

Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen

NOT VOTING—10

Campbell
Cassidy
Clay
Miller, Gary

Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak

Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Vislosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1127

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF AMERICA SAVES WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 180, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 180.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 14, as follows:

[Roll No. 82]
YEAS—415
Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bibray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)

Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard

NAYS—2

Flake
Berman
Campbell
Cassidy
Clay
Himes

NOT VOTING—14

Inslee
Issa
Miller, Gary
Perriello
Platts
Rush
Ryan (OH)
Stark
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1134

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1105, OMNIBUS APPROPRIATIONS ACT, 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 184 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 184

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall

Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer

be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. House Resolution 158 is laid on the table.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 184 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the conference report, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of section 426(a).

The SPEAKER pro tempore (Mr. WEINER). 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 and a Member opposed, the gentleman from Massachusetts, 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, this point of order is against the bill because it may contain unfunded mandates. We have in this body a question of consideration where we shouldn't move ahead with a bill if it might contain unfunded mandates.

Mr. Speaker, the point I want to make is we have no idea whether this contains unfunded mandates or not. I can't tell you definitively if it does, and here's why:

This is the bill. This is the bill that we received less than 48 hours ago. It contains, for example, roughly 9,000 earmarks. Now, somebody please correct me if I'm wrong, but I don't believe in my time here—it's getting heavy. I'll put it down. In my time here in 8 years I don't think I have ever seen a bill, and I know that it didn't happen prior to my time here, where one single bill has contained this many earmarks, 9,000. And let me point out this is a combination of nine bills, only three of which went even through the Committee on Appropriations. The rest of them didn't even go through the full committee, just the subcommittee. We didn't have the ability to go to the floor and challenge any of these. That just wasn't available to us.

So here we are today with this stack that we just got less than 48 hours ago

and we are told that we have to pile through and try to see if these 9,000 earmarks, which is part of a spending bill that spends \$410 billion, to see if they're valid, to see if there is a Federal nexus, to see if there might be anything untoward. We don't know. None of us can actually go through that, and so we shouldn't proceed with consideration of this bill.

One way to look at it is that there are 9,000 earmarks in the bill. The way that we should look at it as well, and I don't know how many, nobody can tell me how many, but it's a safe bet to assume there are a few thousand, at least, no-bid contracts. These are earmarks that go to private companies that nobody else has a chance to bid on.

Now, one of the best lines I felt that the President used last night, and it was one of the greatest applause lines that we had and justifiably so, the President said we have had no-bid defense contracts with regard to Iraq, and we shouldn't. And the whole place erupted in applause. I myself stood up. We shouldn't do that. Yet in this piece of legislation, we have at least a few thousand no-bid contracts. No-bid contracts that are going to private companies whose executives and the lobbyists who represent them have contributed millions of dollars to Members in this body, the same Members who have requested those earmarks.

Now, one need not suggest that there is anything untoward in any of them only to suggest that somebody on the outside certainly thinks there is. There is one group, the PMA group, who makes a habit of requesting a lot of earmarks in bills. In fact, in the 2008 defense bill, they got \$300 million in earmarks for their clients from this body. That same lobbying firm has clients receiving a dozen or so earmarks in this bill. These are earmarks to private companies. These are no-bid contracts that we are doing that we all stand up and applaud when the President says we shouldn't have no-bid contracts going to private companies, and yet in this piece of legislation we are going to consider today, unless we stop consideration, we're going to be approving thousands of no-bid contracts to private companies.

Now, can anybody in this body stand to tell me that that is right and proper? Are we upholding the dignity of the House and the decorum of the House by doing so? We know that there is an investigation going on right now of one of those firms that sought earmarks and received earmarks in this bill. A lobbying firm received several for their clients. Yet they remain in this piece of legislation.

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

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

Once again, Mr. Speaker, my colleagues on the other side of the aisle are using this procedural maneuver to try to prevent consideration of an important piece of legislation.

Technically, the point of order is about whether or not to consider this rule and ultimately the underlying bill. But we all know that it's really about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the merits of the legislation itself.

I oppose any effort to shut down debate in consideration of this bill, and I urge my colleagues to vote "yes" so we can consider this important piece of legislation on its merits and not kill it on a procedural motion.

□ 1145

The underlying bill we are talking about represents the compilation of nine appropriations bills from last year. There is important funding in here for health care, for education, for transportation, to help move our economy forward. Those who oppose the bill can vote against it on final passage, but we must consider this rule, and we must pass this legislation today.

Mr. Speaker, I have the right to close, but, in the end, I will urge my colleagues to vote "yes" to consider the rule, and I reserve the balance of my time.

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

The SPEAKER pro tempore. The gentleman from Arizona has 5 minutes remaining.

Mr. FLAKE. The gentleman makes a point that we should discuss the merits of the bill. This point of order is raised against continuing because we don't know if there are unfunded mandates in the bill.

Again, I will yield to the gentleman if he can assure me that there are no unfunded mandates in this bill, if he can say that he has read this piece of legislation or that he knows that there are none, because I think that it's incumbent upon us.

I will yield to the gentleman if he can make that assurance.

Mr. McGOVERN. I thank the gentleman for yielding.

I will say to the gentleman, as far as I know, there are no unfunded mandates in this bill.

Mr. FLAKE. Thank you. As far as I know, there might be, there may not be.

But I can tell you, when you have a bill this large that we got just 48 hours ago, we simply don't know.

Typically, several years ago, we were having problems, we had Members of this body who were indicted and were convicted and are now in jail for earmark abuse. We said at that time that we should have reform, we should have transparency. We got some transparency, and that's great, and I applaud the other side of the aisle for doing what they did to bring this about.

Transparency, sunlight always illuminates, but doesn't always disinfect, contrary to popular belief. You have to follow up transparency with something else.

Some may say we have a transparent process now because we got copies of 9,000 earmarks 48 hours in advance of considering the legislation, but I don't have the ability, nor does any Member of this body, to actually challenge any of the 9,000 earmarks contained in this legislation.

Typically, appropriation bills come to the floor under an open rule, which allows Members of Congress to challenge specific earmarks. Are there one of these no-bid contracts, for example, that was lobbied for by the PMA group, a group that is now under Federal investigation that has since imploded just days after it was revealed they were under investigation?

Are some of these earmarks, perhaps, untoward? Many people would actually like to challenge that, have the author, have the one who secured the earmark come to the floor and defend that earmark: "Here is why this company deserves a no-bid contract. Here is why I know, as a Member of Congress, that nobody else can provide the services that they can provide, and they deserve a no-bid contract. Here is why." We aren't allowed to do that, because this legislation is coming to the floor under a closed rule and no amendments like that are even offered. I can't challenge any earmarks in this legislation, nor can anybody in this body. It's one vote for the whole package.

We are better than that. The people who sent us here deserve better than that. This great institution deserves better than that. Let's not proceed with consideration of this legislation.

I reserve the balance of my time.

Mr. MCGOVERN. 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 2 minutes remaining.

Mr. FLAKE. Mr. Speaker, later today we will be considering a privileged resolution that is brought to the floor to ask the Ethics Committee to investigate the relationship between earmarks and campaign contributions.

We know, as I mentioned, that the Department of Justice is currently conducting that kind of investigation. Politico reported just a few days ago that several sources have said that the Department of Justice has been building a case based on earmarks and campaign contributions or investigating earmarks and campaign contributions.

Yet our own Ethics Committee guidelines state that earmarks that are received from those who we get a no-bid contract for are proper and not a problem.

My fear is that our own Ethics Committee here in the House has a different standard, a more lax standard than, perhaps, the Department of Justice has. And Members of Congress, who are securing earmarks or no-bid contracts for private companies, might be exposed more than they think they are.

And even if they aren't, upholding the dignity and decorum of this body

dictates that we do something more here, that we actually have a process that is above reproach. And when you have investigations swirling out there over lobby firms and others, we aren't upholding the decorum and dignity of this body.

This resolution that we will consider later today is not a partisan resolution. No Member is mentioned. No party is mentioned. And before you vote to table this resolution, to kill it, please consider, don't we deserve better here?

Shouldn't we have a standard that's higher than indictment and conviction? Don't the people who sent us here deserve a little better than that?

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

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

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

Mr. MCGOVERN. Mr. Speaker, I am going to urge my colleagues to vote "yes" on this motion so we can consider the underlying bill, which is a compilation of nine appropriations bills, which really represents kind of a completion of last year's work. There is money in here for important transportation projects, for health care projects, for education projects, all very important to get our economy moving again.

I would also say that the earmark process has been much improved since the Democrats took control of the Congress. There is more transparency, as the gentleman conceded, and I think there is more scrutiny given to individual earmarks.

But let me just say one other thing. I believe in the integrity, in the character of every single person that serves in this Congress, and I believe the people, Republicans and Democrats, do the best they can for their constituents. And I really take exception when the character of individuals in this Congress is brought into question and somehow a vague allegation is out there that there is something sinister going on.

The bottom line is that the vast majority of these earmarks go to things like emergency rooms at hospitals, go to bridges to help rebuild infrastructure, go to help schools and to help kids get an education.

I would say to the gentleman if he is uncomfortable with this process, that he should know that 40 percent of the earmarks that are in these underlying bills are Republican earmarks. And so that old saying, "Physician, heal thyself," I would suggest that he bring this up to members of his own conference.

But I believe that these bills represent the hard work of Republicans and Democrats. There are good things in these bills. We need to move forward on this. We can't delay. If we delay, I think it will have a negative impact on our economy.

So I want to urge my colleagues to vote "yes" on this motion to consider

so we can debate and pass this important piece of legislation today.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

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, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 177, not voting 20, as follows:

[Roll No. 83]

YEAS—234

Abercrombie	Giffords	Michaud
Ackerman	Gonzalez	Miller (NC)
Adler (NJ)	Gordon (TN)	Miller, George
Altmire	Grayson	Mitchell
Andrews	Green, Al	Mollohan
Arcuri	Green, Gene	Moore (KS)
Baca	Griffith	Moore (WI)
Baird	Grijalva	Moran (VA)
Baldwin	Gutierrez	Murphy (CT)
Barrow	Hall (NY)	Murphy, Patrick
Bean	Halvorson	Murtha
Becerra	Hare	Nadler (NY)
Berkley	Harman	Napolitano
Berman	Hastings (FL)	Neal (MA)
Berry	Heinrich	Nye
Bishop (GA)	Heller	Oberstar
Bishop (NY)	Herseth Sandlin	Obey
Blumenauer	Higgins	Olver
Bocchieri	Hill	Ortiz
Boren	Himes	Pallone
Boswell	Hinchee	Pascrell
Boucher	Hinojosa	Pastor (AZ)
Brady (PA)	Hirono	Payne
Braley (IA)	Hodes	Perlmutter
Bright	Holden	Peters
Brown, Corrine	Holt	Peterson
Butterfield	Honda	Pingree (ME)
Capps	Hoyer	Polis (CO)
Cardoza	Inslee	Pomeroy
Carnahan	Israel	Price (NC)
Carney	Jackson (IL)	Rahall
Carson (IN)	Jackson-Lee	Reyes
Castor (FL)	(TX)	Richardson
Chandler	Johnson (GA)	Rodriguez
Childers	Johnson, E. B.	Ross
Clarke	Kagen	Rothman (NJ)
Clay	Kanjorski	Roybal-Allard
Cleaver	Kaptur	Ruppersberger
Clyburn	Kennedy	Ryan (OH)
Cohen	Kildee	Salazar
Connolly (VA)	Kilpatrick (MI)	Sánchez, Linda
Conyers	Kilroy	T.
Cooper	Kind	Sanchez, Loretta
Costa	Kissell	Sarbanes
Costello	Klein (FL)	Schakowsky
Courtney	Kosmas	Schauer
Crowley	Langevin	Schiff
Cuellar	Larsen (WA)	Schrader
Cummings	Larson (CT)	Scott (GA)
Dahlkemper	Lee (CA)	Scott (VA)
Davis (AL)	Levin	Serrano
Davis (CA)	Lewis (GA)	Shea-Porter
Davis (IL)	Lipinski	Sherman
DeFazio	Loeb sack	Sires
DeGette	Lofgren, Zoe	Skelton
Delahunt	Lowey	Slaughter
DeLauro	Luján	Smith (WA)
Dicks	Lynch	Snyder
Dingell	Maffei	Space
Doggett	Maloney	Speier
Donnelly (IN)	Markey (CO)	Spratt
Doyle	Markey (MA)	Stupak
Driehaus	Marshall	Sutton
Edwards (MD)	Massa	Tanner
Edwards (TX)	Matheson	Tauscher
Ellison	Matsui	Teague
Ellsworth	McCarthy (NY)	Thompson (CA)
Engel	McCollum	Tierney
Eshoo	McDermott	Titus
Etheridge	McGovern	Tonko
Farr	McMahon	Towns
Fattah	McNerney	Tsongas
Filner	Meek (FL)	Velázquez
Foster	Meeks (NY)	Vislosky
Fudge	Melancon	Walz

Wasserman	Watt	Wexler
Schultz	Waxman	Wilson (OH)
Waters	Weiner	Woolsey
Watson	Welch	Yarmuth

NAYS—177

Aderholt	Gerlach	Murphy, Tim
Akin	Gingrey (GA)	Myrick
Alexander	Gohmert	Neugebauer
Austria	Goodlatte	Nunes
Bachmann	Granger	Olson
Bachus	Graves	Paul
Barrett (SC)	Guthrie	Paulsen
Bartlett	Hall (TX)	Pence
Biggert	Harper	Petri
Bilbray	Hastings (WA)	Pitts
Bilirakis	Hensarling	Poe (TX)
Bishop (UT)	Herger	Posey
Blackburn	Hoekstra	Price (GA)
Blunt	Hunter	Putnam
Bonner	Inglis	Radanovich
Bono Mack	Issa	Rehberg
Boozman	Jenkins	Reichert
Boustany	Johnson (IL)	Roe (TN)
Boyd	Johnson, Sam	Rogers (AL)
Brady (TX)	Jones	Rogers (KY)
Broun (GA)	Jordan (OH)	Rogers (MI)
Brown (SC)	King (IA)	Rohrabacher
Brown-Waite,	King (NY)	Rooney
Ginny	Kingston	Ros-Lehtinen
Buchanan	Kirk	Roskam
Burgess	Kirkpatrick (AZ)	Royce
Burton (IN)	Kline (MN)	Ryan (WI)
Calvert	Kratovil	Scalise
Camp	Kucinich	Schmidt
Cantor	Lamborn	Schock
Cao	Lance	Sensenbrenner
Capito	Latham	Sessions
Carter	LaTourette	Shadegg
Castle	Latta	Shimkus
Chaffetz	Lewis (CA)	Shuler
Coble	Linder	Shuster
Coffman (CO)	LoBiondo	Simpson
Cole	Lucas	Smith (NE)
Conaway	Luetkemeyer	Smith (NJ)
Crenshaw	Lummis	Smith (TX)
Culberson	Lungren, Daniel	Souder
Davis (KY)	E.	Stearns
Deal (GA)	Mack	Sullivan
Dent	Manzullo	Taylor
Diaz-Balart, L.	Marchant	Terry
Diaz-Balart, M.	McCarthy (CA)	Thompson (PA)
Dreier	McCaul	Thornberry
Duncan	McClintock	Tiahrt
Ehlers	McCotter	Tiberi
Emerson	McHenry	Turner
Fallin	McHugh	Upton
Flake	McIntyre	Walden
Fleming	McKeon	Wamp
Forbes	McMorris	Westmoreland
Fortenberry	Rodgers	Whitfield
Fox	Mica	Wilson (SC)
Franks (AZ)	Miller (FL)	Wittman
Frelinghuysen	Miller (MI)	Wolf
Galleghy	Minnick	Young (AK)
Garrett (NJ)	Moran (KS)	Young (FL)

NOT VOTING—20

Barton (TX)	Frank (MA)	Schwartz
Boehner	Lee (NY)	Sestak
Buyer	Miller, Gary	Stark
Campbell	Perriello	Thompson (MS)
Capuano	Platts	Van Hollen
Cassidy	Rangel	Wu
Davis (TN)	Rush	

□ 1217

Messrs. CALVERT, McHENRY and SMITH of New Jersey changed their vote from “yea” to “nay.”

Mr. HELLER 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:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 83, had I been 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 Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. McGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 184.

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. 184 provides for the consideration of H.R. 1105, the Omnibus Appropriations Act of 2009. The rule provides 1 hour of debate controlled by the Committee on Appropriations, and one motion to recommit with or without instructions. The rule also self-executes an amendment that blocks the automatic cost-of-living adjustment due to be provided to Members of Congress in 2010.

Mr. Speaker, I rise in support of this rule and in support of the Fiscal Year 2009 Omnibus Appropriations Act.

This bill, Mr. Speaker, represents the completion of last year's work. We are in this position today for one principal reason, George W. Bush failed to provide budgets that reflected the real needs of the American people. And his philosophy was essentially “my way or the highway.”

If he had gotten his way last year, he would have cut energy efficiency, renewable energy and weatherization programs. He would have cut education by eliminating vocational education programs, slashing higher education programs, and cutting programs to help teachers and improve technology. He would have cut healthcare access programs, even as the number of uninsured Americans grew. He would have frozen biomedical research funding and cut the Centers for Disease Control. And he would have cut State and local law enforcement grants and job training, employment services and worker protections curing this economic crisis.

So today, our job is to fix things, to clean up the mess of the last administration, and to help the American people.

Last night, President Obama gave an incredible speech, and he promised to do things differently. He promised an honest accounting of our Nation's needs. That may not seem revolutionary, but it's a big and positive change from the past 8 years.

For the first time, the costs of the wars in Iraq and Afghanistan will actually be included in the budget. The costs won't be covered up or hidden. No more gimmicks. The American people will know the real costs of these wars.

We will anticipate and budget for Federal dollars in response to national disasters like hurricanes, tornadoes, floods and earthquakes.

And President Obama, last night, pledged to cut the deficit in half by the year 2012, a promise to bring back fiscal responsibility. In short, there will be more truth-telling.

Mr. Speaker, we need to move forward, and I believe that we will. But first we need to dispense with last year's business.

Some of my friends on the other side complain that we shouldn't pass this omnibus bill today because it's too expensive. They complain that it will add to the deficit. It's interesting to hear my friends on the other side of the aisle worry out loud about the deficit. Where have they been for the last 8 years?

Facts are a stubborn thing, Mr. Speaker, and the facts speak for themselves. We are facing the worst economic crisis since the Great Depression, and we have the biggest debt in the history of the United States of America. This is something we inherited from my friends on the other side of the aisle. So it is somewhat ironic that the very people who drove this economy into a ditch are now complaining about the size of the tow truck.

I believe, Mr. Speaker, that we need to do whatever possible to get this economy back on track and to help the American people. The policies of the past, the same old same old, they failed. I believe this President has the political will to do the right thing. I believe he will get the economy back on track and he will get our fiscal house in order. And I believe that this Congress will support him.

What is before us, to put it simply, is help for States, cities and towns and for average people. There's an increase over current levels of appropriations. This, combined with the Recovery and Reinvestment Act, provides a lot of help to a lot of people.

This is not the bill, Mr. Speaker, that I would have written if it were solely up to me, and I don't believe it is the bill that Chairman OBEY would have written if it was solely up to him. This bill reflects bipartisan negotiations and bipartisan compromises.

I want to see more money in this bill, Mr. Speaker, for roads and bridges, more money for international food aid and anti-hunger programs like the McGovern-Dole Program and Food for Peace, and more money to combat climate change. I want to see Pell Grants fully funded, and I want to make sure that all eligible children receive a meal during the summer months if they receive a meal during the school year.

But I'm glad that we have reversed the Bush cuts on domestic priorities. I'm proud of the increased funding for WIC in this bill, funding that will help low-income pregnant mothers and newborns receive the healthy food that they need. And I'm pleased that this bill provides a 19 percent increase for the Food and Drug Administration, funding that will be used for critical oversight of our Nation's food supply

so we don't have any more contamination scares like the recent peanut contamination cases that we've recently seen.

This bill also increases funding for the Individuals with Disabilities Education Act by providing \$558 million above 2008 for a total of \$1.5 billion. And this bill provides \$550 million for the COPS program, a program critical to the safety of our cities and towns.

Mr. Speaker, we need to get this bill completed. We need to finish the job left over from the last Congress and turn the page, once and for all, on the last 8 years. I urge my colleagues to support this rule and the bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I stand in strong opposition to this closed rule. And Mr. Speaker, let me say this, that the gentleman from Massachusetts (Mr. MCGOVERN), my colleague and friend, has had a chance to sit here and blame George Bush for what was entirely this body's responsibility. I think that's an awkward position for anybody to be in, to blame the President of the United States for what we have done or what we will do.

The gentleman from Massachusetts quite plainly said that George Bush and Republicans tried to hide the real costs of the war and did not put it in fiscal terms to where it came out for the budget where we would all understand it and tried to hide it. Well, let me just say this, that we just passed an \$800 billion plus emergency spending bill that did exactly the same thing that he was saying George Bush did, Republicans did, about not being honest about what the real facts of the case are, hiding the budget money.

Mr. Speaker, the bottom line is that we're here today to debate a bill that was ready to go last June, and people are blaming George Bush for our inability to get that on the floor. And I think that that's just not true.

The bottom line is that this body decided, through the Democrat leadership, that they didn't want to move the bill forward because there was an election. And if there had been an election where tens of billions, hundreds of billions of dollars more would be passed by this Congress, then the American people would have seen that. Instead, they waited until after the election.

So I rise today in strong opposition to this completely closed rule, and to the ill-conceived underlying legislation. Week after week my friends on the other side of the aisle continue to bulldoze their massive spending bills on the floor of the House of Representatives, with no Republican input and no regular order, in this Congress.

This is the third time in a little over a month that I've managed a rule in this 111th Congress where my Democratic colleagues have had no hearings, no markups and allowed no amendments by Republicans. Senator HARRY REID yesterday was quoted as saying that he is going to allow Republicans and Democrats to offer amendments in

the Senate. So why won't Speaker PELOSI allow Members of this House the same privilege?

In an effort to encourage the Democratic leadership to uphold their promise to the American people of being the most open, honest and ethical Congress, I think, and our Republican leadership believes, that we should hold hearings and be held accountable for what we do, including Republican feedback and amendments. In a letter dated the 5th of this month, Speaker PELOSI and Majority Leader HOYER were asked if they would immediately post the text of the omnibus and all of the earmark and spending projects included. Yet, once again, our friends, the Democrats, have posted the text of this massive spending bill, which holds nine of the remaining 12 appropriations bills, only a day and a half before the vote. And yet our letter states that "in the midst of a severe recession, taxpayers should have a right to read and see each provision of this legislation." Taxpayers elected each and every one of us. We should be able to "evaluate the merit of each dollar of government spending that their children and grandchildren will be required to fund." I think Americans deserve better.

Last week I had the opportunity, when I was back home for the break, to speak to many constituents back in Texas, and they are growing increasingly upset and concerned with the amount of massive spending that this Democratic majority is pursuing. Last week President Obama signed a \$792 billion stimulus package into law that consisted of over \$500 billion in new spending. This week, my friends and our colleagues, the Democrats, are at it again. Now we're discussing a \$410 billion omnibus for a fiscal year that we're almost halfway through.

The legislation we're discussing today is actually an increase of 8.3 percent over the 2008 fiscal year funding, which is more than \$32 billion. The omnibus appropriations bill contains funding for many of the same agencies and programs that just received funds in the stimulus bill.

□ 1230

Therefore, to uncover the true level of spending for these programs this year, the funding levels of both bills should and must be combined. The combined FY 2009 funding for agencies, including the omnibus and the stimulus, is \$680 billion—\$301 billion more than these programs received in 2008—for a combined 80 percent spending increase this year, an 80 percent increase in spending this year alone.

Mr. Speaker, this week, the President held a fiscal responsibility summit that was attended by Republicans and Democrats. How can the President take my Democrat colleagues seriously when they spend another \$410 billion after the \$792 billion stimulus? There is nothing fiscally responsible regarding designating \$1.2 trillion in spending in just 2 weeks.

American families and small businesses are making sacrifices across this country and are cutting expenses due to tough economic times. Yet this Democratic majority continues to spend like there is no problem at all. Worse yet, we are taking a bill that was completely marked up last year and are assuming that those same needs are needed now.

Republicans welcome President Obama's call for fiscal responsibility, and we are willing to make the hard choices necessary to bring fiscal responsibility to Washington. Republican leadership has called for a spending freeze, and in a letter to Speaker PELOSI and Majority Leader HOYER, this past Monday, we did exactly that.

At a time of deficits, a freeze would allow the Federal Government to continue functioning at current levels, just like we have been doing for the past 6 months, while showing the commitment to the American people that we, as Members of Congress, are taking this crisis very seriously.

Mr. Speaker, this Congress must do better than this to prevent the enormous growth of Federal spending from encroaching on the family budgets of Americans. I oppose this rule and the underlying legislation as it is currently drafted.

CONGRESS OF THE UNITED STATES,

Washington, DC, February 5, 2009.

Hon. NANCY PELOSI,

Speaker of the House, U.S. Capitol, Washington, DC.

Hon. STENY HOYER,

Majority Leader, House of Representatives, U.S. Capitol, Washington, DC.

MADAM SPEAKER AND MAJORITY LEADER HOYER: Many weeks ago, you scheduled this week to consider the Fiscal Year 2009 omnibus spending bill. Now that you have announced that consideration will be delayed until after the President's Day recess, we remain troubled that the text of the bill has not been made available to the public and are concerned about the apparent precedent being established with massive spending bills in the 111th Congress. We urge you to make the text of the bill and explanatory statement available to all by posting it on-line and heeding President Obama's call for more transparency in government.

In the face of the highest deficit in our Nation's history, the Majority has asked the American taxpayers to fund nearly \$1.5 trillion in new government spending in just four short weeks. And yet now the Majority plans to spend hundreds of billions more without yet sharing the content of the bill with Republican Members or the public. In the midst of a severe recession, taxpayers have a right to see each provision of this legislation and evaluate the merit of each dollar of government spending their children and grandchildren are being required to fund.

Recent experience has demonstrated that transparency, scrutiny, and regular order are essential tools for crafting effective and prudent legislation. Vast spending bills that have been rushed through the House, such as the so-called "stimulus," were hastily considered without adequate input from both sides of the aisle—and the American taxpayer is worse off for it.

Without regular order and sufficient time to examine this legislation how can the American people and Members of Congress know where the \$500 billion will be spent?

What will the funding increases be for the final six months of fiscal year 2009? Sadly, if the Majority refuses to release at least the text of the omnibus, none of these questions will be answered before the House votes to add hundreds of billions more to the deficit.

Again, we urge you to make the text of the omnibus spending bill and explanatory statement available to the public immediately, allowing all sides to judge the merit of each taxpayer dollar spent.

Sincerely,

Representatives John Boehner; Mike Pence; Cathy McMorris Rodgers; Pete Sessions; David Dreier; Eric Cantor; Thaddeus McCotter; John Carter; Roy Blunt; Kevin McCarthy.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 23, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

Hon. STENY HOYER,
Majority Leader, House of Representatives,
Washington, DC.

MADAM SPEAKER AND MAJORITY LEADER HOYER: Last week the House rushed through passage of a 1,073-page spending bill with a total price tag of well over \$1 trillion. Many of the details of that legislation are still being revealed to the public, given that no one had sufficient opportunity to read the final bill before it was brought to the floor.

Reports now indicate that this week the House will consider a \$410 billion omnibus spending bill to increase government spending levels for the rest of Fiscal Year 2009. Once again, Republicans have not seen this bill, and the American people deserve to know how their tax dollars will be spent.

Rather than hastily forcing another massive, partisan spending bill through the House, we urge the Majority to allow the House to consider a spending freeze.

At a time of record deficits, a freeze would allow the federal government to keep functioning at current spending levels without requiring beleaguered taxpayers to pay for new spending increases. Congress could ensure that essential government functions are carried out without any cuts while still protecting taxpayers from spending increases during a time of economic hardship. Our nation now faces the highest deficit in its history, and we are plunging further into uncharted territory with the anticipated debt nearly doubling previous record levels as a percentage of GDP.

In light of welcomed press statements from Democrat leadership expressing the need for fiscal restraint, we are confident that you will agree with the merits of freezing rather than increasing discretionary spending at this time.

Sincerely,

JOHN BOEHNER,
Republican Leader.
MIKE PENCE,
Conference Chairman.
ERIC CANTOR,
Republican Whip.
THADDEUS MCCOTTER,
Conference Chairman.

I reserve the balance of my time.

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

My colleagues on the other side of the aisle want to defend George W. Bush's economic policies of the last 8 years. They can have at it. I think the American people want a change. That's what they voted for in this election. I would just like to show my colleagues:

This is a chart entitled "Record Deterioration" on the budgets under Re-

publican administrations. You'll see that we get deeper into deficit spending under George Bush 1. Then the blue line represents Bill Clinton when, actually, we went into surplus. Then this red line that kind of goes after the charts represents the policies of George W. Bush. We are in a mess because of the reckless policies of the last 8 years, and we need to dig ourselves out of it.

I would also say to my friend that he says that there is no Republican input on this bill at all. Yet, as far as I can tell, he has seven earmarks in this bill. The gentleman from Florida, who is sitting next to him, has 24 earmarks. Forty percent of the earmarks in this bill is the Republicans'. How did they magically show up in this bill? The bottom line is there has been bipartisan cooperation and collaboration and negotiation on this bill, and we need to get this bill done because we need to move on.

At this point, Mr. Speaker, I would like to yield 3 minutes to the gentleman from Colorado, a distinguished member of the Rules Committee (Mr. POLIS).

Mr. POLIS. Mr. Speaker, I rise in support of the 2009 Omnibus Appropriations Act. I thank Chairman OBEY and his staff for their hard work and leadership on this legislation.

This bill funds essential education, health care and renewable energy programs which, especially in these tough economic times, we cannot afford to let fall behind. In addition, by reducing funding for ineffective initiatives, this bill promotes efficiency and echoes President Obama's call for fiscal responsibility last night.

Many districts and States across the Nation will benefit greatly from this legislation. My district in Colorado is an excellent example. We are home to a significant science and technology presence—the Space Science Institute, Sun Microsystems, the Nation's first Smart Grid City of Boulder, Colorado, NOAA, NCAR, and NIST. This bill provides \$394 million for the National Oceanic and Atmospheric Administration for climate research and \$819 million for the National Institute of Standards and Technology to promote American scientific competitiveness.

This bill will provide the resources to sustain important educational programs for America's young people. It increases funding to each of the four Head Start programs in my district, helping Colorado's low-income kids achieve a competitive edge in their future learning, access to financial aid and Pell Grants, making college increasingly important in this competitive economy more affordable.

It also provides a much needed boost in the funding to support community health centers, which provide insured and uninsured Coloradans access to preventative and emergency health care.

This bill increases funding for public lands such as the Rocky Mountain National Park and the Arapaho National

Forest in Colorado that have been neglected for far too long.

It provides the resources necessary for the Environmental Protection Agency's efforts to clean our air and water, and it funds important programs that address climate change and energy independence with substantial money invested in community programs and awareness.

I didn't come to Congress to place blame for our problems or to bicker about partisan solutions. I came to Washington to be part of the solution and to create opportunity. If we want to protect the American dream for our communities and stabilize our economy, we need to support our core programs and services upon which we all rely. This bill is another important step in the right direction.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from Miami and from the Rules Committee (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to engage Chairwoman LOWEY of the State, Foreign Operations, and Related Programs Appropriations Subcommittee in a colloquy.

Madam Chairwoman, President Bush's fiscal year 2009 budget directs \$20 million for Cuba under the Economic Support Fund. This funding is critical U.S. assistance to those working for democracy and independent civil society in Cuba. The House voted overwhelmingly to increase funding for this important program in fiscal year 2008. However, funding for Cuba was not specifically designated in the report attached to the omnibus appropriations bill.

Can you clarify for the CONGRESSIONAL RECORD that it is the intent of the committee and of this Congress to provide \$20 million in the underlying legislation for this important program?

I yield to the chairwoman.

Mrs. LOWEY. I want to thank Mr. DIAZ-BALART, Ms. WASSERMAN SCHULTZ and Mr. SIRES for their leadership and interest in promoting democratic governance in Cuba.

While the omnibus does not list funding levels for all programs requested by the administration, funding is assumed at the administration's request unless otherwise noted in the bill and the statement.

I share the Member's concern of the lack of political freedom in Cuba, and want to assure them it is the intent of this committee to provide \$20 million in the underlying legislation for this important program as requested in the President's budget submission.

Mr. LINCOLN DIAZ-BALART of Florida. Reclaiming my time, I wish to thank the distinguished chairwoman and her staff for working with Representatives DEBBIE WASSERMAN SCHULTZ, ALBIO SIRES, MARIO DIAZ-BALART, ILEANA ROS-LEHTINEN, and myself.

It is vital that this important program receives \$20 million to fully implement activities that range from

democratic activism to humanitarian assistance that directly support the Cuban people, not the dictatorship, with the chairwoman's assurance of this full funding.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Wisconsin, the chairman of the Appropriations Committee (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I detest the word "blame," and I don't want to use it in these circumstances. I don't want to say that we're here today because I blame President Bush for our differences on these bills. I would prefer to put it another way:

The President simply proposed budgets for the domestic appropriations which would have cut the Job Corps by \$50 million. It would have eliminated the employment service by \$103 million. It would have eliminated senior jobs programs. It would have eliminated vocational education. It would have eliminated Perkins, SEOG and LEAP student aid programs. It would have funded highway infrastructure \$800 million below the level guaranteed in the authorization bill. It would have cut airport modernization grants by 22 percent. It would have eliminated the Community Service Block Grant Program. It would have cut health care access programs by \$1 billion. It would have cut low-income heating assistance by \$570 million.

Outside of that, it was a terrific budget. So we simply had a stark disagreement with the White House. We simply had a difference of opinion.

The President said he would not sign these domestic bills unless we accepted his level of cuts. We said, "Sorry, but that's not the way the budget process works. We're supposed to be able to proceed, and so long as we confine the spending to the amount limited in the budget resolution, we're supposed to be able to proceed. That amount was some \$20 billion at variance from President Bush's budget." So we offered to the White House to at least split the difference. We offered to sit down and to negotiate and to split the difference right down the middle. The White House declined. So we said, okay, if that's the case, we're simply going to wait, take our chances on the election and hope that we elect somebody to the White House who will negotiate like an adult. Now that is what has happened.

So we bring this bill here today. It essentially does two things: It provides the base funding for programs that are funded in the recovery act, without which the additional recovery funding could not succeed. Example, of the operating budget for the Social Security Administration. Example, the other half of the 50 percent that we need to keep our promises on Pell Grants. Example, the \$40 billion we need to keep our commitments on highway construction.

The omnibus also funds numerous critical programs not funded in the recovery act. We only touched about 20

to 25 percent of government accounts in providing funding in the recovery act. The other 75 percent of government did not receive any additional funds in that recovery act, and so we simply provided those funds in this bill. That is what we are doing.

With respect to earmarks, I would simply say that the process that we're following today is far more transparent than it was in the so-called "good old days." In the "good old days," subcommittee Chairs would come to the floor. They would pretend that there were not earmarks in these bills, and then they would call up the agency and say, "Hey, boys. I want you to do A, B, C, D, E, and F," and they would do A, B, C, D, E, and F totally hidden from public view.

Instead, today, you may not like the fact that Congress participates on an equal constitutional footing, but the fact is, under the process today, every single earmark that is out there has to be identified by name. It is on the Web, and people can examine them to see whether they think they're deserving or not.

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

Mr. MCGOVERN. I yield to the gentleman an additional 2 minutes.

Mr. OBEY. Now, from a standpoint of personal convenience, as chairman of the committee, I would much prefer that there would not be earmarks because then I wouldn't have to spend so much time in a hassle about them, but the fact is they represent the hole in the donut. Earmarks today are less than 1 percent of all of the funds in this bill. As a percentage of Federal spending, we have cut earmarks in half in this bill. I think that's doing pretty well. There are some people in this place who think that because Duke Cunningham fouled the nest with his corrupt practices that somehow we should eliminate all earmarks. With all due respect, that's like saying, because somebody gets drunk behind the wheel of a car, you ought to abolish the automobile.

The fact is, without the earmarking process, the White House and its anonymous bureaucrats would make every single spending decision in government. So, if you're a well-connected corporation and you've got some buddies in the Pentagon, you can sit down on the inside and work out sweetheart deals, and nobody will ever be the wiser. Earmarking may have its problems like any other human endeavor, but at least it's out in the open. You can measure it. There is a degree of accountability that never existed before we proceeded with these reforms. I am proud of those reforms, and every Member of this body who voted for them on both sides of the aisle should be proud, too.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 3 minutes to the distinguished gentleman, the ranking member of Natural Resources, the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I oppose this totally closed rule. As the ranking Republican on the House Natural Resources Committee, I especially object to a very dangerous policy rider that could seriously threaten new job creation and economic growth across our entire country.

□ 1245

Section 429 of this bill allows the Secretary of the Interior to withdraw, with no public notice and no public comment, two rules established during the Bush administration that ensure the listing of the polar bear as threatened under the Endangered Species Act is not transformed into a vast new expansion of government power to impose greenhouse gas emission regulations on economic activity across America.

Section 429 empowers the Interior Department or a Federal judge to limit potentially any carbon dioxide or other greenhouse gas emission in all 50 States using the polar bear and the Endangered Species Act as a regulatory vehicle.

We all want to protect the polar bear. As the Washington Post editorialized last year, "Though the polar bear deserves protection, the Endangered Species Act is not the means, and the Fish and Wildlife Service is not the agency to arrest global warming."

By wiping out this rule under 429, any increase in carbon dioxide or greenhouse gas emission would be subject to a potential lawsuit on the grounds that the action must first require consultation with the Fish and Wildlife Service to mitigate emissions.

What emits greenhouse gases? I will name a few examples, Mr. Speaker. It's building a new factory in Pennsylvania or a new school on an Indian reservation, it's farming and cattle ranching. Most all of the shovel-ready projects on the trillion-dollar stimulus bill would, in fact, be at risk.

Democrats know section 429 is extremely controversial so they slipped this into this massive spending bill behind closed doors. Mr. Speaker, why the secrecy? The reason is obvious. Section 429 threatens the creation of new jobs in every State and can do real harm to our already troubled economy. This is a backdoor maneuver to warp the original purpose and intent of the Endangered Species Act to invent vast new climate change powers for the Federal Government to control economic activities.

Democrats claim section 429 is just an attempt to stop midnight rules completed at the end of the Bush administration. Yet, Mr. Speaker, these rules in the Bush administration were written in full compliance with the law. Democrats have written section 429 to say "forget all the laws; forget public comment from the American people. We don't have to follow the laws. Just wipe these legal rules off the books that put jobs and our economy at risk."

Mr. Speaker, I want to make note that last night the junior Democrat Senator from Alaska wrote to the Senate Democrat leadership expressing his deep concern and objections to this provision, the harm it could do to economic activity and that it should be removed from this legislation. That's exactly what we should be doing here today. And I ask my colleagues to support that action.

Again, Mr. Speaker, I strongly oppose this measure, and I urge my colleagues to open up the omnibus appropriations bill to amendment.

U.S. SENATE,

Washington, DC, February 24, 2009.

Hon. DANIEL INOUE,
Chairman, Senate Appropriations Committee,
U.S. Capitol, Washington, DC.

DEAR CHAIRMAN INOUE: I write to express my serious concern over Section 429 of the just-released House version of the Fiscal Year (FY) 2009 Omnibus Appropriations Bill, H.R. 1005, now being considered in the House of Representatives. This section, which was included in the bill without any advance notice, would provide significant new authority to the Secretaries of Commerce and Interior to potentially overturn two of the regulations the Bush Administration adopted under the Endangered Species Act. One of the rules is the Polar Bear Special 4(d) Rule, which has provided some much-needed legal certainty to the application of the Endangered Species Act to the North Slope of Alaska. The Secretary of the Interior would have 60 days from the date of enactment of the Omnibus Bill to withdraw or "reissue" the Special Rule for the polar bear issued on December 10, 2008.

The language of Section 429 is attached. If Section 429 is enacted as is, the Secretary would not have to comply with any statutory or regulatory provision that would normally affect such an action, including public notice or comments or consultation requirements. Significantly, Section 429 also authorizes the Secretary of the Interior to "reissue" the 4(d) Rule for the Polar Bear. It is unclear what actions the Secretary may take in reissuing the rule. While it is possible that the Secretary would only be authorized to reissue the Special 4(d) Rule as it was previously published, under an alternative interpretation, the Secretary may be able to issue a revised rule, with major changes, without having to comply with the typical procedural requirements of the Administrative Procedure Act or the Endangered Species Act. The existing legislative history of the Omnibus Bill does not explain how Congress intends the term "reissue" to be interpreted. This lack of clarity will only cause more legal uncertainty, in an area of law where litigation already is rampant. Activities of numerous businesses operating in Alaska, and of the Inupiat people of the North Slope, will be caught in this void.

Additionally, there would be no "incidental take" protection if Section 429 is enacted and the polar bear 4(d) Rule is withdrawn, without a similar Rule in its place. Should the Secretary decide to withdraw the 4(d) Rule under Section 429, the polar bear would remain listed as a threatened species under the Endangered Species Act. Under the Department of the Interior's regulations, the full range of Section 9 prohibitions apply to all threatened species unless a species is subject to its own Section 4(d) rule. As such, the activities currently covered, and protected, by the 4(d) Rule would be at risk for incurring liability under the Endangered Species Act, should a take of a polar bear occur. This liability would extend even to minor, inci-

dental impacts on polar bears from otherwise entirely lawful activities. This could endanger the public if a polar bear wanders onto a North Slope playground or village. This liability risk will remain until the Secretary promulgates new Section 4(d) regulations for the polar bear. Under this section, the protections built into the current 4(d) Rule could disappear without a replacement 4(d) Rule in the works.

I see no valid public policy reason to inflict on the people of the North Slope significant legal uncertainty and potential liability under the ESA, by congressionally waiving ordinary public notice and comment requirements that routinely apply in virtually all other settings. The inclusion of Section 429 is particularly disturbing in that it effectively "cherry-picks" and exempts certain regulations and has the effect of depriving the public of due process. Irrespective of whether one agrees or disagrees with the substance of rules adopted by the prior administration, this action sets a bad precedent. If the current administration disagrees with a rule previously adopted, there exists a process by which the rule can be reviewed and the notice and participation rights so citizens respected. Finally, the underlying policy goal at issue here—using the Endangered Species Act to regulate climate change—is far too important a matter to be decided without debate as a non-germane portion of an appropriations bill.

I understand that the House may move to strike Section 429 as an extraneous rider. If the motion to strike is not adopted, I respectfully request your assistance and leadership in seeking to omit the language from a Senate bill, or seeking to have the language omitted from any final House-Senate agreement.

Thank you for your consideration and assistance in this important matter.

Sincerely,

MARK BEGICH,
U.S. Senator.

Mr. MCGOVERN. Mr. Speaker, before I yield to Mr. OBEY to respond to the last speaker, I would like to express my surprise that he would oppose a bill in which he has 30 earmarks in it.

At this point, I would like to yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I want to correct one misunderstanding on the endangered species proposal.

All this language does is to give the Secretary, the new Secretary, 60 days to re-examine the rule that was a mid-night change in the rule.

Mr. HASTINGS of Washington. Will the gentleman yield on that point?

Mr. OBEY. I'd like to finish my statement on this first, if I could.

All this does is give the Secretary 60 days to reconsider the rule and decide whether to go forward or not. This was a rule that was promulgated by the administration as they were going out the door after the election. And I have no idea what I think is the right public policy. I do not have any objection, however, to the new Secretary taking a look at it before he commits the country to a change in direction.

Now I'd be happy to yield.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

Two points. The reason this ruling came about was because of the listing of the polar bear and that the Bush ad-

ministration started this process, which is required by law—

Mr. OBEY. I understand. I only have 1 minute.

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

Mr. MCGOVERN. Mr. Speaker, I yield the gentleman from Wisconsin an additional 30 seconds.

Mr. OBEY. I only have 30 seconds.

My point is I understand they began the rule a long time ago, but they did not promulgate it until after the election and all this does—this does not reverse the rule; it simply gives the new administration the latitude to determine whether they should go ahead or not. It leaves the situation in neutral, and I think that's a fair thing to do.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. OBEY. Sure.

Mr. HASTINGS of Washington. There's probably some disagreement on the rule. But why not go through the regular process to change the rule? You're doing it without any regular process.

Mr. OBEY. I think the regular process would have been for the administration not to promulgate a new rule after the election when they were no longer accountable.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2½ minutes to the distinguished gentleman from Texas, a bright young member of the Republican Conference, JEB HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, as our countrymen are hurting, as our unemployment news grows grim, what is the answer of the Democrat majority? They have brought us the largest single 1-year increase in the Federal deficit; they have brought us the largest deficit ever, \$1.2 trillion, 8.3 percent of our economy; they've brought us the largest government debt ever, a debt that will be passed on to our children and grandchildren. And today they bring the largest regular appropriations process in history to the floor totaling at \$1 trillion.

They have achieved, Mr. Speaker, a trifecta of trillions: a trillion dollars to stimulate government, a trillion dollars of Federal deficit, a trillion dollars for a regular appropriations bill.

This bill, Mr. Speaker, is going to grow the government 8.3 percent. Washington can grow 8.3 percent, the Federal budget can grow 8.3 percent. But the family budget, which has to pay for the Federal budget, only grew at 1.3 percent last year. So somehow Washington is entitled to almost a six-fold increase in their budget but working families are not?

You know, I don't see it. I don't see it, Mr. Speaker.

Now, something I do see is an old quote from Yogi Berra: "It's déjà vu all over again."

So now I'm seeing \$3.13 billion for the 2010 census on top of the billion dollars

that was given to the census in the so-called stimulus bill; \$1.45 billion for Amtrak on top of the \$1.3 billion Amtrak received in the stimulus bill. And the list goes on and on.

Again, Mr. Speaker, this is more legislation designed to stimulate the government and not to stimulate the economy.

Let me give you a quote from one of our Secretaries of Treasury. He said, "We are spending more than we have ever spent before, and it does not work. We have never made good on our promises. After 8 years of this administration, we have just as much in unemployment as when we started, an enormous debt to boot." The Secretary of Treasury was Henry Morgenthau, FDR's Secretary of Treasury. Those words were spoken in 1939.

And now we see the example of Japan. Mr. Speaker, you cannot spend and borrow your way into economic prosperity. They had nothing to show for what they did in Japan. Ten stimulus bills, but no jobs, no economic growth, and the largest per capita debt in the world. We should reject following the Japanese way.

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

I want to remind the previous speaker and some of my friends on the other side that they have been in charge for 8 years in the White House; 6 of those 8 years they've been in charge of the Congress. They can't blame this on Bill Clinton who, by the way, left the White House with a surplus.

Mr. HENSARLING. Will the gentleman yield?

Mr. MCGOVERN. This is the debt that has been accumulated during the Bush administration. The debt has doubled during this past administration. This is the legacy of their policy.

The election was about change. People have had it. People want investments, not in tax cuts for the wealthy, but they want investments in education—

Mr. HENSARLING. Will the gentleman yield?

Mr. MCGOVERN. No. At this point I will not.

They want investments in transportation, in education, and in the future of this country. But this is what they created. This is undeniable. This is what happened during the Bush years: a doubling of the debt. And that is a legacy that our kids and our grandkids are going to have to pay for.

I give President Obama a great deal of credit in this tough economic crisis to not only understand that we need to invest in our people to help create jobs and to help get this economy back on the right track, but he also said last night very clearly that we are going to be fiscally responsible and we are going to cut the deficit in half in 4 years. That is a benchmark that he will be measured by, and I will tell you that I think that what he said last night was what the American people wanted to hear. It's why he won the election in November.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding once again.

And I was happy to see I could save the gentleman from Massachusetts the trouble of looking into his earmark books, as he will find none for me.

I noticed that the gentleman from Massachusetts didn't deny any of the factual assertions. Since Democrats took control of the Congress, we have the single largest 1-year increase in the deficit. He didn't deny it. Go to CBO. You'll find the fact.

We now have the largest deficit ever since Democrats took control of this Chamber. Go to CBO, you'll find out it's a fact. We have the largest government debt ever under Democrat control of this House. He did not deny the fact. I would also point out—since the gentleman has been in this body for quite some time—that it is Congress, it is Congress that passes budgets, not the White House, as much as he would like to blame all of this on the White House. It is Congress.

And every year I've been here, Mr. Speaker, whenever the Republicans have presented a budget—and I haven't been ecstatic about each and every one—my friends on the other side of the aisle present a budget with even more spending that ultimately leads to higher taxes on struggling families in America. That is the fact.

Mr. MCGOVERN. Mr. Speaker, I yield myself 5 seconds.

I just remind the gentleman that the Republicans controlled Congress for 6 of the last 8 years.

I reserve my time.

Mr. SESSIONS. Mr. Speaker, I would also remind the gentleman that for 6 of those 8 years, Republicans controlled this House of Representatives, and the economy was great because we didn't try and run the investor out on the terms of what's fair for the American people. Once we had tax increases yelled about every day on this floor of this House of Representatives, the investor got it.

So we've got a lot of fairness under the terms that my friends, the Democrats, wanted. And that is where it's called massive unemployment and economic chaos.

Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Hamilton, New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I submitted two pro-life, pro-child, pro-women amendments to the Rules Committee and asked that they be made in order. Regrettably, both were rejected.

As a direct, absolutely predictable consequence of President Obama's abortion export order a few weeks ago nullifying the Mexico City policy, an Obama action that the Gallup poll found that 58 percent of the people op-

pose him, 35 percent support him—as a result of that order, there will be significantly more abortions worldwide, more dead babies, and more wounded women.

Now the number of innocent children forced to die from dismemberment, decapitation, or chemical poisoning by abortion will increase significantly mostly in Africa and Latin America.

The pro-abortion organizations who will divvy up the \$545 million pot of U.S. taxpayer grant money contained in the bill have made it abundantly clear that they will aggressively promote, lobby, litigate, and perform abortions on demand in developing countries. My amendment would have prevented that.

Flush with U.S. funding, foreign pro-abortion NGOs will be regarded in those countries as an extension of American values and mores. In your name and mine, and in the name of the American people pro-abortion organizations will unleash massive death, pain, sorrow, and destruction on babies, women, and families.

□ 1300

The second amendment, Mr. Speaker, would have preserved the Kemp-Kasten anti-coercion amendment. That amendment, while it's in the bill, is actually gutted by language also in the bill that says that funds made available to the UNFPA shall be made available notwithstanding any other provision of law. So it's gutted. My amendment would strike the notwithstanding language and reiterate the anti-coercion text.

The U.N. Population Fund, Mr. Speaker, has actively supported, co-managed and whitewashed the most pervasive crimes against women in human history, yet the omnibus Appropriations bill gives them \$50 million and a slap on the wrist.

China's one-child-per-couple policy relies on pervasive coerced abortion, involuntary sterilization, ruinous fines in the amounts of up to 10 times the salary of both parents, imprisonment, job loss or demotion to achieve its quotas. In China today, with UNFPA enabling acquiescence and facilitation, brothers and sisters are illegal. Illegal kids—siblings! Women are told when and if they can have even the one child permitted by law. Unwed mothers, even if the baby is their first, are forcibly aborted.

Women are severely harmed emotionally, psychologically and physically, yet for the past three decades the UNFPA has been China's chief apologist as well as program trainer, facilitator and funder.

So, Mr. Speaker, how does Congress respond to the UNFPA's unconscionable complicity in China's crimes against Women? Do we demand reform, or the protection of Chinese women and children? Heck no. We gut the anti-coercion law and write a \$50 million check to the UNFPA.

Mr. Speaker, yesterday I submitted two pro-life, pro-child, pro-women amendments to the

Rules Committee and asked that they be made in order under the pending rule.

Notwithstanding the fact that both the Mexico City Policy amendment and the Kemp-Kasten Anti-Coercion population control amendment have been fundamental foreign policy for the better part of two decades, the Democratic leadership chose to reject both, out of hand, precluding members so much as an up or down vote.

As a direct, absolutely predictable consequence of President Obama's abortion export order a few weeks ago nullifying the Mexico City Policy the number of innocent children who will be forced to die from dismemberment, decapitation, or chemical poisoning by abortion will increase significantly, mostly in Africa and Latin America.

According to a Gallup poll released earlier this month, overturning this pro-life policy was the least popular of the President's actions in his first week in office. In fact 58 percent of those polled opposed overturning the policy and only 35 percent supported funding groups that promote or provide abortion as a method of family planning.

The pro-abortion organizations who will divvy up the \$545 million pot of U.S. taxpayer grant money contained in the bill have made it abundantly clear that they will aggressively promote, lobby, litigate and perform abortion on demand in developing countries. My amendment prevents that.

Flush with U.S. funds, foreign pro-abortion NGOs will be almost certainly regarded by people in foreign nations as extensions of American values and mores. Mr. Speaker, in your name and mine and in the name of the American people—pro-abortion organizations will unleash massive death, pain, sorrow and destruction on babies, women and families throughout the world.

President Obama—the Abortion President—has put countless innocent children in harm's way, all while speechifying that he wants to reduce abortion.

And please, let's not kid ourselves any longer. There is nothing whatsoever benign, kind or compassionate about abortion; it is violence against children and wounds women.

The second amendment would have ensured that the Kemp-Kasten anti-coercion proviso in the bill has meaning. On one page of the Omnibus, Kemp-Kasten is seemingly retained intact, only to be completely gutted by text which reads.

Funds appropriated by this act for UNFPA—\$50 million—“shall be made available to UNFPA notwithstanding any provision of law”

The U.N. Population Fund has actively supported, co-managed, and white-washed the most pervasive crimes against women in human history.

Yet this bill gives them \$50 million and a slap on the wrist.

China's one-child-per-couple policy relies on pervasive, coerced abortion, involuntary sterilization, ruinous fines in amounts up to 10 times the salary of both parents, imprisonment, and job loss or demotion to achieve its quotas.

In China today with UNFPA enabling China's barbaric government policy, brothers and sisters are illegal. Imagine, a government so hostile to siblings that it makes them enemies of the state—and dead.

Women are told by Chinese family planning cadres when—and if—they can have even the one child permitted by law.

Unwed mothers—even if the baby is her first—are forcibly aborted. No exception.

Women are severely harmed emotionally, psychologically, and physically. Chinese women are violated by the state. The suicide rate for Chinese women—about 500 a day—far exceeds suicide anywhere else on earth.

Then there are the missing girls—about 100 million—victims of sex selection abortions. This genocide is a direct result of the China/UNFPA one child policy.

In 2008—the U.S. State Department found once again that the UNFPA violated the anti-coercion provision of Kemp-Kasten and reprogrammed all funding originally earmarked for the UNFPA to other maternal health care or family planning projects.

Yet throughout the past three decades, the U.N. Population Fund has remained China's chief apologist, as well as program trainer, facilitator and funder.

So, finally, Mr. Speaker, how does Congress respond to the UNFPA's unconscionable complicity in China's crimes against women? Do we demand reform and protection of Chinese women and children? Heck no. We gut the anti-coercion law and write a \$50 million check to the UNFPA.

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

Mr. OBEY. Mr. Speaker, let me simply point out that our friends in the right-to-life community have made their concerns clear. They have asked this committee to retain virtually all of the limitations on abortions that have been in previous appropriations. The committee has done so in 19 of 20 items. That's a pretty good batting average I would suggest.

The only change that has been made with respect to abortion is the change with respect to the United Nations Population Fund. And here we retained all current law restrictions on family planning funds in China, which means UNFPA programs in China will not be funded. The bill does make some adjustments that allow certain expenditures for maternal health programs, including ensuring safe childbirth and emergency obstetrics care. The new provision does not in any way change current law restrictions on funding of UNFPA contra programs in China. I personally detest the Chinese programs and I agree with the gentleman's observations about the Chinese programs, but the adjustments simply allow this agency to proceed in 100 other countries.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, as a Republican moderate, I rise in support of the rule, but against the bill that it governs.

This rule would deny a pay raise to the Congress, and since Americans are not getting a raise, neither should we. But the ominous appropriations bill underlying this legislation is not responsible. It contains 9,000 earmarks, with no irony in the very same week as the Fiscal Responsibility Summit.

The earmarks in support of projects come from Republicans and Democrats, but none of them face the time that we see. Earmarks, remember, are sole-source Federal grants given without competition, many for clients of entities who paid lobbyists to reach into our Treasury.

Now, one set of earmarks in this legislation deserves particular scrutiny. The bill contains no less than a dozen earmarks for the clients of Paul Magliochetti and Associates, known as PMA. Agents from the FBI raided PMA 3 months ago, and yet I have seen, coming from Illinois, the signs of a Federal criminal investigation and know what they look like. And the signs are all there now that the Justice Department is moving to soon indict the leaders of PMA, but stunningly, this House is ready to approve no less than 12 PMA client earmarks in this bill, reaching into the taxpayers' Treasury for \$8.7 million. It is simply not responsible to allow a soon to be criminally indicted lobbying firm to win funding—all borrowed money—in this bill.

This bill also dramatically accelerates spending by the Federal Government. We have approved a \$1 trillion stimulus bill; this is a \$410 billion omnibus appropriation; and then we will take up a supplemental appropriation bill—all borrowed money. The legislation contains no analysis of the borrowing required to support this spending.

The Bureau of the Public Debt reports that we will have to borrow \$150 billion a week to support this spending.

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

Mr. SESSIONS. I give the gentleman an additional minute.

Mr. KIRK. We will have to borrow an additional \$150 billion a week, the Bureau of Public Debt reports, to support this spending.

Now, the number of lenders to the United States Government used to total 45; they are now less than 17. And our top lender is China, its government and central bank, that just announced that its lending to the United States will drop from \$450 billion last year to just \$150 billion this year. Now, they've already lent us \$1 trillion, and they're worried that we can't repay. Would you blame them?

So I would hope, at a minimum, that when the conference meets on this legislation we delete the criminal earmarks, the 12 PMA earmarks, in conference. These leaders from PMA are likely going to jail, and their work should go unrewarded from our Treasury.

Mr. MCGOVERN. Mr. Speaker, let me just say I am grateful to the gentleman for supporting the rule. I'm glad he agrees with us that in this tough economic time we should not go forward with a pay raise for Members of Congress. But I would simply point out that passing the rule in and of itself doesn't deny Members a pay raise. You

need to pass the rule and pass the bill; otherwise, it doesn't happen. So I would urge him maybe to rethink his position.

At this point, I would like to yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. I would like to thank the chairman and subcommittee chairman on the Appropriations Committee for doing such a great job crafting this legislation.

Last night, President Obama said that a budget should be more than just a list of programs and dollar amounts, it's a document that should reflect our values as a Congress.

I'm proud to support this rule and this omnibus bill as a reflection of my values. Allow me to briefly mention some of the programs that I'm proud to have worked with my colleagues to fund.

I'm very pleased that we have additional money in here for public housing capital funds. We have many of our large public housing projects that are in great disrepair, and to have just a decent quality of life we needed to expand support for these public housing projects. There is money for section 8 tenant-based vouchers, money for section 8 project-based vouchers, and then of course education and training.

We have my beloved Head Start program. That is going to ensure that 900,000 low-income children have access to high-quality preschool services, title I grants for low-income children, and money for dislocated workers.

In health, we're going to give additional support to community health centers, health professions training, and Missing Alzheimer's Disease Patient Alert Program; and of course some assistance in international aid for HIV and AIDS; and a little money for Haiti—that's the poorest country in the Western Hemisphere.

So I am very, very proud of this legislation, particularly in this time of economic crisis. It's vital that we continue to invest in our economy to keep our country strong.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 1½ minutes to the gentleman from Augusta, Georgia, Dr. PAUL BROWN.

Mr. BROWN of Georgia. I thank the gentleman for yielding.

This rule is totally unfair, and it is a slap in the face to the American family. We are struggling all across America to try to make ends meet, but what are we doing here in Congress? We're growing the size of the Federal Government. The things that are included in this grows every one of these appropriations in whole by almost 8.5 percent, but the American public's budget isn't growing that much.

I presented an amendment to this huge abomination here that would have cut discretionary spending—not military spending, not veteran spending, but discretionary spending—by 10 percent. My amendment was not held in order. I was trying to help the Amer-

ican people, but we're having this forced down our throats. This is just another continued rolling of a steam roll of socialism down the throats of the American people and it's going to destroy our economy.

Just as an example of how grossly growing the Federal Government is, Labor HHS, with what is in this bill as well as what was in the nonstimulus bill just a couple of weeks ago, is growing by 91 percent just for that one department. Labor HHS approps is growing 91 percent. This is totally intolerable.

Just last night, the President stood right there and said he wanted to cut the deficit in half by the end of his 4-year term. We're not cutting the deficit, we're growing government, and it's going to increase the Federal debt. This is intolerable, and this rule should be rejected.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 1½ minutes to the gentleman from Allentown, Pennsylvania.

Mr. DENT. Mr. Speaker, I just rise today to express my disappointment with the fact that we are operating under a closed rule. I appreciate the fact that we are going to eliminate the pay raise, I think that's appropriate, and I commend everybody involved with that. We should not be getting a raise at a time like this.

But ordinarily we operate under what's called an open rule so that we have the opportunity to offer amendments to appropriations measures, that is our custom. And I'm very disappointed that we're not allowed to do that.

We all talk about bipartisanship, as we should, and we should try to work for bipartisan legislation. In fact, the President just the other day said something to the effect that the majority needs to be inclusive and the minority needs to be constructive. I agree. And in that spirit, I offered an amendment to the Rules Committee yesterday that would have limited the increase in spending in this legislation to the rate of inflation at 3.8 percent. It was rejected on a party line vote. I think it would have been most appropriate. Again, that amendment was substantive, it was constructive, and would have benefited the American taxpayer.

I understand that we have an obligation to govern, that we must pass appropriations bills to fund the government; that is important and that's something we must do. But the fact that we're operating under this closed rule process, though, again, shuts so many people out of the process. It is unfair, it's unreasonable, it is not bipartisan, and I think we should heed President Obama's voice, that the minority should be constructive and the majority should be inclusive. And that is not what is occurring with respect to this Omnibus Appropriations Act.

I am disappointed. And like others, I intend to vote for the rule because it

will eliminate the pay raise, so that's a good thing; but again, we need to get back to regular order.

Mr. SESSIONS. Mr. Speaker, the gentleman, Mr. FLAKE, had it right this morning when he said this bill is heavy, and it is. And this is the bill that we're getting ready to pass, hundreds of billions of more dollars that will be taken from the American people that we're borrowing this money.

Just last week, we passed a bill that was twice this size, all borrowed money. This is a bill that, by and large, was put together last June and ready to go. We are now 5 full months through the fiscal year, and yet we decided to go ahead and do the exact same bill in the remaining 7 months; 8 percent increase if we had 12 months, now we've got 7 months left. All borrowed time, all borrowed money off of a system that now, months later, is under greater distress.

The American family, the American taxpayer, American business, even investors to this great country, like China—as we've heard the gentleman, Mr. KIRK, talk about—the investors, people who will pay for this debt, are growing weary of bigger and bigger government, of more and more spending.

And I do recognize that we disagree with each other on the floor based upon party lines, but at some point there has to be a reality check. And the reality check is that, since we decided to wait almost half a year, why not cut it in half? Makes sense to me. Perhaps that's common sense; perhaps it's just political shenanigans. But, Mr. Speaker, here we are today with 7 months remaining and we're going to cram down an 8.5 percent increase.

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

□ 1315

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Speaker, I rise in strong support of the Omnibus Appropriations Act and the rule currently being debated in the House.

Division E of this bill provides \$27.6 billion for programs under the jurisdiction of the Interior and Environment Subcommittee. This is a modest increase of about 4½ percent over the 2008 funding level. These funds are critically needed to support the core activities of agencies which serve every American family and which benefit the taxpayers of this country. These agencies include the National Park Service, the U.S. Fish and Wildlife Refuge System, and the National Forest System. These land management agencies manage more than 600 million acres of publicly owned land and host more than 200 million visitors every year.

The bill also funds the Indian Health Service and the Bureau of Indian Affairs, which provide education, law enforcement, and health services for 4

million Native Americans. It includes the money to support the staff of the Department of the Interior, which develops the offshore and land-based energy resources of this country. These energy-related programs generate over \$20 billion of revenue for the Federal Treasury every year. It includes money for the EPA to support environmental protection activities in every congressional district affecting every single American family.

Mr. Speaker, I want to specifically address the question raised earlier as to why we need this omnibus money when we have just provided \$11 billion for the agencies in the American Recovery and Reinvestment Act signed last week. The basic answer is the stimulus legislation provides funding for infrastructure projects at these agencies, in particular funding to address the longstanding and well-documented maintenance backlogs. The omnibus bill we are considering today supports the operational costs of these agencies.

The recovery bill pays to repair Indian schools. This bill pays for the teachers.

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

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

Mr. DICKS. The recovery provides funds to fix dilapidated Indian hospitals and clinics and allows purchases of critically needed medical equipment. The omnibus bill pays for the doctors, dentists, and nurses.

The recovery bill will improve the roads, bridges, trails, and visitor services facilities of our parks, refuges, and forests. The omnibus bill pays for the park rangers who provide visitor services and for the law enforcement rangers who protect those visitors.

The recovery bill will repair, rehabilitate, and build new water and sewer systems in over 500 communities. The omnibus bill includes funding to support efforts to protect public health by enforcing laws and regulation to ensure our air is fresh, our water is safe, and that our families are not exposed to dangerous toxins.

I want to commend Chairman OBEY for bringing this bill badly needed by the American people. These are important programs, and I appreciate his leadership on this bill and the staff of the committee as well.

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The Recovery bill will pay to improve border security by installing surveillance equipment and allowing purchase of better equipment for law enforcement personnel. But it is the Omnibus bill which pays for the refuge and park personnel who patrol the border areas which are overwhelmed by drug dealers and undocumented aliens. I toured this area last weekend on a Committee field visit and I can tell you these brave rangers and other law enforcement personnel face danger every day and desperately need the funding in this bill.

Mr. Speaker, a full-year Continuing Resolution will not adequately fund the operational costs of these agencies. Fixed costs average a little over 5 percent this year. If Congress simply extends the Continuing Resolution, agencies already suffering serious staffing shortfalls will have to further reduce staff. The Park Service will lose \$161 million. The wildlife refuges will lose \$29 million. The Bureau of Indian Affairs and the Indian Health Service will lose \$320 million. These cuts will have very serious consequences.

Let me give one very straightforward example of the impact of a full year Continuing Resolution. The Indian Health Service estimates that if they are forced to operate for the rest of the year under the Continuing Resolution that they will provide 2,800 fewer hospital admissions and 400,000 fewer outpatient visits.

Screening for diabetes, cancer and other life threatening diseases will also be significantly reduced. These are very serious consequences.

Mr. Speaker, this bill we are considering today includes a very modest increase of 4.8 percent over the 2008 level for Interior and Environment programs. The recommendations have been developed through a fully bipartisan process. I urge adoption of the bill.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 1 minute to the distinguished gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, last night here in the well, the President said that there were no pork barrel projects in this bill, and now we find out there are over 9,000 pork barrel projects. Some people in the other Chamber said that the American people don't care about those pork barrel projects. I think they do.

And I think the American people care about our kids. We are stealing from our children and future generations. And let me just tell you why I say that.

We spent \$700 billion in the TARP bill. We don't even know where half of that money went, \$350 billion. We spent \$14 billion on the auto industry. That's just the beginning. And there wasn't even a plan. If there had been a plan, it would have been a different situation. We spent \$787 billion plus interest, which is going to take it over \$1 trillion, on the stimulus bill, and we don't know if that's going to work. And we have got these 9,000 pork barrel projects that are in this bill, which is \$408 billion. You add all that up plus the national health care, which the President said we are going to have to have here very quickly, and you don't have any idea how much money we're talking about. Mr. Geithner said \$2 trillion is going to go in to help bail out the financial institutions. You add all of that up and it is an astronomical amount of printing of money and borrowing of money, and we don't have it. And we're borrowing from our kids and future generations.

And then on top of that, the President said he was going to cut the deficit in half in 4 years. That is not possible. It is just not possible. And I just hope the American people are paying attention, Mr. Speaker, because we're playing with funny money in this place and we're hurting the future generations of this country.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Listening to my friend from Indiana talking about funny money and fiscal responsibility, well, you know, we didn't hear that from you when those on the other side ran the economy into the ditch for the last 8 years, turning a \$5 trillion surplus into a massive budget deficit. If he would have listened to the President last night, he would have

heard that the President said the economic recovery package had no earmarks. Now, even though this Omnibus has one-fourth of the earmarks that the previous Republican crew had when they ran the place, the President wasn't talking about today's bill. He was talking about the economic stimulus.

I appreciate the hard work of the committee in bringing this forward. As we know, this work was largely done last year but we had a President that was running out the clock. He wouldn't work with the committee to deal with then what our established budget resolution was. He wanted more Draconian cuts. The committee wisely sidestepped that, moved forward with a new Congress and a new administration. This \$410 billion package works in harmony with the economic recovery package, and I am pleased that it re-focuses on the pieces that matter.

I have got a little provision in here that makes a difference for my community, a broadly supported effort for \$45 million to revitalize our community with a Portland streetcar, something that's gaining attention across the country. People look at this as an opportunity to rebuild and renew, create jobs, revitalize community. It also contains important funding provisions for Public Broadcasting that will allow our hometowns to continue to invest in quality, commercial-free, educational, and cultural programming. It continues the investment in renewable energy.

I would like to conclude by paying special tribute to the committee and especially Chairwoman LOWEY for her success in raising the profile and investment in international clean water and sanitation.

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

Mr. MCGOVERN. I yield the gentleman 30 seconds.

Mr. BLUMENAUER. Mr. Speaker, we came together with bipartisan legislation in 2005, the Water for the Poor Act, but Congress didn't put any significant money in it. There was less than \$10 million for all of Sub-Saharan Africa. This year there is \$300 million to implement the Water for the Poor Act, and a significant investment in Sub-Saharan Africa. It's going to mean that hundreds of thousands of lives are going to be saved and the United States is going to be regarded differently around the world.

Simple, common sense, should have been done years ago, is going to be done now, and I appreciate the committee's hard work.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

The bill that we are talking about, again, is a large bill, \$400 billion worth of spending, very few committee mark-ups, committee hearings. We heard that they could not negotiate with the President because they didn't want to have to make tough decisions to fit within a box the package that would

be, I think, best for the American people, \$400 billion more worth of spending.

Borrowed money is difficult for the United States, and it's my hope that sometime during this process that my friends the Democrats are going through that they will recognize that borrowing money is a sad way to run the business.

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

Let me begin by thanking Chairman OBEY and the members of the Appropriations Committee on both sides of the aisle and their staff for their tireless efforts in trying to put together a bill that will help the American people.

I urge my colleagues to support the underlying bill. This is, as I said earlier, a completion of last year's work. Unfortunately, the White House refused to negotiate with the Congress. They showed an incredible amount of disrespect and indifference to what congressional leaders of both parties had to say, and it was their way or the highway, and so here we are. We're trying to wrap up last year's work in a way that will help the American people.

My colleague from Texas talks about that we should have a freeze on all spending. Well, given this economy, that kind of a policy would leave a lot of people in the cold. It will take some government investment to get us out of this ditch that we're in. And no matter how you want to look at it, the graphs and the charts are all the same, that these last 8 years this administration's policies, with the help of a lot of my friends on the other side of the aisle when they were in charge of Congress, have driven this economy into a ditch, and we need to get out of this ditch.

Mr. Speaker, I should also tell my colleagues that this rule also prevents Members of Congress from receiving a pay raise, and every Member of this House has the opportunity to vote up or down on this rule. And a vote against this rule and I would say a vote against the bill is a vote for the congressional pay raise. So if you have said publicly that you oppose the congressional pay raise, that you would vote against an increase in your salary if you could, well, here's your chance. If you vote "no" on the rule and you vote "no" on the underlying bill, then you are voting to increase your pay. I think during these difficult economic times, that's the least this Congress can do, and I would urge a "yes" vote on the previous question and on the rule.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 393, nays 25, not voting 13, as follows:

[Roll No. 84]

YEAS—393

Abercrombie	Cuellar	Honda
Ackerman	Culberson	Hunter
Aderholt	Cummings	Inglis
Adler (NJ)	Dahlkemper	Inlee
Akin	Davis (AL)	Israel
Alexander	Davis (CA)	Issa
Altmire	Davis (KY)	Jackson (IL)
Andrews	Davis (TN)	Jackson-Lee
Arcuri	DeFazio	(TX)
Austria	DeGette	Jenkins
Baca	Delahunt	Johnson (GA)
Bachmann	DeLauro	Johnson (IL)
Bachus	Dent	Johnson, E. B.
Baird	Diaz-Balart, L.	Johnson, Sam
Baldwin	Diaz-Balart, M.	Jones
Barrow	Dicks	Kagen
Bartlett	Dingell	Kanjorski
Barton (TX)	Doggett	Kaptur
Bean	Donnelly (IN)	Kennedy
Becerra	Doyle	Kildee
Berkley	Dreier	Kilpatrick (MI)
Berman	Driehaus	Kilroy
Berry	Duncan	Kind
Biggert	Edwards (MD)	King (NY)
Billray	Edwards (TX)	Kingston
Bilirakis	Ellison	Kirk
Bishop (GA)	Ellsworth	Kirkpatrick (AZ)
Bishop (NY)	Emerson	Kissell
Bishop (UT)	Engel	Klein (FL)
Blackburn	Eshoo	Kline (MN)
Blumenauer	Etheridge	Kosmas
Blunt	Fallin	Kratovil
Bocchieri	Farr	Lance
Boehner	Fattah	Langevin
Bonner	Filner	Larsen (WA)
Bono Mack	Fleming	Latham
Boozman	Forbes	LaTourette
Boswell	Fortenberry	Latta
Boucher	Foster	Lee (CA)
Boustany	Fox	Lee (NY)
Boyd	Frank (MA)	Levin
Brady (PA)	Frelinghuysen	Lewis (CA)
Brady (TX)	Fudge	Lewis (GA)
Bralley (IA)	Galleghy	Linder
Bright	Garrett (NJ)	Lipinski
Brown (SC)	Gerlach	LoBiondo
Brown, Corrine	Giffords	Loeb sack
Brown-Waite,	Gingrey (GA)	Lofgren, Zoe
Ginny	Gohmert	Lowey
Buchanan	Gonzalez	Lucas
Burton (IN)	Goodlatte	Luetkemeyer
Buyer	Gordon (TN)	Lujan
Calvert	Granger	Lummis
Camp	Graves	Lungren, Daniel
Cantor	Grayson	E.
Cao	Green, Al	Lynch
Capito	Green, Gene	Mack
Capps	Griffith	Maffei
Capuano	Grijalva	Maloney
Cardoza	Guthrie	Manzullo
Carnahan	Gutierrez	Marchant
Carney	Hall (NY)	Markey (CO)
Carson (IN)	Hall (TX)	Markey (MA)
Carter	Halvorson	Marshall
Castle	Hare	Massa
Castor (FL)	Harman	Matheson
Chaffetz	Harper	Matsui
Chandler	Hastings (FL)	McCarthy (CA)
Childers	Hastings (WA)	McCarthy (NY)
Clarke	Heinrich	McCaul
Clay	Heller	McClintock
Cleaver	Hensarling	McCollum
Coble	Hergert	McCotter
Coffman (CO)	Herseth Sandlin	McDermott
Cohen	Higgins	McGovern
Cole	Hill	McHenry
Conaway	Himes	McHugh
Connolly (VA)	Hinche	McIntyre
Conyers	Hinojosa	McKeon
Cooper	Hirono	McMahon
Costa	Hodes	McMorris
Courtney	Hoekstra	Rodgers
Crenshaw	Holt	McNerney
Crowley	Holt	Meek (FL)

Meeks (NY)	Rehberg	Snyder	[Roll No. 85]	Pence	Sarbanes	Thompson (CA)
Melancon	Reichert	Souder		Perlmutter	Scalise	Thompson (MS)
Mica	Reyes	Space	YEAS—398	Peters	Schakowsky	Thompson (PA)
Michaud	Richardson	Speier		Peterson	Schauer	Thornberry
Miller (FL)	Rodriguez	Spratt	Abercrombie	Petri	Schiff	Tiahrt
Miller (MI)	Roe (TN)	Stearns	Ackerman	Pingree (ME)	Schmidt	Tiberi
Miller (NC)	Rogers (AL)	Sullivan	Aderholt	Pitts	Schock	Tierney
Miller, George	Rogers (KY)	Sutton	Adler (NJ)	Poe (TX)	Schrader	Titus
Mitchell	Rogers (MI)	Tanner	Akin	Polis (CO)	Schwartz	Tonko
Mollohan	Rooney	Tauscher	Alexander	Pomeroy	Scott (GA)	Towns
Moore (KS)	Ros-Lehtinen	Teague	Altmiere	Posey	Scott (VA)	Tsongas
Moore (WI)	Roskam	Terry	Andrews	Price (NC)	Sensenbrenner	Turner
Moran (KS)	Ross	Thompson (CA)	Arcuri	Putnam	Serrano	Upton
Moran (VA)	Rothman (NJ)	Thompson (MS)	Austria	Radanovich	Sessions	Van Hollen
Murphy (CT)	Roybal-Allard	Thompson (PA)	Baca	Rahall	Sestak	Velázquez
Murphy, Patrick	Royce	Thornberry	Bachmann	Rangel	Shadegg	Visclosky
Murphy, Tim	Ruppersberger	Tiahrt	Bachus	Rehberg	Shea-Porter	Walden
Murtha	Ryan (OH)	Tiberi	Baird	Reichert	Sherman	Walz
Myrick	Ryan (WI)	Tierney	Baldwin	Reyes	Shimkus	Wamp
Nadler (NY)	Salazar	Titus	Barrett (SC)	Richardson	Shuster	Wasserman
Napolitano	Sánchez, Linda	Tonko	Barrow	Rodriguez	Sires	Schultz
Neal (MA)	T.	Towns	Bartlett	Roe (TN)	Skelton	Waters
Neugebauer	Sanchez, Loretta	Tsongas	Bean	Rogers (AL)	Slaughter	Watson
Nunes	Sarbanes	Turner	Becerra	Rogers (KY)	Smith (NE)	Watt
Nye	Schakowsky	Upton	Berkley	Rogers (MI)	Smith (TX)	Waxman
Oberstar	Schauer	Van Hollen	Berman	Rooney	Smith (WA)	Weiner
Obey	Schiff	Velázquez	Berry	Ros-Lehtinen	Snyder	Welch
Olson	Schmidt	Visclosky	Biggett	Roskam	Souder	Wexler
Olver	Schock	Walden	Bilbray	Ross	Space	Whitfield
Ortiz	Schrader	Walz	Bilirakis	Rothman (NJ)	Speier	Wilson (OH)
Pallone	Schwartz	Wamp	Bishop (GA)	Roybal-Allard	Spratt	Wilson (SC)
Pascrell	Scott (GA)	Wasserman	Bishop (NY)	Royce	Stearns	Wittman
Pastor (AZ)	Scott (VA)	Schultz	Bishop (UT)	Ruppersberger	Sullivan	Wolf
Paulsen	Sensenbrenner	Waters	Blackburn	Ryan (OH)	Sutton	Woolsey
Payne	Serrano	Watson	Blumenauer	Ryan (WI)	Tanner	Wu
Pence	Sessions	Watt	Boccieri	Salazar	Tauscher	Yarmuth
Perlmutter	Sestak	Waxman	Boehner	Sánchez, Linda	Taylor	Young (AK)
Peters	Shadegg	Weiner	Bonner	T.	Teague	Young (FL)
Petri	Shea-Porter	Welch	Bono Mack	Sanchez, Loretta	Terry	
Pingree (ME)	Sherman	Wexler	Boozman			
Pitts	Shimkus	Whitfield	Boren			
Polis (CO)	Shuler	Wilson (OH)	Boswell			
Pomeroy	Shuster	Wilson (SC)	Boucher			
Posey	Sires	Wittman	Gonzalez			
Price (NC)	Skelton	Wolf	Goodlatte			
Putnam	Slaughter	Woolsey	Gordon (TN)			
Radanovich	Smith (NE)	Wu	Granger			
Rahall	Smith (TX)	Yarmuth	Graves			
Rangel	Smith (WA)	Young (FL)	Grayson			
			Green, Al			
			Green, Gene			
			Brown, Corrine			
			Brown-Waite,			
			Ginny			
			Buchanan			
			Burton (IN)			
			Butterfield			
			Buyer			
			Calvert			
			Camp			
			Cantor			
			Cao			
			Capito			
			Capps			
			Capuano			
			Caroza			
			Carnahan			
			Carney			
			Carson (IN)			
			Carter			
			Castle			
			Castor (FL)			
			Chaffetz			
			Chandler			
			Childers			
			Clarke			
			Clay			
			Cleaver			
			Clyburn			
			Coble			
			Coffman (CO)			
			Cohen			
			Cole			
			Conaway			
			Connolly (VA)			
			Conyers			
			Cooper			
			Costa			
			Costello			
			Courtney			
			Crenshaw			
			Crowley			
			Cuellar			
			Culberson			
			Cummings			
			Dahlkemper			
			Davis (AL)			
			Davis (CA)			
			Davis (KY)			
			Davis (TN)			
			DeFazio			
			DeGette			
			Delahunt			
			DeLauro			
			Dent			
			Diaz-Balart, L.			
			Diaz-Balart, M.			
			Dicks			
			Dingell			
			Doggett			
			Donnelly (IN)			
			Doyle			
			Dreier			
			Driehaus			
			Duncan			
			Edwards (MD)			
			Edwards (TX)			
			Ellison			
			Ellsworth			
			Emerson			
			Engel			
			Eshoo			
			Etheridge			
			Fallin			
			Farr			
			Fattah			
			Filner			
			Fleming			
			Forbes			
			Fortenberry			
			Foster			
			Foxx			
			Frank (MA)			
			Frelinghuysen			
			Fudge			
			Gallegly			
			Garrett (NJ)			
			Gerlach			
			Giffords			
			Gohmert			
			Gonzalez			
			Goodlatte			
			Gordon (TN)			
			Granger			
			Graves			
			Grayson			
			Green, Al			
			Green, Gene			
			Griffith			
			Grijalva			
			Guthrie			
			Gutierrez			
			Hall (NY)			
			Hall (TX)			
			Halvorson			
			Hare			
			Harman			
			Harper			
			Hastings (FL)			
			Hastings (WA)			
			Heinrich			
			Heller			
			Hensarling			
			Herger			
			Herseth Sandlin			
			Higgins			
			Hill			
			Himes			
			Hinche			
			Hinojosa			
			Hirono			
			Hodes			
			Hoekstra			
			Holden			
			Holt			
			Honda			
			Hoyer			
			Hunter			
			Inglis			
			Inslee			
			Israel			
			Jackson (IL)			
			Jackson-Lee			
			(TX)			
			Jenkins			
			Johnson (GA)			
			Johnson (IL)			
			Johnson, E. B.			
			Johnson, Sam			
			Jones			
			Kagen			
			Kanjorski			
			Kaptur			
			Kennedy			
			Kildee			
			Kilpatrick (MI)			
			Kilroy			
			Kind			
			King (NY)			
			Kirk			
			Kirkpatrick (AZ)			
			Kissell			
			Klein (FL)			
			Kline (MN)			
			Kosmas			
			Kratovil			
			Lance			
			Langevin			
			Larsen (WA)			
			Latham			
			LaTourette			
			Latta			
			Lee (CA)			
			Lee (NY)			
			Levin			
			Lewis (GA)			
			Linder			
			Lipinski			
			LoBiondo			
			Loeback			
			Lofgren, Zoe			
			Lowe			
			Lucas			
			Luetkemeyer			
			Luján			
			Lummis			
			Lungren, Daniel			
			E.			
			Lynch			
			Mack			
			Maffei			
			Maloney			
			Manzullo			
			Marchant			
			Markey (CO)			
			Markey (MA)			
			Marshall			
			Massa			
			Matheson			
			Matsui			
			McCarthy (CA)			
			McCarthy (NY)			
			McCaul			
			McClintock			
			McCollum			
			McCotter			
			McDermott			
			McGovern			
			McHenry			
			McHugh			