it hold a fair yes-or-no vote in a timely manner.

Yet instead of respecting our best ally and holding a vote on the agree-

ment, Democrats chose to, instead, change the rules. So this fair trade agreement is essentially being held hostage and is locked away someplace, probably in the basement of the Capitol.

The fact is, Colombia already has open access to sell most of their goods into America. It's American farmers and businesses that face tariffs and hurdles to be able to sell their crops and goods into Colombia. This trade agreement is about fairness for American farmers and American workers.

The people that Democrats are hurting by blocking a vote on this fair trade agreement are Americans. Colombia has one-way access to our country, which Democrats have overwhelmingly voted on to give them. By passing this agreement, we would be making it a two-way street and give Americans fair access to Colombia. That should be what fair trade is all about.

Also, Speaker PELOSI and the Democrat leaders promised that earmarks would be scrutinized and be subject to debate and challenge on the House floor. Yet this 1,000-plus page bill contains an untold number of earmarks that have never seen the light of day. They have not been through a public review of any kind, no committee hearing, no debate on the House floor, no Senate and House conference committee review.

And today the House is going to spend a grand total of 1 hour reviewing this bill.

□ 1230

Mr. Speaker, that is not a broken promise, it really is irresponsible.

Now, the reason why this liberal Congress finds itself in this mess is because the fiscal year ends on September 30, and they have yet to pass a single one of the 12 appropriation bills needed to fund the Federal Government starting October 1. This Congress has totally failed in its most basic job.

They shut down the work of the Appropriations Committee. In fact, in the middle of a working markup, they literally gaveled the committee to close, got up and left the room and just quit working. I should qualify that, they quit working in public because Democrats have been working feverishly behind closed doors to write this massive spending bill.

But why did Democrats punt on their basic responsibility and retreat to work in secret and walk out of a markup? It is because Speaker PELOSI and the Democrats are doing everything they possibly can to prevent us from lowering gas prices by producing more American-made energy with offshore drilling.

Democrats are so opposed to drilling offshore that they shut down the work of the Appropriations Committee. But the good news, Mr. Speaker, on this issue they have failed. Republicans have succeeded in forcing the ban on offshore drilling to be lifted despite the massive battle that Democrats waged

for months to try and block it. With passage of this bill, the moratorium on offshore drilling will be lifted.

Yet, of course, this is just the first step. Democrats have shown the incredible lengths they will go to to block drilling. While they have been beaten this time, Americans, Mr. Speaker, should not be fooled. Democrats have chosen to play possum because election day is approaching and they want to hide from voters who support drilling offshore. There is much more to do, both now and after election day, to ensure that offshore drilling becomes a reality. But the reality is, Mr. Speaker, that Democrats and their allies will continue to use lawsuits and other tactics to block America from becoming more energy independent.

So, Mr. Speaker, this Democrat Congress has broken promise after promise to the American people. It has failed to do the most basic job to pass 12 funding bills by October 1. It is now jamming through a bill that was only made public at 11 p.m. last night, a little over 13½ hours ago. It is a bill that is over 1,000 pages long. It is a bill written in secret, spends hundreds of billions of dollars and includes untold numbers of earmarks that haven't been publicly vetted. The House will debate this monster piece of legislation for just one hour.

Mr. Speaker, for these many reasons, I urge my colleagues to oppose this rule and the underlying bill.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I always love to listen to the gentleman from Washington State, my colleague on the Rules Committee. But I have to say that I don't think there is a single American who hasn't concluded that they have had enough of the Republicans and their misplaced priorities. We are in a financial mess right now because of their fiscal policies, and we need to try to figure out a way to dig ourselves out.

But I found it interesting, I think I got the quote right, he talked about stuffing in "unvetted earmarks." Well, a quick look at the earmarks, which are published, by the way, are on the Website of the Rules Committee, I see the gentleman has some earmarks in here. I don't know whether or not the portable launch and recovery system and unmanned aerial vehicle operation was unvetted and stuffed in in some secret room.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding.

This particular earmark you're talking about and the others that I have sponsored have been vetted. In fact, they were in last year's appropriations bill. I have no problem with earmarks being vetted.

Mr. MCGOVERN. Reclaiming my time, I would say to the gentleman that all of the earmarks in here went

through the same process that he went through. So it is just a little bit frustrating to hear some of my friends on the other side of the aisle complain about earmarks when they have earmarks in this bill.

Mr. Speaker, I would also remind people that in this bill is \$22.9 billion for disaster relief to deal with the disasters in Iowa and Florida.

I will point out to my friends in this Chamber that my Republican friends on the Rules Committee all voted last night to block this bill from coming to the floor and block this disaster relief from getting to where it needs to go.

At this time I yield 3 minutes to the gentleman from Iowa (Mr. BRALEY).

(Mr. BRALEY of Iowa asked and was given permission to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, I would like to thank my friend from Massachusetts for yielding.

Mr. Speaker, I rise today to commend the passage of \$22.3 billion in domestic disaster relief. This is critical funding which will help my State of Iowa make a full recovery from the unprecedented natural disasters that hit our State this summer.

I have been working hard to secure this funding for months now, ever since my district was ravaged by record floods and tornadoes which destroyed farms and businesses and displaced thousands of Iowans.

I am especially pleased that this disaster relief package includes \$6.5 billion in community development block grant funding which will provide devastated communities with the flexible grants they need to provide temporary housing, repair and replace damaged homes and public infrastructure, and fund critical economic development activities.

I am also pleased that the package includes \$7.9 billion for FEMA disaster relief funds which will help ensure that FEMA can continue its work helping communities recover from recent disasters, and provide the resources necessary to respond to future disasters.

In addition to the damage to homes, schools, hospitals, businesses and cropland, Iowa also experienced serious infrastructure damages, including damage to numerous railroad bridges like the one here in downtown Waterloo that is pictured to my right.

I fought very hard to repair and replace this damaged rail infrastructure, so I am glad that my efforts have paid off in this bill with funding that includes \$20 million to fund the repair and replacement of damaged bridges, tracks and other rail infrastructure in Iowa.

I pushed hard for funding for months, ever since the House put its initial deposit down of \$2.65 billion in June. I am glad that the second disaster relief package is becoming a reality.

I also encourage the Bush administration to ensure that this disaster relief gets to Iowans and other affected individuals around the country as soon

as possible. Only yesterday, after these tragedies occurred in May and June, did the initial installment of \$85 million of community development block grant funding get released from the \$300 million we approved in June. Three months is too long to wait when Iowans are struggling to recover as we speak. There are hundreds of millions of dollars remaining from our initial \$2.65 billion package, and the House is on the verge of passing billions more. The administration needs to get this money to the people who need it.

The recovery process in Iowa has been very challenging. The infrastructure demands are great. Cities like Aplington-Parkersburg lost their high school, Waverly-Shell Rock lost elementary schools. Wastewater treatment facilities throughout my district and necessary improvements to infrastructure are not being met.

This funding will provide critical assistance to people in need all over this country. I pledge to fight and continue these efforts to rebuild Iowa and other areas of the country until we finally achieve the victory of recovery.

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to the distinguished ranking member of the Rules Committee, I yield myself 30 seconds.

Mr. Speaker, I am talking about unvetted earmarks in this bill, and I would be happy to yield to my friend from Massachusetts if he would tell me that he has, and stake his reputation, and he is a very valuable member of this committee, that there are no unvetted earmarks in this massive bill.

I will yield to the gentleman if he will give me a "yes" or "no" answer.

Mr. MCGOVERN. I thank the gentleman.

I can simply say to the gentleman, all of my earmarks are vetted. I hope yours are. I mean, there is a process here. The deal is that—

Mr. HASTINGS of Washington. Reclaiming my time. Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Washington controls the time.

Mr. HASTINGS of Washington. Mr. Speaker, I asked the gentleman about unvetted earmarks, and his response was only his. I was talking about earmarks that everybody else would make, and the gentleman couldn't answer me.

With that, Mr. Speaker, I yield to the gentleman from California (Mr. DREIER), the ranking member of the Rules Committee.

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

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

I have to say that it is very sad that we are here at this point, having gone through the past several Congresses with the then-minority maligning us for not having completed our work. In the last Congress, I am happy we were able to actually pass out of the House

11 appropriations bills. In this Congress, one appropriations bill, this session of Congress has passed out of the House. It is unfortunate having been maligned so viciously for such a long period of time that here we are using a structure which is one that was used only once in the 109th Congress, and it is a structure that denies any Member an opportunity to provide even the slightest opportunity for an amendment. No motion to recommit, no substitute, no amendment at all.

This is actually concurring in a Senate amendment with an amendment which is a procedure that has now been used 15 times in this Congress to completely subvert the rights of the minority to do anything, to have, as I say, one bite at the apple. It saddens me that we are doing that again.

And I think back to the promises that were made 2 years ago right now when we were in the midst of the 2006 campaign. We were promised that if we in fact allowed NANCY PELOSI to become Speaker of the House of Representatives, it would be a whole new day and the kind of horrible action that we had seen in the past would be history.

What we were told, Mr. Speaker, is we would not see closed rules. This happens to be the 63rd closed rule that we have had in this Congress, the largest number of closed rules, again preventing any Member from having any opportunity to offer any amendment at all. Not one single amendment allowed, and this is the 63rd closed rule. Mr. Speaker, never before in the 230-year history of the Republic have we had the number of closed rules that we have had in the 110th Congress.

And then you look at the promises for things like not meeting after 10 p.m. in the Rules Committee. Last night we met right up until midnight. You look at all of these promises that were made, and it is sad that the only statement that I regularly hear from my good friends on the other side of the aisle is how horrible we were.

I was privileged to serve as chairman of the Rules Committee, and we continue to hear, well, you did this and how horrible it was when you were chairman of the Rules Committee.

Mr. Speaker, they never once talk about the promises that were made to be different. I never, never thought that they would be as bad as they have been when it comes to this process of deliberation. Frankly, where we are right now with this rule for consideration of this measure is exactly that, denying any opportunity whatsoever. And again, it is the 15th time in this Congress where we have concurred in a Senate amendment with an amendment which again shuts out—and, by the way, we never, we never contemplated doing this, Mr. Speaker, in the consideration of an appropriations bill. Appropriations bills, as we all know, are regularly considered under by and large a completely open process.



Having said that, I will say, and we had our exchange with the distinguished chairman of the Appropriations Committee last night, there are some things in this bill that I am very, very happy about. My distinguished colleague from North Carolina, VIRGINIA FOXX, along with our colleagues MIKE PENCE, TOM PRICE and others, and I was privileged to be here on one occasion, they were here virtually every single day during the month of August. Why? Well, to refresh the memories of our colleagues, Mr. Speaker, and yours as well, at the very end of the month of July just as Congress was getting ready to leave for the month of August, we were arguing that we should in fact have a debate and a vote on considering a wide range of proposals that the American people had said that we should at least have a vote on that would allow us to see the price of gasoline come down, that would allow us to see the cost of the price of natural gas come down, and allow us to vigorously pursue important alternative energy sources—wind, solar, biodiesel, green crude, nuclear. We said in late July that we should have a debate and we should not leave the Congress, we should not leave Washington until we completed that.

And so on the last day, by a one-vote margin, the minority was denied an opportunity to be able to even speak, to even address this issue. So we all know what happened right after. Even when the gavel came down and by a one-vote margin the majority chose to cut off special orders that would have simply been an opportunity to talk about the need for looking at alternative energy sources and allowing for exploration on the Outer Continental Shelf and ANWR and other areas, what happened, well, Members on our side of the aisle took to the well, when the lights were dim and there were only tourists who were here in the Chamber. Mr. Speaker, that went on during the entire month of August. During the entire month of August.

And the American people were able to come in, fill this Chamber, even though the lights were out and the microphones weren't working, and Members on our side, led by VIRGINIA FOXX and the others whom I have mentioned, they talked about the need for us to have an all-of-the-above solution to the problem of high gasoline prices and overall high energy prices.

We are still dealing with that serious problem. I see my fellow Angeleno, JANE HARMAN, here. In Southern California, we pay very high prices for gasoline and people drive great distances. I know that her constituents, just as mine are, are very, very concerned about high gasoline prices. They still want to see the cost of gasoline go down and do what we can to get gasoline costs down and deal with transportation and a wide range of other issues.

□ 1245

I was really struck when, over that August break, Santa Barbara's County

Board of Supervisors—Santa Barbara, California, and to refresh your memory, Mr. Speaker, 39 years ago, one of the most horrendous oil spills took place off the coast of Santa Barbara. Seals, birds, it killed, all kinds of devastation, because of this horrible oil spill that took place 39 years ago.

And yet, Mr. Speaker, what has happened is the members of the Santa Barbara County Board of Supervisors have recognized that the technology that exists in 2008 is dramatically advanced from that that existed 39 years ago when we saw that horrible oil spill. They know that today we have safety valves and lots of other advances that have been made that will work to ensure that we would not see that kind of accident.

And so what has happened, even in Santa Barbara County, California, the County Board of Supervisors voted to allow exploration in the Outer Continental Shelf. They said that they don't have the power to do it, but they voted in favor of doing that.

And so, Mr. Speaker, I've got to say that one of the good things in this measure is that we are going to, with its passage, see the expiration of that moratorium that was put into place following the Santa Barbara oil spill in 1969. It's existed for a long period of time, but the American people recognize that we can, in an environmentally sound way, in a safe way, engage in this kind of responsible exploration.

I also want to say that as we look at this overall energy issue, there are many other things that need to be addressed that are not being addressed. Yes, we are taking some of these things in a piecemeal way. Why? Because both Democrats and Republicans alike have heard from their constituents about the need to deal with high energy costs and so some of these things are being addressed.

But we have been arguing, Mr. BOEHNER and others, that we need to have this all-of-the-above solution. And so I want to say again to my colleague, VIRGINIA FOXX, and to the others who virtually every single day during the month of August, came here, stood in a dark Chamber without the benefit of a microphone talking to a place filled with tourists who were here and getting a very, very positive response, thank them for continuing to keep this issue in behalf of the American people on the forefront, in the forefront in this debate.

I will say that again there are other items in this measure that are important. But one thing that I find particularly troubling is the date at which time this continuing resolution will expire. I happen to believe that, as we look at the economic challenges that we are facing, and we all know that we've had meetings with the Secretary of the Treasury and the Chairman of the Federal Reserve and a wide range of other people who are involved in trying to responsibly deal with a rescue

package that we are going to have to face, I have grave concerns about what I've seen, but it is an issue which we need to address. Creating American jobs and getting the economy growing is the single most important thing that we can do to deal with the fiscal crisis that we face right now. Economic growth is the key. And that's why I'm troubled with this March 6, 2009, expiration date, Mr. Speaker.

Why? Because by virtue of our taking this action, we, I believe, will, for all intents and purposes, not have a chance to vote on a very, very important agreement, a trade agreement that is designed to pry open new markets, to create jobs right here in the United States of America. And I'm talking, first and foremost, about the very important Colombia Free Trade Agreement.

Now, Mr. Speaker, we all know that the State of Ohio is a State that has suffered from the economic slowdown. There are great products that are made in Ohio, in Illinois and other States that have been suffering. Caterpillar tractors, Whirlpool washing machines and refrigerators and all. Those things could be sold in great numbers to the 40 million consumers in Colombia, tariff-free, if we were to actually pass the Colombia Free Trade Agreement. Unfortunately, extending this continuing resolution to March of next year, I believe, will play a big role in diminishing the prospect for a so-called lame duck session that would allow us to do that.

This is a slap, not only at Colombia, our strongest ally on the South American continent, but at all of Latin America, and, Mr. Speaker, it is a slap at any country in the world that might be contemplating embarking on negotiations with the United States of America in its attempt to deal with this.

Ms. KAPTUR. Will the gentleman yield?

Mr. DREIER. I would be happy to yield to my friend from Ohio.

Ms. KAPTUR. I thank the gentleman for yielding. Since you mentioned the State of Ohio, I thought I should just state for the record that the vast numbers of people in our State do not favor the extension of NAFTA to Colombia. Indeed, the entire Catholic and Christian communities as well or other organized against this agreement because of the horrendous treatment of Afro-Colombians on the northwestern side of Colombia, as well as the massive killing of labor leaders, the largest number in the world, more than all other countries, combined. So we place human life first, and I just wanted to thank the gentleman, but I don't think you should use the State of Ohio in your argument about Colombia trade. I thank you for yielding to me.

Mr. DREIER. Mr. Speaker, I thank my friend for her very thoughtful contribution, and let me just respond to a couple of points.

First and foremost, I place human life first, at the top. And so I think it's

absolutely essential, I would say to my friend from Ohio, that she know that that is priority number 1. Human rights are priority number 1. And the fact is, we have seen Colombia, as a nation, in a 5-year period of time, go through a more positive transformation than any nation in modern history. And the fact that the Colombian Government, under President Uribe, has stood up and fought very, very vigorously in behalf of bringing to justice those who have been responsible for any killings. The demobilization, taking people who have been part of the FARC and the paramilitaries and bringing them into society, Democrats and Republicans alike have seen that time and time again as I have in two recent trips that I have taken to Colombia.

I want to say, Mr. Speaker, the reason I mentioned the State of Ohio is that I want to do everything that I possibly can to create more good jobs for the constituents of Ms. KAPTUR and other Ohioans throughout the State. Whirlpool is a very important Ohio company, and this agreement will allow workers for Whirlpool to create products that can be sold into Colombia.

And so all I'm arguing, Mr. Speaker, is that by virtue of having this date, it is a slap at the American worker and it is undermining our chance to get this economy growing again by prying open these new markets so that we can export our goods and services into the country.

Mr. Speaker, again, there are good things in this measure, but I am strongly opposed to this rule, the structure around which we are considering it.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, let me just rise to associate myself with the remarks of my colleague from Ohio (Ms. KAPTUR) on the Colombia Free Trade Agreement. Colombia continues to be the most dangerous place in the world to be a member of a union. It is number 2 in the number of internally displaced people, the largest number of internally displaced people, second in the world. And extrajudicial killings by security forces are on the rise.

So if we're going to have a trade agreement, and human rights matters, then I don't think it's too much to ask the Colombian security forces to stop killing and targeting its workers.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to my friend for 30 seconds.

Mr. DREIER. I thank my friend, and say that all we're asking for is a vote on this issue. I understand that the gentleman has a different view on this question, Mr. Speaker. It's very clear that he does.

I happen to believe that humans rights are very, very important, and we should recognize that enhancing the economies of both the United States and Colombia will help in that effort.

All we're saying is that we've been denied a vote, something that has never happened since the 1974 Trade Act was put into place under this structure, and by virtue of having this March 6, 2009, date, we're denying even a chance for a vote because I suspect we won't have a lame duck session.

Mr. MCGOVERN. I would also disagree that a Colombia Free Trade agreement is going to help create more jobs in Ohio or Massachusetts or anywhere else for that matter.

Mr. Speaker, I also, going back to what the gentleman from Washington State had talked about earlier, he mentioned stuffing in unvetted earmarks. I've been going through the bill here, and I found that the ranking Republican member of the Rules Committee has a number of earmarks, too. You may want to check with him whether or not he vetted them and whether they went through the proper process. I assume they did, because I would not expect anything less from him. But I want to point out again that as you go through this bill, you see a number of earmarks that are attributed directly to the Republicans.

Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply point out to the gentleman who was expressing concern about earmarks in the Defense bill, that if this CR represented the CR that I wanted to bring to the House floor, it would not contain the Defense bill. The original CR that I brought forward did not contain the Defense bill. The Defense bill was added at the express request of the minority and at the express request of the Secretary of Defense who wrote us the following letter:

"I understand that there is a consideration in the House to not include full year funding for the Department of Defense in the fiscal year 2009 continuing resolution.

"While I understand that some have expressed policy concerns with the bill, I believe it is critical for the orderly operation of the Department of Defense that Congress pass a full year fiscal 09 Defense appropriation bill in order to avoid the significant negative effects of having to operate under a continuing resolution.

"Accordingly, I urge you to include such an appropriation bill in the final continuing resolution."

When you make concessions such as we did to this letter, I'm sorry if the clock doesn't give us enough time to do so in a pristinely orderly fashion, but we simply had to move this forward to keep the government open.

Mr. HASTINGS of Washington. Mr. Speaker, what is the time on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 6 minutes remaining, and the gentleman from Massachusetts has 14 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the normal process for appropriation bills are for them to come to the House floor and be debated under an open rule with the earmarks that are in the bill being open for everybody to look at them.

Now I find it rather interesting, when other Members were talking I saw my friend and his staff from Massachusetts frantically going through this 1,100 page bill to try to find earmarks. Well, if we'd gone through normal process, we would have known what those earmarks are. I have always said that I am one that is not necessarily opposed to them, but I think there ought to be transparency to this whole process. And there hasn't been any transparency, because only one, Mr. Speaker, only one of the appropriation bills was passed by the House, and that was not done under an open rule.

Had we had the normal process, all these earmarks would have been vetted, asked about, explained and so forth. But here we are, 1 hour to debate this 1,100-page bill of which there are three appropriation bills a part of this CR, and no real process to look at what the earmarks are. That's my whole point. Nothing more than that.

Yet because we aren't going through the regular order as we say, open process, in fact we go through 63 closed rules, Members don't have an opportunity to find out how the taxpayers' money is being spent on particular earmarks that all Members of this House have an opportunity to put in these bills. Mr. Speaker, I just wonder what the qualms are over there. It's their process, they run this place, and it hasn't been open.

I reserve my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 30 seconds.

I would just say that the American people can see what earmarks exist in this bill and who is responsible for those earmarks because it is open. What the gentleman is complaining about is he can't play politics with some of the earmarks on the floor today.

The other thing is, I will restate what the chairman of the Appropriations Committee said. The reason why the Defense appropriations bill is in this continuing resolution is because of the request of the Republican administration.

Having said that, Mr. Speaker, I would like to yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding. He is one of the most conscientious Members of this House, and I enjoy being his partner and working together.

□ 1300

Mr. Speaker, there is much to admire and support in this Continuing Appropriations Act. As usual, Chairmen MURTHA and EDWARDS have crafted excellent Defense and MilCon-VA appropriations bills. Disaster relief and



LIHEAP funding are critical to support, and I'm aware of many other efforts by Chairman OBEY to make this CR help those in need.

But the act contains two huge flaws which I would like to speak to this morning. First, the homeland security portion of the bill effectively allows some funding for the hastily erected and legally suspect National Applications Office, or NAO. The NAO is intended to make feed from U.S. defense intelligence satellites, our most powerful spy satellites, available to DHS and, in the future, to State and local law enforcement. The specific capabilities of these satellites are classified, but I can say that their ability to capture detailed visual data about activities on the ground is truly stunning.

Before we stand up a new office to turn these powerful satellites toward America, I believe there must be a comprehensive legal framework in place to protect the rights and liberties of Americans. As we speak, that comprehensive framework does not exist.

I agree with the GAO, which recently completed a study of the NAO, and concluded that "DHS has not fully justified its certification that the NAO complies with applicable laws." The GAO says there are significant unresolved legal and policy issues regarding the use of satellite images in law enforcement. There are weak management controls to ensure compliance with the law, and unaddressed privacy and civil liberty concerns.

Second, on a different topic, Mr. Speaker, I am dismayed, as are many of my constituents, that this act allows the moratorium on drilling in the Outer Continental Shelf to lapse. That moratorium has been in place for two decades in Republican and Democratic administrations and Republican and Democratic Congresses.

I know that this lapse is not the favored outcome of many in my party, and I recognize that a new President could reverse it, but that doesn't mean we should signal we are ready even now to impose drilling as close as 3 miles off our coasts when a State does not want that drilling. I am aware that the Republican Governor in my State does not want that drilling.

According to the Bush administration's own Energy Information Administration, if we open the entire Outer Continental Shelf for drilling tomorrow, we could expect an increased domestic production of 200,000 barrels of oil per day by 2030. The world consumes around 80 million barrels of oil per day today, and so the impact on oil prices from such a minuscule increase would be, and I quote the Bush administration, "insignificant."

And what do we risk for this "insignificant" increase in supply? Well, we risk thousands of miles of environmentally sensitive and economically indispensable coastline in California, South Carolina, Florida and elsewhere, and we increase our carbon footprint. These are not risks we should take, Mr. Speaker.

Mr. HASTINGS of Washington. I reserve my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, on behalf of the people of the State of Texas, and all of my colleagues that have been working on the devastation that we experienced in Hurricane Ike, I say thank you to our leadership and chairman of the Appropriations Committee and my colleague, Chairman OBEY, and the staff, because disasters always need the benevolence and the friendship of the American people. And I thank you very much for your concern about the people in the Midwest and on the gulf region who have suffered, through no fault of their own.

And so this is what our newspaper looks like every day for the last 10 days. The picture is one of a gentleman, 80 years old, Roy Krause in my district, with a tree protruding out of his house. His wife is in the hospital, no lights, no place to go. Galveston and regions around are suffering. And so I am very pleased that we can see the light at the end of the tunnel.

This rule is necessary so that we can begin to help people. The \$6.5 billion in CDBG money, one-third of it will be out of Washington, into the hands of the State of Texas, in 60 days. We have thousands of people returning as evacuees with no place to live; \$400 billion for Economic Development Agency because we have businesses whose lights are still out; \$800 million to FEMA that could help our businesses that have suffered business interruption.

I met a couple as I was giving out MREs and water and ice. They had just come back from being evacuated. They are on hourly wages. They don't know how they're going to pay their rents.

Social services block grants, \$600 million. Because of our utility company, CenterPoint, we have hospital and nursing homes today without power and electricity. Those hospitals cannot dry out because they don't have power. And so this grant that we will have will be necessary.

The Army Corps of Engineers, we don't have levees. I'm grateful for the levees. We have bayous that overran themselves and flooded people. So we are grateful for this, \$200,000 in an earmark that I was able to secure for predisaster work and \$1 million for flooding.

But the real crux is human needs. We need this money now. And in addition to this legislation, I'm glad that we are taking care of our veterans, many of whom were displaced because of the hurricane, homeless veterans, people who were about to transition to a better life, then got wiped out.

Yes, we need moneys for the Red Cross, and I support the \$150 million that they need, but I really want this money to get to our people.

And finally let me say, some of this devastation comes about because our utility companies were too worried about profits than performance, and so I have 180 schools that are out because of lack of power. I'm glad this bill will provide moneys from FEMA for public buildings to help them rebuild.

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

Mr. MCGOVERN. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON-LEE of Texas. But let me say this to my colleagues, we have got to address the crumbling infrastructure in America.

The PUC of Texas ordered our utility company to precut limbs, to rebuild their power lines, to make them metal. They did not do it, and now we have close to 800,000 people without power still, not because we are trying to get more than we expect after a disaster, but it is because we have poor performance. Our trees are down. They are confused. They don't have an organized special needs list. My nursing homes are without power. My hospitals are without power.

I'll be writing legislation to correct this immediately and provide penalties for those who cannot provide service.

Mr. Speaker, I rise today in support of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act. Although this legislation does not include the important legislative and policy language I sought to help my fellow Houstonians and Texans on the road to recovery from the devastation of Hurricane Ike, it does appropriate \$22.9 billion in disaster assistance, which will help communities in Texas and across the nation rebuild, rejuvenate their local economies, and take steps to fortify ourselves from future disasters.

I have been working diligently and tirelessly to prepare for the devastation wreaked by Hurricane Ike since September 11, and I have been in Houston nearly every day since Hurricane Ike hit landfall to assist my constituents and my fellow Texans respond to and recover from the widespread impact. The government should not abrogate its responsibility over the general welfare of its citizens, and all levels of government (federal, state, and local) must do a better job of coordinating and ensuring that relief is delivered in a timely and efficient manner. I am optimistic that this bipartisan legislation does that by assisting the victims and states affected by Hurricane Ike, especially in Texas, get on the road to recovery.

I worked with Chairman OBEY and my fellow Texan colleagues to appropriate \$7.9 billion in disaster relief funds for FEMA so that this Agency can continue helping communities recover from Hurricane Ike by using these funds for emergency housing, school repairs, debris removal, infrastructure improvements, emergency protective measures, utility repairs, and water facilities. I also worked to provide \$6.5 billion in Community Development Block Grants (CDBGs), which are flexible grants that help communities recover from disasters by providing temporary housing, repairing and replacing damaged homes and public infrastructure, and stimulating economic development activities. I also worked to include \$600 million in social services block grants to provide

states with flexible sources of funding to address emerging needs ranging from food assistance to urgent healthcare needs. We also have appropriated \$1.3 billion to the Army Corps of Engineers to repair damage to infrastructure, especially bayous, drainage channels, and levees to bolster flood control efforts. Furthermore, we have appropriated \$799 million for loans and technical assistance by the Small Business Administration (SBA) to businesses and homeowners who have been hit hard and need increased assistance. This legislation also includes assistance for emergency highway relief, levees in New Orleans, wildfires, economic development assistance, international disasters, and international food aid.

While Hurricane Ike has left an enormous amount of devastation, it has brought out the amazing unity, strength and resilience that Texans and Americans possess. Whether rich or poor, black or white, young or old, Democrat or Republican, everyone has been working together to rebuild and move forward. This is a great testament to the insurmountable American spirit.

More than 60 Americans and over 28 Texans have died as a result of Hurricane Ike. In addition, the hurricane has caused millions of dollars of damage in Houston and Galveston and billions of dollars damage throughout the Nation. After touring the devastation throughout the Houston and Galveston area, it is clear that the funds I helped secure for FEMA and CDBG grants are needed to help residents with recovery efforts in Houston and throughout Texas.

As a senior Member of the House Homeland Security Committee, which has oversight over FEMA and DHS, I saw firsthand the waste, fraud, and abuse that occurred in the response and recovery effort to Hurricane Katrina. Furthermore, the almost exclusive use of major, national contractors marginalized and excluded small, minority, and local contractors from participating in the cleanup and rebuilding of New Orleans in particular. This exclusion of small, minority, and local contractors cannot be allowed to occur again in the response and recovery effort in Houston and throughout Texas. I am committed to exercising my oversight over funds appropriated to DHS and FEMA to ensure that they utilize, small, minority, and local businesses that must play an integral role in the recovery and rebuilding of their communities.

Furthermore, the response efforts to Hurricane Ike in Texas, unfortunately similar to Hurricane Katrina in Louisiana but to a smaller extent, revealed breakdowns in communication between the state and local government on the one hand and FEMA and the Federal Government on the other hand. These communication failures resulted in unnecessary and avoidable delays in deploying vital resources to individuals and families in need. I look forward to hearing from the panelists on how we can increase the role that FEMA can play in the response and recovery efforts to natural disasters in order to ensure the most expeditious and efficient decision-making process possible. Whether it be through legislation or simply improved preparation and communication, we must take concrete steps to ensure that in the ongoing recovery effort, bureaucratic barriers are eliminated and minimized and that resources are deployed to individuals and families in need efficaciously.

Nearly 6 million people nationwide and over 2.5 million Texas residents lost electricity and approximately  $\frac{1}{3}$  Houstonians still have not regained power. This is unacceptable. CenterPoint, and to a smaller extent Entergy, have demonstrated that their utility infrastructure is lacking and insufficient to deal with a disaster of this magnitude. Clearly, we need to invest substantial funds to improve our electric grids to ensure that the disparate impact on vulnerable populations such as the elderly, disabled, and impoverished, are corrected and are never allowed to reoccur. Furthermore, I am drafting legislation to ensure that utility companies who ignore recommendations to upgrade their power infrastructure and fail to prepare for natural disasters face both civil and criminal liability for their negligent actions.

Also, nearly 1 million people evacuated before Hurricane Ike and tens of thousands of Houstonians and Texans are facing a major housing crisis that must be addressed. The City of Houston will need over \$2 billion for emergency shelters, temporary housing, removal of debris, emergency protective measures, and repairs for infrastructure, schools, and water facilities. The City of Houston also estimates that it will require over \$300 million in CDBG grants for permanent housing to address this housing crisis. I am confident that I will have the strong support of my congressional colleagues in my efforts to ensure that Houston and Texas receives the funds it so desperately needs on the road to recovery.

Also, the procedure for reimbursement of uninsured home damage is extremely cumbersome and slow and must be streamlined to assist families on the path to recovery. The current steps which allow for applicants to be rejected by the Small Business Administration (SBA) after they have registered with FEMA and have had their homes inspected and their losses assessed is broken and must be fixed.

Although I support the additional support of our troops included in the Defense Appropriations portion of this legislation, I still must reluctantly oppose allowing President Bush to continue a war which the American people also oppose by failing to impose timelines for withdrawal. However this legislation also restores the crucial American priorities short-changed by the President's proposed budget, this legislation restores vital homeland security programs, life-saving medical research, education for our children, financial aid for secondary studies, energy independence, and services for seniors.

Throughout this year, the Democratic-led Congress has worked to restore these critical programs, and this omnibus appropriations bill represents the final rejection of the President's misguided budget cuts. Instead, this legislation provides funding for medical research, health care access, and rural hospitals. It increases funding for K-12 education, student aid, and vocational education. This legislation invests in our Nation's first responders, invests in highway infrastructure, and in a safe future for our children through renewable energy.

Mr. Speaker, it is essential that the Congress, as the direct representatives of the American people, approve appropriations legislation that reflects the priorities of the American people. That is what this bill does. It restores funding, supported by a strong, bipartisan majority, for a wide variety of American needs. Even as the President asks for billions more to fund a war that the majority of Ameri-

cans do not support, he proposes to essentially freeze most domestic funding.

In addition, I am pleased to have been able to secure funding for a number of projects benefiting the citizens of the 18th congressional district of Texas such as \$1 million for Harris County Flood Control District, \$200,000 for City of Houston, and \$200,000 for FEMA Pre-Disaster Mitigation. These funds will be crucial to ensure the havoc wreaked by Hurricane Ike is not repeated.

Mr. Speaker, while I am pleased with many of the provisions of this legislation, this legislation contains some language which is unacceptable to me, and is unacceptable to the American people. My colleagues and I in the House of Representatives have tried, numerous times, to provide funds for the troops in Iraq specifically linked to a requirement for the immediate commencement of the redeployment of U.S. forces.

As lawmakers continue to debate U.S. policy in Iraq, our heroic young men and women continue to willingly sacrifice life and limb on the battlefield. Our troops in Iraq did everything we asked them to do. We sent them overseas to fight an army; they are now caught in the midst of an insurgent civil war and continuing political upheaval. The United States will not and should not permanently prop up the Iraqi government and military. U.S. military involvement in Iraq will come to an end, and, when U.S. forces leave, the responsibility for securing their nation will fall to Iraqis themselves. However, whether or not my colleagues agree that the time has come to withdraw our American forces from Iraq, I believe that all of us in Congress should be of one accord that our troops deserve our sincere thanks and congratulations.

Mr. Speaker, we have already lost over 4,100 American lives and \$500 billion in taxpayer dollars in Iraq. We have occupied the country for over four years. And our President continues to push a strategy devoid of clear direction and visible targets, while rejecting congressional calls to solidify an exit strategy.

In November 2006, the American people clearly stated that they did not want to see an endless conflict in Iraq; they went to the polls and elected a new, Democratic Congress to lead our nation out of Iraq. I am proud to be a member of the Congressional class that listens and adheres to the will of the American people, as we did when both houses of Congress approved Iraq Supplemental bills that instituted a timetable for U.S. withdrawal. We need a new direction, because we owe our brave, fighting men and women so much more. Washington made a mistake in going to war. It is time for politicians to admit that mistake and fix it before any more lives are lost.

This Congress will not, as the previous Republican Congress did, continue to rubber stamp what we believe to be an ill-conceived war. As we continue to receive reports on the situation in Iraq, it is important that we continue to look forward, to the future of Iraq beyond a U.S. military occupation.

Despite the multitude of mistakes perpetrated by President Bush and former Defense Secretary Rumsfeld, our troops have achieved a military success in ousting Saddam Hussein and assisting the Iraqis in administering a democratic election and electing a democratic government. However, only the Iraqi government can secure a lasting peace. Time and time again, the Iraqi government

has demonstrated an inability to deliver on the political benchmarks that they themselves agreed were essential to achieving national reconciliation. Continuing to put the lives of our soldiers and our national treasury in the hands of what by most informed accounts, even by members of the Bush Administration, is an ineffective central Iraqi government is irresponsible and contrary to the wishes of the overwhelming majority of the American people.

Our nation has already paid a heavy price in Iraq. Over 4,100 American soldiers have died. In addition, more than 30,600 have been wounded in the Iraq war since it began in March 2003. This misguided, mismanaged, and misrepresented war has claimed too many lives of our brave servicemen; its depth, breadth, and scope are without precedent in American history. In addition, the U.S. is spending an estimated \$10 billion per month in Iraq. This \$10 billion a month translates into \$329,670,330 per day, \$13,736,264 per hour, \$228,938 per minute, and \$3,816 per second. Ultimately, many estimate that Bush's misadventure in Iraq will cost over \$1 trillion.

Mr. Speaker, this House previously passed legislation providing our brave soldiers in Iraq with the resources they need, while requiring that the President begin to redeploy our troops. We have worked tirelessly to keep our soldiers and our nation safe. The open-ended war funding provided by this legislation is not the will of the American people, and I am proud to stand here, on their behalf, and oppose this legislation.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Speaker, I thank the gentleman for yielding me the time.

I want to commend Chairman OBEY and members of the Appropriations Committee for working together to bring this continuing resolution to the floor today.

One area I want to specifically address is LIHEAP, the Low-Income Heating Assistance Program. Thousands of the people I represent in New Hampshire are staring out at a cold winter ahead and record-high home heating oil prices. This continuing resolution provides \$5.1 billion for the heating assistance program. While this is a record amount of funding for the program, it unfortunately will do little more than provide the same amount of fuel to the same number of families as New Hampshire covered last year, leaving thousands of families with no assistance at all. I am deeply disappointed that we could not find more to help meet the needs of families in my district and in districts around this country.

What this lack of funding will mean is that many eligible families for this program will not be able to receive assistance to keep their homes warm this winter. I will reluctantly support what is before us because this crisis is too important for us to come home empty-handed this winter.

But I want to express my frustration that we cannot find more funding for the families in New Hampshire and

around the country who will not be able to get critical heating assistance this winter. Many folks are going to have to choose between heating their homes and feeding their families.

This week, Congress is discussing and debating the proposed \$700 billion bailout of Wall Street. It is bitterly ironic that this Congress will shortchange families struggling to keep their homes warm this winter but still find money to bail out Wall Street.

As we debate the administration's financial package this week and contemplate their reckless disregard for the welfare of the American people, Members and leaders on both sides of the aisle should think long and hard about spending \$700 billion of taxpayer money on bad Wall Street debt, while millions of our own taxpayers will not be able to heat their homes this winter.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 2½ minutes to the gentleman from New York (Mr. WALSH), a valuable member of the Appropriations Committee, who is leaving the Congress after this term.

Mr. WALSH of New York. Mr. Speaker, I thank my good friend from Washington for yielding me the time.

I am very disappointed. After the disappointment of moving to minority in the year 2007, I took some solace in the fact that the three highest elected Democratic leaders are all members of the Appropriations Committee, and I thought that they would work the will of the committee within the committee.

I am disappointed that in my last year as a member of the Appropriations Committee this majority has not seen fit to bring one regular spending bill before the House of Representatives.

It is no secret that I do not always agree with the current President on spending levels, but even if I did, he is brought into the process only after we complete our work. He has been a primary consideration throughout this process, and that's why we haven't worked our will.

In short, we gave up a fight without a fight, and that disappoints me, and that should disappoint those we represent.

We gave up without letting the Appropriations Committee work its will, without letting the membership of the House work its will.

The Senate is the Senate. We have no control over what happens or, more likely, what doesn't happen over there, but we do have control over whether or not the House gets its job done, and quite frankly, that did not happen this year.

So here we are, punting on second down.

Having said that, Mr. Speaker, I must say that as I reflect on my 20 years here, 16 of those on the Appropriations Committee, 12 of those as a subcommittee Chair on this, I believe, the greatest committee of the House of Representatives, there's been much more satisfaction than disappointment.

As this is probably the last time I will address this body on a pending appropriations bill, I respectfully ask my Chair and the members of the committee to in the future restore regular order and protect the prerogatives of this committee. It is of signal importance to the Congress that the Appropriations Committee perform its will.

Mr. McGOVERN. Mr. Speaker, if I could yield myself 30 seconds, I just want to say to the gentleman from New York (Mr. WALSH) that it has been a pleasure and honor to serve with him in the Congress, and I think I speak for Democrats and Republicans when I say that we will miss him.

Mr. Speaker, at this time, I would like to ask the gentleman from Washington whether he has any other speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I have no other requests for time.

Mr. McGOVERN. Neither do I, so I reserve my time.

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

Mr. Speaker, I'm going to urge my colleagues to vote "no" on the previous question because, by defeating the previous question, I will move to amend the rule to ensure that the Congress will not adjourn, Mr. Speaker, until a comprehensive energy legislation bill has been enacted.

What this means, Mr. Speaker, is passing an all-of-the-above energy plan that, in addition to drilling offshore, we need to open the Arctic National Wildlife Refuge, or ANWR, and shale oil reserves in other parts of our country. We also need to extend renewable energy incentives. We need to streamline approval of new refining capacity in the United States and nuclear power facilities in the United States, and we need to encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies.

And finally, we need to minimize drawn-out legal challenges that unreasonably delay and prevent actual domestic energy production, because I had mentioned earlier, Mr. Speaker, that while the offshore is now open on October 1 to exploration, I'm almost sure that the lawsuits will ensue. The bill that I will be amending this rule to contemplate takes care of that provision.

So, Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous materials inserted into the RECORD prior to a vote on 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. Mr. Speaker, I'm going to ask my colleagues now to vote "no" on the previous question so that we can simply amend the rule and take up this legislation.

With that, I yield back the balance of my time.

Mr. MCGOVERN. How much time do I have, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Massachusetts has 4 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, it's important that we pass this continuing resolution for a number of reasons. One is it contains money for LIHEAP. With the high cost of energy, we need to make sure that people have the emergency assistance so they can heat their homes, so they don't have to choose between heating their homes and their medication, or heating their homes and food.

□ 1315

We need to support this bill because it has money to help combat hunger—which unfortunately, under this administration's watch, has gotten worse in this country. There are people in the United States who are hungry, and that is something that every one of us should be ashamed of.

We need to pass this bill because it contains money for disaster relief. We have had hurricanes in Florida and Texas. We have had floods in Iowa. People are in need of assistance from the Federal Government to help rebuild. Why anybody would want to hold that up is beyond me.

We need to support this bill because it supports our troops. And we need to support this bill because it supports our veterans. We have a lot of talk around here about how we have to support our troops and veterans, and yet here we have an effort to try to block a bill that will do just that.

Mr. Speaker, this bill is about keeping the government running. And I gotta tell you, I, for one, am glad that this bill will take us into March because hopefully in March we will have a different leadership in the White House; we will be moving in a vastly different direction than the one this President and his Republican allies in this Congress have taken us over the last 8 years. We are in a fiscal mess. Our economy is on the verge of collapse as a result of the incompetence and the inability of this administration to lead us in the right direction.

Enough. Enough.

It is time for us to move forward. It is time for us to get this work done. I would urge a "yes" vote on the previous question and a "yes" vote on the rule.

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

AMENDMENT TO H. RES. 1488 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution add the following new section:

SEC. 4. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

(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 re-

jection 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. MCGOVERN. 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.

The SPEAKER pro tempore. 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 adoption of the resolution, if ordered; and the motion to suspend the rules with regard to S. 3001.

The vote was taken by electronic device, and there were—yeas 231, nays 198, not voting 4, as follows:

[Roll No. 629]

#### YEAS—231

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

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

## NAYS—198

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

Bishop (UT) Cubin  
 Boyda (KS) Rush

NOT VOTING—4

□ 1344

Messrs. GARRETT of New Jersey, GILCHREST and CHILDERS changed their vote from “yea” to “nay.”

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

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 228, nays 202, not voting 3, as follows:

[Roll No. 630]

YEAS—228

Abercrombie Ellison Markey  
 Ackerman Ellsworth Marshall  
 Allen Emanuel Matheson  
 Altmire Engel Matsui  
 Andrews Eshoo McCarthy (NY)  
 Arcuri Etheridge McCollum (MN)  
 Baca Farr McDermott  
 Baldwin Fattah McGovern  
 Barrow Filner McIntyre  
 Bean Foster McNerney  
 Becerra Frank (MA) McNulty  
 Berkley Giffords Meek (FL)  
 Berman Gillibrand Meeks (NY)  
 Berry Gonzalez Melancon  
 Bishop (GA) Gordon Michaud  
 Bishop (NY) Green, Al Miller (NC)  
 Blumenauer Green, Gene Miller, George  
 Boren Grijalva Mollohan  
 Boswell Gutierrez Moore (KS)  
 Boucher Hall (NY) Moore (WI)  
 Boyd (FL) Hare Moran (VA)  
 Boyda (KS) Harman Murphy (CT)  
 Brady (PA) Hastings (FL) Murphy, Patrick  
 Braley (IA) Herseeth Sandlin Murtha  
 Brown, Corrine Higgins Nadler  
 Butterfield Hill Napolitano  
 Capps Hinchey Neal (MA)  
 Capuano Hinojosa Oberstar  
 Cardoza Hodes Obeys  
 Carnahan Holden Olver  
 Carney Holt Ortiz  
 Carson Honda Pallone  
 Castor Hooley Pascrell  
 Cazayoux Hoyer Pastor  
 Chandler Inslee Payne  
 Childers Israel Perlmutter  
 Clarke Jackson (IL) Peterson (MN)  
 Clay Jackson-Lee Pomeroy  
 Cleaver (TX) Price (NC)  
 Clyburn Jefferson Rahall  
 Cohen Johnson (GA) Rangel  
 Conyers Johnson, E. B. Reyes  
 Cooper Kagen Richardson  
 Costa Kanjorski Rodriguez  
 Costello Kaptur Ross  
 Courtney Kennedy Rothman  
 Cramer Kildee Roybal-Allard  
 Crowley Kilpatrick Ruppertsberger  
 Cuellar Kind Rush  
 Cummings Klein (FL) Ryan (OH)  
 Davis (AL) Lampson Salazar  
 Davis (CA) Langevin Sanchez, Linda  
 Davis (IL) Larsen (WA) T.  
 Davis, Lincoln Larson (CT) Sanchez, Loretta  
 DeGette Lee Sarbanes  
 Delahunt Levin Schakowsky  
 DeLauro Lewis (GA) Schiff  
 Dicks Lipinski Schwartz  
 Dingell Loeb sack Scott (GA)  
 Doggett Lofgren, Zoe Scott (VA)  
 Donnelly Lowey Serrano  
 Doyle Lynch Sestak  
 Edwards (MD) Mahoney (FL) Shea-Porter  
 Edwards (TX) Maloney (NY) Sherman

Sires Tauscher Wasserman  
 Skelton Taylor Schultz  
 Slaughter Thompson (CA) Waters  
 Smith (WA) Thompson (MS) Watson  
 Snyder Tierney Watt  
 Solis Towns Waxman  
 Space Tsongas Weiner  
 Speier Udall (CO) Welch (VT)  
 Spratt Udall (NM) Wexler  
 Stark Van Hollen Wilson (OH)  
 Stupak Velázquez Woolsey  
 Sutton Visclosky Wu  
 Tanner Walz (MN) Yarmuth

## NAYS—202

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

## NOT VOTING—3

Bishop (UT) Cubin Hirono

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1353

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 for:

Ms. HIRONO. Madam Speaker, on rollcall No. 630, had I been present, I would have voted "yea."

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 923. An act to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

H.R. 1199. An act to extend the grant program for drug-endangered children.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1343. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.

#### DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 3001, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and pass the Senate bill, S. 3001, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 39, not voting 2, as follows:

[Roll No. 631]

YEAS—392

Abercrombie	Bono Mack	Carter
Ackerman	Boozman	Castle
Aderholt	Boren	Castor
Akin	Boswell	Cazayoux
Alexander	Boucher	Chabot
Allen	Boustany	Chandler
Altmire	Boyd (FL)	Childers
Andrews	Boyd (KS)	Clarke
Arcuri	Brady (PA)	Clay
Baca	Brady (TX)	Cleaver
Bachmann	Braley (IA)	Clyburn
Bachus	Broun (GA)	Coble
Baird	Brown (SC)	Cohen
Barrett (SC)	Brown, Corrine	Cole (OK)
Barrow	Brown-Waite,	Conaway
Bartlett (MD)	Ginny	Cooper
Barton (TX)	Buchanan	Costa
Bean	Burgess	Costello
Becerra	Burton (IN)	Courtney
Berkley	Butterfield	Cramer
Berman	Buyer	Crenshaw
Berry	Calvert	Crowley
Biggert	Camp (MI)	Cuellar
Bilbray	Cannon	Culberson
Bilirakis	Cantor	Cummings
Bishop (GA)	Capito	Davis (AL)
Bishop (NY)	Capps	Davis (CA)
Blackburn	Cardoza	Davis (KY)
Blunt	Carnahan	Davis, David
Boehner	Carney	Davis, Lincoln
Bonner	Carson	Davis, Tom

Deal (GA)	Kingston	Rahall
DeGette	Kirk	Ramstad
DeLauro	Klein (FL)	Rangel
Dent	Kline (MN)	Regula
Diaz-Balart, L.	Knollenberg	Rehberg
Diaz-Balart, M.	Kuhl (NY)	Reichert
Dicks	LaHood	Renzi
Dingell	Lamborn	Reyes
Doggett	Lampson	Reynolds
Donnelly	Langevin	Richardson
Doolittle	Larsen (WA)	Rodriguez
Doyle	Larson (CT)	Rogers (AL)
Drake	Latham	Rogers (KY)
Dreier	LaTourette	Rogers (MI)
Edwards (TX)	Latta	Rohrabacher
Ehlers	Lewis	Ros-Lehtinen
Elisworth	Levin (CA)	Roskam
Emanuel	Lewis (KY)	Ross
Emerson	Linder	Rothman
Engel	Lipinski	Roybal-Allard
English (PA)	LoBiondo	Royce
Eshoo	Loeb	Ruppersberger
Etheridge	Lofgren, Zoe	Rush
Everett	Lowey	Ryan (OH)
Fallin	Lucas	Ryan (WI)
Farr	Lungren, Daniel	Salazar
Fattah	E.	Sali
Feeney	Lynch	Sánchez, Linda
Ferguson	Mack	T.
Filner	Mahoney (FL)	Sanchez, Loretta
Forbes	Maloney (NY)	Sarbanes
Fortenberry	Manzullo	Saxton
Fossella	Marchant	Scalise
Foster	Marshall	Schiff
Fox	Matheson	Schmidt
Franks (AZ)	Matsui	Schwartz
Frelinghuysen	McCarthy (CA)	Scott (GA)
Galleghy	McCarthy (NY)	Scott (VA)
Garrett (NJ)	McCaul (TX)	Sensenbrenner
Gerlach	McCollum (MN)	Sessions
Giffords	McCotter	Sestak
Gillibrand	McCrery	Shadeegg
Gingrey	McDermott	Shays
Gohmert	McGovern	Shea-Porter
Gonzalez	McHenry	Sherman
Goode	McHugh	Shimkus
Goodlatte	McIntyre	Shuler
Gordon	McKeon	Shuster
Granger	McMorris	Simpson
Graves	Rodgers	Sires
Green, Al	McNerney	Skelton
Green, Gene	McNulty	Slaughter
Grijalva	Meek (FL)	Smith (NE)
Hall (NY)	Melancon	Smith (NJ)
Hall (TX)	Mica	Smith (TX)
Hare	Miller (FL)	Smith (WA)
Harman	Miller (MI)	Snyder
Hastings (FL)	Miller (NC)	Solis
Hastings (WA)	Miller, Gary	Souder
Hayes	Miller, George	Space
Heller	Mitchell	Spratt
Hensarling	Mollohan	Stearns
Herger	Moore (KS)	Stupak
Herseth Sandlin	Moran (KS)	Sullivan
Higgins	Moran (VA)	Sutton
Hill	Murphy (CT)	Tancredo
Hinojosa	Murphy, Patrick	Tanner
Hirono	Murphy, Tim	Tauscher
Hobson	Murtha	Taylor
Hodes	Musgrave	Terry
Hoekstra	Myrick	Thompson (CA)
Holden	Nadler	Thompson (MS)
Holt	Napolitano	Thornberry
Honda	Neal (MA)	Tiahrt
Hooley	Neugebauer	Tiberi
Hoyer	Nunes	Tsongas
Hulshof	Oberstar	Turner
Hunter	Obey	Udall (CO)
Inglis (SC)	Ortiz	Udall (NM)
Inslee	Pallone	Upton
Israel	Pascarella	Van Hollen
Issa	Pastor	Visclosky
Jefferson	Pearce	Walberg
Johnson (GA)	Pence	Walden (OR)
Johnson (IL)	Perlmutter	Walsh (NY)
Johnson, E. B.	Peterson (MN)	Walz (MN)
Johnson, Sam	Peterson (PA)	Wamp
Jones (NC)	Petri	Wasserman
Jordan	Pickering	Schultz
Kagen	Pitts	Watt
Kanjorski	Platts	Waxman
Kaptur	Poe	Weiner
Keller	Pomeroy	Weldon (FL)
Kennedy	Porter	Weller
Kildee	Price (GA)	Westmoreland
Kilpatrick	Price (NC)	Wexler
Kind	Pryce (OH)	Whitfield (KY)
King (IA)	Putnam	Wilson (NM)
King (NY)	Radanovich	Wilson (OH)

Wittman (VA)	Wu	Young (FL)
Wolf	Yarmuth	
	Young (AK)	

NAYS—39

Baldwin	Gutierrez	Payne
Blumenauer	Hinchey	Schakowsky
Campbell (CA)	Jackson (IL)	Serrano
Capuano	Jackson-Lee	Speier
Conyers	(TX)	Stark
Davis (IL)	Kucinich	Tierney
DeFazio	Lee	Towns
Delahunt	Lewis (GA)	Velázquez
Duncan	Markey	Waters
Edwards (MD)	Meeks (NY)	Watson
Ellison	Michaud	Welch (VT)
Flake	Moore (WI)	Woolsey
Frank (MA)	Olver	
Gilchrest	Paul	

NOT VOTING—2

Bishop (UT) Cuban

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1402

Messrs. PAYNE, DAVIS of Illinois, GUTIERREZ, MARKEY, CAPUANO, DELAHUNT and MEEKS of New York and Ms. WATERS changed their vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1488, I call up the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROSS). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

In the Senate of the United States, July 26, 2007.

*Resolved*, That the bill from the House of Representatives (H.R. 2638) entitled "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes," do pass with the following *Amendment*: Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for the Department of Homeland Security and for other purposes, namely:*

#### TITLE I

#### DEPARTMENT OF HOMELAND SECURITY DEPARTMENTAL MANAGEMENT AND OPERATIONS

#### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

*For necessary expenses of the Office of the Secretary of Homeland Security, as authorized*