

Whereas before assuming control of the House of Representatives in January 2007, Congressional Democrats were committed to an open and transparent appropriations process;

Whereas according to a document by Congressional Democrats entitled "Democratic Declaration: Honest Leadership and Open Government," page 2 states, "Our goal is to restore accountability, honesty and openness at all levels of government.";

Whereas according to a document by Congressional Democrats entitled "A New Direction for America," page 29 states, "Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.";

Whereas on November 21, 2006, The San Francisco Chronicle reported, "Speaker Pelosi pledged to restore 'minority rights'—including the right of Republicans to offer amendments to bills on the floor . . . The principle of civility and respect for minority participation in this House is something that we promised the American people, she said. 'It's the right thing to do.'" ("Pelosi's All Smiles through a Rough House Transition," The San Francisco Chronicle, November 21, 2006);

Whereas on December 6, 2006, Speaker Nancy Pelosi stated, "[We] promised the American people that we would have the most honest and open government and we will.";

Whereas on December 17, 2006, The Washington Post reported, "After a decade of bitter partisanship that has all but crippled efforts to deal with major national problems, Pelosi is determined to try to return the House to what it was in an earlier era—where you debated ideas and listened to each others arguments.'" ("Pelosi's House Diplomacy," The Washington Post, December 17, 2006);

Whereas on December 5, 2006, Majority Leader Steny Hoyer stated, "We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House." ("Hoyer Says Dems' Plans Unruffled by Approps Logjam," CongressDaily PM, December 5, 2006);

Whereas during debate on June 14, 2005, in the Congressional Record on page H4410, Chairwoman Louise M. Slaughter of the House Rules Committee stated, "If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.";

Whereas since January 2007, there has been a failure to commit to an open and transparent process in the House of Representatives;

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democratic control, than in the previous Congress, 22, under Republican control;

Whereas fewer amendments were allowed per bill, 7.68, in the 110th Congress under Democratic control, than in the previous Congress, 9.22, under Republican control;

Whereas the failure to commit to an open and transparent process in order to develop a clear plan for dealing with runaway Federal spending reached its pinnacle in the House's handling of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 contains \$64.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;

Whereas on June 11, 2009, the House Rules Committee issued an announcement stating that amendments to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 must be pre-printed in the Congressional Record by the close of business on June 15, 2009;

Whereas both Republicans and Democrats filed 127 amendments in the Congressional Record for consideration on the House floor;

Whereas on June 15, 2009, the House Rules Committee reported H. Res. 544, a rule with a pre-printing requirement and unlimited pro forma amendments for purposes of debate;

Whereas on June 16, 2009, the House proceeded with one hour of general debate, or one minute to vet each \$1.07 billion in H.R. 2847, in the Committee of the Whole;

Whereas after one hour of general debate the House proceeded with amendment debate;

Whereas after just 22 minutes of amendment debate, or one minute to vet each \$3.02 billion in H.R. 2847, a motion that the Committee rise was offered by Congressional Democrats;

Whereas the House agreed on a motion that the Committee rise by a recorded vote of 179 Ayes to 124 Noes, with all votes in the affirmative being cast by Democrats;

Whereas afterwards, the House Rules Committee convened a special, untelevised meeting to dispense with further proceedings on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas on June 17, 2009, the House Rules Committee reported H. Res. 552, a new and restrictive structured rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas every House Republican and 27 House Democrats voted against agreeing on H. Res. 552;

Whereas H. Res. 552 made in order just 23 amendments, with a possibility for 10 more amendments, out of the 127 amendments originally filed;

Whereas H. Res. 552 severely curtailed pro forma amendments for the purposes of debate;

Whereas the actions of Congressional Democrats to curtail debate and the number of amendments offered to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 effectively ended the process to deal with runaway Federal spending in a positive and responsible manner;

Whereas Congressional Democrats continue to curtail debate and the number of amendments offered to appropriations bills;

Whereas on June 18, 2009, the House Rules Committee reported H. Res. 559, a restrictive structured rule for H.R. 2918, the Legislative Branch Appropriations Act, 2010;

Whereas H. Res. 559 made in order just one amendment out of the 20 amendments originally filed;

Whereas on June 23, 2009, the House Rules Committee reported H. Res. 573, a restrictive structured rule for H.R. 2892, the Department of Homeland Security Appropriations Act, 2010;

Whereas H. Res. 573 made in order just 9 amendments, with a possibility for 5 more amendments, out of the 91 amendments originally filed;

Whereas on June 24, 2009, the House Rules Committee reported H. Res. 578, a restrictive structured rule for H.R. 2996, the Department

of the Interior, Environment, and Related Agencies Appropriations Act, 2010;

Whereas H. Res. 578 made in order just 8 amendments, with a possibility for 5 more amendments, out of the 105 amendments originally filed; and

Whereas the actions taken have resulted in indignity being visited upon the House of Representatives: Now, therefore, be it

*Resolved*, That—

(1) the House of Representatives recommit itself to fiscal restraint and develop a clear plan for dealing with runaway Federal spending;

(2) the House of Representatives return to its best traditions of an open and transparent appropriations process without a pre-printing requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

□ 1600

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PROVIDING FOR CONSIDERATION OF H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 609 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 609

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be

in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; (2) the amendments printed in part B of the report of the Committee on Rules; (3) not to exceed one of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Campbell of California or his designee; (4) not to exceed three of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (5) not to exceed one of the amendments printed in part E of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B through E of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 2997, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

#### POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 609 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 bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona (Mr. FLAKE) and a Member opposed, the gen-

tleman from Massachusetts (Mr. MCGOVERN), each will control 10 minutes of debate on the question of consideration.

After the 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.

□ 1615

Mr. FLAKE. I thank the Chair.

Mr. Speaker, I raise this point of order not necessarily out of concern for unfunded mandates, although there are likely some in here. I raise a point of order because it's the only vehicle we've got to actually talk about this rule and this bill and how we are being denied the ability to actually offer the amendments that we would like to, to illuminate what's actually in this bill and how this is a break again from the hallmark and tradition of this House, which is to allow open debate on appropriation bills.

We've heard a lot about the sweeping reforms, particularly on earmarks, since 2007. Some of these reforms are good. Some of them—like requiring Members to put their names next to earmarks, requiring them to sign a certification letter that they have no financial interest in the earmark—are good reforms. They are reforms that many of us in this body have wanted for a long time. But we haven't drained the swamp. All we've done is we now know the depth of the mud that we're wading in, and we're simply not able to hold those accountable who should be held accountable. We have the transparency that we need, some of it, most of it; but with that transparency should come accountability. When you're denied the ability to offer amendments on the floor or are restricted in the number that you can offer, then you aren't able to use that transparency to any good effect.

In fiscal year 2007 during the appropriations process, I was able to offer 40 earmark limitation amendments. These were bipartisan, including eight to the Agriculture appropriations bill. In fiscal year 2008 I offered nearly 50 bipartisan amendments, including five to the Ag appropriations bill. Now last year only one appropriations bill even moved through the House under regular order, the Military Construction-VA appropriations bill. This bill was jammed together with a so-called minibus with the Homeland Security bill and the Defense bill. This came to the House under a closed rule. There were no amendments allowed at all. The remaining bills were jammed into a must-pass omnibus bill earlier this year. Only a handful of those were even reported out of committee. That meant that there were over 7,000 earmarks worth more than \$8 billion air-dropped into this bill and not one limitation amendment, not one striking amendment, really not any amendments of any kind were even allowed on that

bill. So we went through a whole year basically with virtually no amendments offered at all where these bills, these appropriations bills weren't even vetted.

So now we come to this year, and we're told we're going to get back to regular order, we're going to move appropriations bills one at a time and give Members the opportunity to offer limitation amendments. And what do we do? We close them down. The Rules Committee says, Okay, you've offered 12 amendments, maybe you can offer three of those amendments—you choose—on the floor. That's not real accountability. That's not the tradition of this House. That's not an open rule.

And when you see things like this—this is in Roll Call today—The Justice Department this week filed criminal charges against a defense contractor who has received millions of dollars worth of earmarks. Today's Roll Call. Today's Hill—Kickback charges against a defense contractor are putting people in this body, organizations here, in a hard position on whether to return campaign contributions back to the contractor charged with accepting kickbacks in return for earmarked dollars. And yet we're going to be considering the Defense appropriation bill later this month that will contain probably more than 1,000 earmarks from this body, most of them earmarks to for-profit companies, most of which will have executives who turn around and make campaign contributions to the Members who secured the earmarks for them.

Yet I would submit that the purpose of what we're going through now through these appropriation bills is to basically ready this body for the Defense appropriation bill, where people will be used to not offering amendments. Then where we would be able to illuminate a little bit on the floor at least where these earmarks are going, is it proper for this earmark to go to a for-profit company whose executives turn around and make campaign contributions to the Member who secured that earmark for them? Basically Members getting earmarks for their campaign contributors. Instead of being able to stand up and illuminate that, we'll likely be restricted to one or two amendments, or maybe none. That's what we're going through right now, and that's what it's going to lead to.

Now people say that nobody pays attention to process outside of this body or outside of this town. That's largely true. It's tough to score political points saying, The majority party simply won't allow amendments offered on the floor. People typically don't pay attention to bad process. But bad process always begets bad results or bad policy. We learned it on this side. When you hold a vote open for 3 hours—like we did the prescription drug bill vote—

and twist arms, you get a bad result. We added about \$11 trillion in unfunded liabilities for future generations. We had several of those, which I think on this side we're probably not proud of. But I can tell you, we always held appropriation bills up, though, and allowed open rules and allowed Members to offer amendments even though it might have been uncomfortable for Members to hear what was being brought to the floor. A departure from that means that we're going to have bad results. We've seen that in the last year or so. When we've restricted the ability of Members to actually offer results, then we have Justice Department investigations because the proper vetting was not done.

Now I would wish—I think all of us would wish—that some vetting would be done in the Appropriations Committee, but sadly it hasn't been done. The chairman of the committee has said many times that they simply don't have the time nor the resources to vet all of these earmark requests, and I believe them. But if that is the case, the answer isn't to shut the process down. The answer is, don't bring the bill to the floor with so many earmarks in it. But here instead of doing that, we're saying, "All right, we can't vet these earmarks, so we're simply going to close our eyes and pretend that these earmarks aren't there and not allow anybody to tell anybody that they're there. Let's not allow anybody to come to the floor and offer them." That is a bad process which leads to bad results.

Now make no mistake, as I mentioned, what we're going through now—I don't think the majority party or the minority party is so much concerned about how many amendments are offered to the Agriculture bill as they are about setting a precedent for what might come later with the Defense appropriation bill. Remember, that is the important one with regard to earmarks for campaign contributors. If we allow a process to develop here where we shield Members and shield earmarks by not allowing Members to challenge them on the floor, then we will get more headlines like this one in the paper today, headlines that we see over and over and over again which have led to investigations by the Justice Department, which have led finally to our own Ethics Committee, finally, hopefully having launched its own investigation. It is unbelievable to me that we have this going on on the outside, and yet we will still go through a process where we allow Members of Congress here to earmark for their campaign contributors. And instead of allowing Members to come to the floor and actually challenge some of those, we shut down the process so they can't. We close the rule so very few earmark amendments, limitation amendments, are even allowed.

With that, I reserve the balance of my time.

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

Mr. Speaker, just so there's no confusion, I want to remind my colleagues that we are dealing with the Agriculture appropriations bill and not the Defense appropriations bill or any other appropriations bill. This is the Agriculture appropriations bill.

Mr. Speaker, technically this point of order is about whether or not to consider this rule and ultimately the underlying bill. In reality, it's about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation itself.

Mr. Speaker, the underlying bill that we want to consider here is a bill that provides food and nutrition to some of the most desperate people in this country. It's a bill that will provide much-needed help to farmers in rural areas all across this country. This is an important bill for a number of reasons, and I think it's wrong to try to delay this bill or block this legislation from coming to the floor. I hope my colleagues will vote "yes" so that we can consider this important legislation on its merits and not stop it on a procedural obstructionist motion.

Those who oppose this bill can vote against it on final passage. 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.

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 1 minute remaining.

Mr. FLAKE. I thank the gentleman. I will talk specifically about the Ag appropriations bill. This bill has hundreds and hundreds of earmarks in it. I think there are maybe half a dozen total earmark limitation amendments that are allowed under this rule. That's simply not sufficient, Mr. Speaker. That's not sufficient. We should be allowing more. I understand the other side wants to hide the fact that 64 percent of the earmarks in this legislation are going to just 25 percent of the body, that the Appropriations Committee, which makes up just under 14 percent of this body, actually comes away with 56 percent of the earmarks.

I understand that those who are in charge of this legislation don't want that to be known, but it's still not right to limit the number of amendments that can be offered and to limit the time. So I would plead to not go forward with consideration of this bill under this rule.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I can appreciate the tactics that my friends on the other side of the aisle are employing right now to try to delay and obstruct this legislation from moving forward. But, as I said, this legislation

is important. It's important to a lot of people. The food stamp program is funded in this bill, WIC, a lot of important nutrition programs, plus a lot of important aid to farmers who are struggling in this tough economy. This is an important piece of legislation.

Again, 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 would urge my colleagues to vote "yes" and enough of these obstructionist tactics.

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 244, nays 185, not voting 3, as follows:

[Roll No. 489]

YEAS—244

Abercrombie	Doggett	Klein (FL)
Ackerman	Donnelly (IN)	Kosmas
Adler (NJ)	Doyle	Kratovil
Altmire	Driehaus	Kucinich
Andrews	Edwards (MD)	Langevin
Arcuri	Edwards (TX)	Larsen (WA)
Baca	Ellison	Larson (CT)
Baird	Ellsworth	Lee (CA)
Baldwin	Engel	Levin
Barrow	Eshoo	Lewis (GA)
Bean	Farr	Lipinski
Becerra	Fattah	Loebsack
Berkley	Filner	Lofgren, Zoe
Berman	Foster	Lowey
Berry	Frank (MA)	Lujan
Bishop (GA)	Fudge	Lynch
Bishop (NY)	Giffords	Maffei
Blumenauer	Gonzalez	Maloney
Bocchieri	Gordon (TN)	Markey (CO)
Boren	Grayson	Markey (MA)
Boswell	Green, Al	Marshall
Boucher	Green, Gene	Massa
Boyd	Griffith	Matheson
Brady (PA)	Grijalva	Matsui
Braley (IA)	Gutierrez	McCarthy (NY)
Brown, Corrine	Hall (NY)	McCollum
Butterfield	Halvorson	McDermott
Capps	Hare	McGovern
Capuano	Harman	McIntyre
Cardoza	Hastings (FL)	McMahon
Carnahan	Heinrich	McNerney
Carney	Herseth Sandlin	Meek (FL)
Carson (IN)	Higgins	Meeks (NY)
Castor (FL)	Hill	Melancon
Chandler	Himes	Michaud
Childers	Hinchey	Miller (NC)
Clarke	Hinojosa	Miller, George
Clay	Hirono	Mollohan
Cleaver	Hodes	Moore (KS)
Clyburn	Holden	Moore (WI)
Cohen	Holt	Moran (VA)
Connolly (VA)	Honda	Murphy (CT)
Conyers	Hoyer	Murphy, Patrick
Costa	Insee	Murtha
Costello	Israel	Nadler (NY)
Courtney	Jackson (IL)	Neal (MA)
Crowley	Jackson-Lee	Oberstar
Cuellar	(TX)	Obey
Cummings	Johnson (GA)	Oliver
Dahlkemper	Johnson, E. B.	Ortiz
Davis (AL)	Kagen	Pallone
Davis (CA)	Kanjorski	Pascarell
Davis (IL)	Kaptur	Pastor (AZ)
Davis (TN)	Kennedy	Payne
DeFazio	Kildee	Perlmutter
DeGette	Kilpatrick (MI)	Perriello
Delahunt	Kilroy	Peters
DeLauro	Kind	Peterson
Dicks	Kirkpatrick (AZ)	Pingree (ME)
Dingell	Kissell	Polis (CO)

Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader

Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney

## NAYS—185

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggert  
Bilbray  
Billirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cooper  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Emerson  
Etheridge  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxx

Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaull  
McClintock  
McCotter  
McHenry  
McHugh  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell

Moran (KS)  
Murphy (NY)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Nye  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—3

Napolitano      Sestak      Wittman

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1652

Messrs. CALVERT, MACK, Mrs. MYRICK, Mr. EHLERS and Mrs. EMERSON changed their vote from “yea” to “nay.”

Ms. VELÁZQUEZ and Ms. CASTOR of Florida changed their 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 against:

Mr. WITTMAN. Mr. Speaker, on rollcall No. 489, I was unavoidably detained. Had I been present, I would have voted “nay.”

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 gentlelady from North Carolina, Dr. Foxx. All time yielded for consideration of this rule is for debate only.

## GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

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

House Resolution 609 will allow this body to consider H.R. 2997, the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act.

Mr. Speaker, this is a good bill that deserves the support of every single Member in this body.

The chairwoman, ROSA DELAURO, Ranking Member JACK KINGSTON, the subcommittee members and their staffs worked tirelessly to craft a bill that provides critical funding for the needs of rural America, conservation programs and two areas that are very important to me, domestic and international food nutrition.

Mr. Speaker, this bill is not perfect. There are programs that I think should be funded at higher levels and other programs that should be reduced. Other colleagues undoubtedly have different priorities. But I believe that this bill is a solid, thoughtful, good compromise.

The FY 2010 Agriculture Appropriations Act makes three major investments. It protects Americans' public health with increases in food safety and funding for the Food and Drug Administration. It delivers critical funding and support for domestic and international food and nutrition programs, and it provides important assistance for rural America by providing funds for rural development, animal and plant health, broadband service, and conservation programs.

Mr. Speaker, this bill provides \$22.9 billion for these critical programs. I should point out, less than President Obama's budget request.

With the economic crisis facing families across this Nation, the funding for rural America is more important today than ever. The rural development programs will create real opportunities for economic growth and development in small communities throughout our country. There is funding for rural housing, investments in rural businesses, and support for new community facility infrastructure. The funding for the Farm Service Agency and agriculture research is of vital importance as our farmers and ranchers continue to adapt their businesses into the 21st-century economy.

I particularly want to thank Chairwoman DELAURO for including critical funding for the eradication of the Asian long-horned beetle. This devastating insect has infiltrated my hometown of Worcester, Massachusetts, and surrounding towns. Because there is no natural predator, the only way to eradicate the insect is to eliminate the trees where they live. If this infestation is not stopped, you could devastate the hard wood forest of New England. This is an expensive but critically important endeavor and this bill provides significant funding for that effort.

Mr. Speaker, as we have seen over the past few years, America's food supply is simply not as safe as it should be. We have seen salmonella and E. coli outbreaks in various parts of this country. And the continuing importation of food from around the world means we need to have a vigilant and dedicated effort to protect our food supply from contamination.

This bill provides funding specifically for the inspection of meat, poultry and egg products. There is also critical funding to improve the safety of domestic and imported food and medical products. These programs alone make this bill worth supporting, and I commend Chairwoman DELAURO for her steadfast support of this work.

Finally, Mr. Speaker, and of great importance to me, are the programs that provide food and nutrition to millions of people here at home and around the world. This bill provides significant funding for SNAP, formerly called food stamps; for WIC, the Commodity Supplemental Food Program and International Food Aid, both P.L. 480 title II and the McGovern-Dole Food for Education and Child Nutrition program.

I have long believed, Mr. Speaker, that hunger here at home and around the world is a political condition, that we have the resources to end hunger; but we simply haven't mustered the political will to do so. This bill is a major step forward in that fight to end hunger.

Domestically, this bill fully funds the Women, Infants and Children, or WIC, program. This is a vital program that

provides healthy and nutritious food to pregnant mothers and their newborn children. The funding in this bill will help over 700,000 more women, infants, and children. That means over 10 million people will now be able to participate in this important program.

The bill also provides funding for the Commodity Supplemental Food Program, something the Bush administration never thought fit to fund, but which actually provides nutritious food to over 500,000 low-income women, infants and children and elderly people who struggle with high food costs. This bill also expands the CSFP participation into six States: Arkansas, Oklahoma, Delaware, Utah, New Jersey and Georgia.

The SNAP program, authorized in the farm bill, is funded through the FY2010 Agriculture Appropriations bill. This is one of the most important safety programs in the country. Low- and middle-income families who struggle to put food on their tables are able to turn to the SNAP program for help.

There are over 36 million people in this country who go without food during the year. Too often, families are forced to choose between rent, utilities, and food. SNAP allows families to receive funding so they can buy the food they normally wouldn't be able to afford.

Mr. Speaker, healthy, nutritious food is a right, not a privilege. The notion that we should turn our backs on people who cannot afford it is unfathomable. Millions of Americans needed this help even before the economic downturn.

Today, the number of hungry Americans will undoubtedly be higher than last year; and without SNAP, millions of Americans would go to bed hungry every day. I am proud of the program, and I congratulate the Speaker of the House and Chairwoman DELAURO in their support for this and other anti-hunger efforts.

Finally, I am pleased that there is a significant investment in the International Food Aid provisions funded in this bill. Many of my colleagues may not know that International Food Aid is funded in the Agriculture Appropriations bill.

□ 1700

But this bill thanks the leadership of Chairwoman DELAURO, increases funding for P.L. 480 title II by \$464 million for a total of \$1.69 billion.

This bill also increases funding for the McGovern-Dole program, increasing the total to \$199.5 million. Based on our Nation's school meal program, the McGovern-Dole program provides food to millions of hungry kids at school, allowing children to receive both food and an education.

Mr. Speaker, this is a good bill. It funds the priorities of our Nation and it deserves our support.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Massachusetts for

yielding me this time. While we often disagree on issues, it is clear that he is passionate about this issue.

Mr. Speaker, I come before you today deeply concerned about the closed rule we have before us. Throughout this appropriations season, the Democrat majority has taken unprecedented steps to silence both the minority and their own Democrat colleagues by offering all appropriations bills under closed rules. This has consistently eliminated the ability of Members to speak up for how their constituents believe their money should be spent.

But today marks a record in modern history. Today, the Democrat majority has gone even further by surpassing the number of restrictive rules ever offered during appropriations season in the House of Representatives.

Mr. Speaker, when Republicans were in the majority, the most regular appropriations bills considered under a restrictive rule in any single season was four in 1997 which was before my colleague, Mr. DREIER, was the chairman. Today, with the addition of this rule, the Democrat majority has exceeded that modern record.

After promising the American people during campaign season that this would be the most open and honest Congress in history, Speaker PELOSI has gone back on her word in the name of appropriations season by making this the most closed and restrictive Congress in history.

Instead of having their ideas heard, the American people are being silenced with Speaker PELOSI's justification that, We won the election, so we decide.

As my colleagues have expressed during the past four appropriations debates this season, bringing appropriations bills to the floor under a closed rule is unprecedented. It does an injustice to both Republicans and Democrats who want to have the opportunity to offer amendments and participate in debate with their colleagues over pressing issues of our time.

By choosing to operate in this way, the majority has cut off the minority and their own colleagues from having any input in the legislative process.

Mr. Speaker, I urge my colleagues to vote "no" on this rule.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the Chair of the Agriculture Subcommittee.

Ms. DELAURO. Mr. Speaker, I thank the gentleman and appreciate him yielding me this time.

I want to say thank you to the ranking member of the subcommittee, Mr. KINGSTON, for his collaboration and input over the last few months. Our staffs have worked together effectively, and together we have crafted what I believe to be a very strong bipartisan bill.

In addition, I think this Agriculture-FDA Appropriations bill is a smarter, better piece of legislation thanks to

the hard work of both the subcommittee and the full committee. We have looked at many, many different amendments that have come up over the course of the process of writing the bill, and together we have honed it into some very effective and worthy legislation.

We have had an open process throughout the subcommittee and committee markups. I believe this rule sets in motion what has been a fair process. I understand that close to 100 amendments were submitted to the committee. Clearly, my colleagues on the other side of the aisle have had an opportunity to speak their minds on these issues and have their amendments considered and made in order.

As it has in recent years, the bill focuses on several key areas, such as: protecting public health; bolstering food nutrition; investing in rural communities; supporting agricultural research; strengthening animal health and marketing programs; and conserving our natural resources.

The bill provides for \$22.9 billion in funding, an 11 percent increase over the 2009 levels, the vast majority of which went toward three program areas: the WIC program, FDA, and International Food Aid. Additionally, in order to make these important investments and use the resources available to it wisely, the bill proposes a number of cuts totaling more than \$735 million.

We protect the public health by providing a substantial increase for the Food and Drug Administration, almost \$373 million, 15 percent above 2009, in an effort to hire additional inspectors and conduct more food and medical products inspection.

In addition, the bill provides over \$1 billion for the Food, Safety and Inspection Service at the USDA.

Conservation. We know that conserving our natural resources, cleaner water, reduced soil erosion and more wildlife habitat is critical. The bill makes a significant investment in USDA's natural resource conservation programs by appropriating \$980 million.

The bill rejects the administration's cuts to the Natural Resources Conservation Service's farm bill conservation programs, including the Wetlands Reserve Program, the Farm and Ranch Lands Protection Program, and the Wildlife Incentives Program.

In addition, the bill restores funding for other valuable programs, including the Resource Conservation and Development Program, and the Watershed and Flood Prevention Operations Program as well.

With regard to nutrition, to help those who are hit hardest by the economic crisis, the bill provides \$681 million, a 10 percent increase for WIC, to serve our Nation's vulnerable populations and to support participation of 10.1 million people. The bill also includes record funding of \$180 million for the Commodity Supplemental Food Program, or CSFP, and expands assistance to six new States: Arkansas,

Oklahoma, Delaware, Utah, New Jersey, and Georgia.

International Food Aid. The bill expands America's traditional commitment to International Food Aid by providing an increase of \$464 million, a 27 percent increase, to P.L. 480, the United States' primary International Food Aid program. We also provided an additional \$99.5 million to the McGovern-Dole International Food for Education and Child Nutrition Program, doubling that number from 2009.

In terms of rural development, the bill creates opportunities for growth and development of the Nation's small town economies. It increases funding for water and wastewater infrastructure by \$73 million. There is \$8.7 billion for housing, \$541 million for community facilities, and \$9.3 billion for the rural utility programs.

Increased funding for agriculture. There are significant investments in agriculture research: \$1.2 billion for the Agricultural Research Service and \$1.2 billion for the Cooperative State Research, Education and Extension Service. That funding increases the opportunity for key programs such as the Hatch Act, Evans-Allen, the new competitive Agriculture and Food Research Initiative, Smith Lever, the 1890 programs, and the Veterinary Medical Services Act.

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

Mr. MCGOVERN. I yield the gentle lady an additional 1 minute.

Ms. DELAURO. With the continued volatility in the futures markets, the bill provides the administration's request for the Commodity Futures Trading Commission, \$160.6 million, \$14.6 million over 2009.

Finally, the bill includes language which has been carried since fiscal year 2008 which prohibits the use of funds in the bill to establish or implement a rule allowing the importation of processed poultry products from China. When USDA determined that the Chinese food system was "equivalent" to ours, it used a flawed process in making that determination and placed trade considerations above public health. Recognizing that, as well as the many problems that have been identified with the Chinese food safety system, it is important that the language remain in the bill.

In closing, I thank the Rules Committee for considering this important bill. I am proud of the work we have done. I urge my colleagues to support this rule.

Ms. FOXX. Mr. Speaker, I now yield such time as he may consume to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank my friend from Grandfather community for yielding me the time, and appreciate her fine service to the Rules Committee.

Sadly, she is on the minority side presiding over another very, very sad day for Democrats and Republicans and the American people. Mr. Speaker, if we pass this rule today, we will again set a record. The record we will be set-

ting is the largest number of restrictive rules for consideration of appropriations in the history of the Republic.

Now, in the past we have had restrictive rules that have come about after an open amendment has begun on the floor, and the Rules Committee has taken action. In 1997 it happened on four occasions, and we ultimately did in fact put into place restrictive rules.

This is the fifth rule for consideration of an appropriations bill. And so by virtue of the action that I suspect this House will take, we have to remember that the rights of the American people, not the rights of Republicans, the rights of the American people, Democrats and Republicans, all are being subverted with this process that is being put into place. In fact, it is a sad day because by virtue of taking this action, Mr. Speaker, what is happening is we are now setting the new norm. The new norm is a restrictive process shutting down the rights of Democrats and Republicans from having an opportunity to amend appropriations bills.

What I have here is a copy of the House Rules and Manual. And tragically, tragically as we look at this appropriations process, our colleagues are going to, 10 or 20 years from now, be looking at the Rules and Manual and the moniker "open rule" will be little more than a footnote in the history of this institution based on the pattern we have set forward.

I know that is all inside baseball, but the fact of the matter is it comes down to the effort being made by the majority to not only shut out Members of their own party, Republicans, but what is happening is we are preventing Members from having an opportunity to bring about any kind of reduction in spending. We know, with what we have seen under the actions of this Congress, what has happened, we spend too much, we tax too much, and we borrow too much. One of the things that has been great about the appropriations amendment process in the past has been simply that Democrats and Republicans could stand up and offer germane amendments that could bring about reductions in spending.

The gentleman from Ohio (Mr. JORDAN) has consistently gone up to the House Rules Committee, made an attempt to bring about some kind of opportunity for spending reduction. He has had very few opportunities to do that. It is denied again in this rule that is before us.

And so, Mr. Speaker, again it is a very unfortunate thing that when you look at the appropriations bills and see that the bill that we are considering up in the Rules Committee right now, the Foreign Operations bill, has a 33 percent increase. The Interior bill, a 17 percent increase. This Agriculture bill that we are considering the rule on right now, a nearly 12 percent spending increase.

Now the American people have sent a very clear message: They want to make sure they keep their jobs. They don't want to lose their businesses. They don't want to lose their homes. And they were promised by President Obama that if we passed a \$787 billion stimulus bill, that the unemployment would not exceed 8 percent. Well, it is

now 9.5 percent, and so I think the message may be getting through to some people who heretofore may have been supportive of an increase in spending, that maybe that is not the best way. And so I think Democrats and Republicans alike may want to have an opportunity to bring about some kind of reduction in these 17 percent increases, the 11 to 12 percent increases, the 33 percent increases, when they in their family budgets are trying to hold onto their jobs. And obviously, if they have lost their jobs or homes, they are faced with tremendous reductions in their own personal budgets.

We recognize there is a proper role for the Federal Government. Spending needs to take place, but we should not in any way be continuing down the road that we are, denying Democrats and Republicans an opportunity to bring about even the most modest of spending cuts.

I think of our friend, Mr. BROWN from Georgia, who regularly comes before us to offer a one-half of 1 percent cut in appropriations spending, and we deny him through this process, which is now unprecedented, never been done before in the 220-year history of the country, denied an opportunity to do just that.

□ 1715

And so, again, Mr. Speaker, I hope very much that we will follow the direction that Ms. FOXX is providing us in voting "no" on this rule so that we can come back and have what has been the tradition up until this process, and that is an open, free, and fair debate so that Democrats and Republicans and, through their elected representatives, the American people can finally be heard.

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

I would like to submit into the RECORD the Statement of Administration Policy on this bill in which the Obama administration strongly supports this bill.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, July 7, 2009.

(HOUSE RULES)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2997—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010 (REP. OBAY, D-WISCONSIN)

The Administration strongly supports House passage of H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010.

A strong, vibrant rural America is central to our country's future. The bill, as reported by the committee, makes important investments in infrastructure so economic progress does not bypass rural communities. The legislation provides the resources necessary to keep our food and our medicines safe and reliable. It provides critical support for farmers to continue the nation's leading role in feeding the world. This legislation also addresses chronic problems facing Americans, including poverty and nutrition and housing. It invests dollars in rural America for the benefit of all Americans.

In addition, the legislation responds to the President's call for investments in programs

that work while ending programs that do not. This legislation gives priority to merit-based funding in critical infrastructure programs. The Administration urges the Congress to continue to apply high standards to funding decisions so as to shape fiscally responsible policies that provide solid returns on the taxpayers' investments.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

#### ADMINISTRATION PRIORITIES

**Expand Broadband Access.** The Administration appreciates the Committee's support for the President's goal of increasing access to broadband. However, the President's request provided an increase in loan funding which the Committee moves into grants, resulting in a decrease in loan support of \$132 million. This reduction will slow expansion of broadband into rural America.

**Rural Revitalization.** The FY 2010 Budget requested an increase of \$70 million for rural revitalization grants. The Administration is disappointed that the Committee provides less than \$10 million of the requested increase, including no increase for Secondary and Post-Secondary Education, Institution Challenge Grants, or the Quality of Life Program.

**Renewable Energy.** The Administration appreciates the support the Committee has provided to the United States Department of Agriculture's (USDA) Rural Business programs. However, the Administration urges the Congress to fund the Rural Energy for America program at the full requested amount. This program is necessary in promoting energy efficiency and renewable energy in rural communities.

**Efficiencies and Cost-Saving Proposals.** The Administration appreciates the Committee's support for some of the President's initiatives to terminate or reduce USDA programs that have outlived their usefulness, such as public broadcast grants to help the digital conversion, or that are duplicative of other USDA programs, such as high-cost energy grants. The Administration encourages the Congress to reconsider other proposals made by the Administration that would better target scarce resources and eliminate duplicative programs.

#### FOOD SAFETY AND INSPECTION SERVICE

The Administration is concerned with sections 723 and 724 of the bill which deal with food safety issues. The Administration would like to work with the Congress to address the issues raised by the Committee in a manner that would protect the Nation's food supply and be consistent with our international obligations.

#### FOOD AND NUTRITION SERVICES

The Administration is pleased with the Committee's support for strengthening nutrition assistance programs by including funding for food banks, community-based food providers, fully funding WIC, and by supporting a pilot initiative to help increase elderly participation in the Supplemental Nutrition Assistance Program.

#### FARM SERVICE AGENCY

The Administration appreciates that the Committee provides full funding to begin modernization of the Farm Service Agency's information technology network. Once completed, the multi-year stabilization and modernization plan, dubbed "MIDAS," will allow the agency to provide program benefits in a more efficient, accurate, and responsive manner.

#### RURAL DEVELOPMENT

The Administration appreciates that the Committee funds the majority of Rural Development at the President's requested lev-

els. However, funding for the Rental Assistance Grants falls \$77 million short of the estimate needed to renew the expiring rental assistance contracts expected in FY 2010. The Administration urges the Congress to provide the full request of \$1.1 billion, which will continue the support of rents for USDA-financed properties on behalf of the tenants who receive subsidized rent.

#### FOOD AND DRUG ADMINISTRATION (FDA)

The Administration appreciates that the Committee provides the request to strengthen the FDA's efforts to make food and medical products safer. This funding will allow FDA to work with domestic and foreign industry to develop new control measures for all levels of the supply chain, improve and increase risk-based inspections, and respond more effectively with rapid and targeted product tracing when problems do occur.

#### CONSTITUTIONAL CONCERNS

Consistent with the Executive Branch's long-standing views regarding section 713, the Administration notes that section 713 raises constitutional concerns under the Recommendations Clause and should be eliminated.

I will also point out that the bill that has been reported by the Appropriations Committee is less in terms of spending than what the Obama administration originally requested.

I would also say, and I want to say this very strongly, that I support the increases in spending in this bill because they're mostly in two areas, food safety and food security, making sure that the food that people buy in supermarkets is safe and making sure that people in this country who are hungry because of this lousy economic situation can have enough to eat, can put food on the table for their families.

We have a terrible situation in this country where the number of hungry people is in the tens of millions, and we can't just walk away from that. And my colleague talks about across-the-board cuts. Across-the-board cuts that make no sense and don't discriminate as to where they're going to cut means you're going to cut programs for food and nutrition that will literally take the food out of the mouths of hungry children. I don't want to do that.

This is a good bill. It has been worked on, I think, with great effort by both Democrats and Republicans, and I strongly support it.

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

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to my colleague from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentlelady from North Carolina.

It's interesting that the debate is about the bill and not the rule itself. My colleagues on the other side continue to fail to defend their idea that we ought to have a closed rule in this process and that the amendments that would make this bill better are somehow trivial and shouldn't be debated on this floor. One of those amendments that I offered would have actually had an impact on the spending.

My colleague from California talked about the opportunity to reduce spending in these bills. The theater, or the

fiction that is associated with this process, Mr. Speaker, is that we will walk through some amendments later on to reduce spending in this bill. Should those pass, should 218 of us say we disagree with the hard work that the Appropriations Committee has done and want to reduce that spending, as we did with the \$200,000 bicycle program recently at the end of June, that money still gets spent, Mr. Speaker. That money goes into the slush fund that allows the chairman of the Appropriations Committee to spend it in conference on deals that he wants to do, on rewards that he wants to make available to folks who have toed the line on the other side of the aisle.

The amendment that I would have proposed would have said that if 218 of us come to this floor and disagree with a particular provision in the bill that the Appropriations Committee has done, that money wouldn't get spent; that money would actually reduce the deficit. My colleagues on the other side are frightful of that issue because they're afraid, like on the \$200,000 with the bicycle program, that the will of this Congress may be that we disagree with the appropriations process.

The Appropriations Committee does yeoman's work. They have a hard job to do in ferreting out priorities on spending. It's a job that I do not aspire to, but they should just get one bite at that apple. And my amendment would have simply said, Appropriations Committee, do the best work you can, bring that product to this floor, then allow the 435 of us, the rest of us who aren't on the Appropriations Committee, to have our say, to have the debate, to have the conversation about whether or not something is valid. And then if 218 of us disagree with the priorities that the appropriations process has set on this Ag spending, then that money simply would not be spent, they will not get a second bite at that apple.

But the Rules Committee, in their infinite wisdom, has said no, that's too complicated, that's too hard for this body to consider. And so, Mr. Speaker, as a result of that, I urge my colleagues to vote against this rule because it is flawed on its face.

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

The gentleman, my good friend from Texas, said he wants to talk about process and procedure, so let's talk about process and procedure.

The amendment he brought before the Rules Committee was a violation of the House rules. Even under a complete open rule on the House floor, it would have been subject to a point of order because it was legislating on an appropriations bill. So you want to talk about process, we'll talk about process. The gentleman's amendment would have been not in order under any process.

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

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to our colleague from Indiana (Mr. BURTON).

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, we have heard of the problems with the rule, but that's not the thing that really bothers me. What bothers me is how much money we're spending.

Since last October, this is what we've spent: \$700 billion for TARP; \$70.3 billion for CHIP; \$1.16 trillion, that includes the interest, for the stimulus bill; \$625 billion, which includes interest, for the omnibus bill; \$125 billion for the war supplemental. The American people are struggling right now because of the economy, and we're spending money like it's going out of style.

This bill that we're talking about right now under this rule is going to have a \$2.4 billion increase over last year. That's 12 percent. And if you compare that to fiscal year 2008, the budget that the programs under this bill operated under until passage of the omnibus in February, it's \$4.8 billion more, or a 27 percent increase. And then they've also added \$7.9 billion of emergency designated spending during the current fiscal year. Where in the world are we going to get this money?

The American people are starting to realize that there is going to be very high inflation down the road because we can't pay for this stuff, so they're printing this money down at the Treasury Department. And when you print more money and it's chasing the same amount of goods and services, you're going to have inflation, and it's going to be high inflation. We had it in the early eighties when it was 14 percent, and they had to raise interest rates to 21 percent to stop the inflationary trend. And that is what's going to happen again if we don't get control of the spending.

This is the wrong approach. We need to cut spending instead of keep blowing this money.

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

Ms. FOXX. Mr. Speaker, I would now like to yield 2 minutes to our colleague from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, the underlying bill contains an unnecessary and, I think, counterproductive provision banning the importation of poultry from China. The provision has no food safety basis but puts at risk American jobs and puts at risk at least \$350 million of American poultry sales to China that that country will reportedly block in retaliation.

The gentleman from Georgia (Mr. KINGSTON) offered an amendment to strike this dangerous provision, but the majority refused, unfortunately, to make it in order. This provision will effectively close off a huge export market for our farmers while leaving unchanged the amount of poultry we import from China—zero, by the way—because of our already strong food safety protections.

Even America's poultry industry doesn't support this provision. Even those who would benefit, supposedly, don't support this provision. I would like to submit for the RECORD a letter

from a wide range of associations opposed to this language because of the impact here on American jobs. The White House has registered concerns as well with the provision.

I support science-based oversight of food safety, but this provision will backfire. It will hurt American farmers without any impact on food safety. At a time when our country is struggling with the economy, this Congress taking actions that hurt American jobs and hurt American farmers is exactly the wrong way to go. This provision should be left out of the final bill.

APRIL 30, 2009.

Hon. BARACK OBAMA,  
*President, United States of America, The White House, Washington, DC*

DEAR MR. PRESIDENT: We are writing to urge you to oppose any provisions in the annual appropriations bills that may be inconsistent with our trade obligations under the provisions of World Trade Organization (WTO) agreements. In particular, we urge your Administration to actively oppose a provision that would bar implementation of a U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) regulation governing the importation of cooked poultry products from China. We respectfully request that your Administration work with Congress to amend the Omnibus Appropriations Act of 2009 to eliminate the current application of this provision and to help prevent its inclusion in future Appropriations measures.

We agree that the U.S. Government must effectively regulate the safety and quality of food products sold in this country. However, to maintain the effectiveness and integrity of the food safety system, such regulations must be based on sound science and an appropriate risk assessment. Laws and regulations must also be crafted such that the U.S. does not ignore its international trade obligations—obligations that the U.S. Government has helped to develop and in particular, to prevent other countries from adopting protectionist, non-science based measures against U.S. food and agriculture exports under the guise of food safety. At a time when U.S. producers are seeking to sell their goods and services abroad during a difficult global economic crisis, it is vital that we uphold our trade obligations, lest we find access to vital overseas markets cut off to American products.

Section 727 of the Omnibus Appropriations Act of 2009 forbids funds from being used to “establish or implement a rule allowing poultry products to be imported into the U.S. from the People's Republic of China.” Similar provisions have been included in annual appropriations since FSIS issued a final rule on cooked chicken imports from China in 2006 and another prohibition is to be proposed for the bill for Fiscal Year 2010.

Section 727 and its predecessors effectively bar FSIS from conducting a necessary and appropriate risk assessment on whether imports of cooked chicken from China pose any risk to American consumers. Because the provision specifically targets imports from only one country, it conflicts with the U.S. obligation to treat trading partners equally. Indeed, the People's Republic of China has already filed a dispute settlement case against the U.S. at the WTO on this matter.

If there are concerns about the safety of cooked chicken imports from China—and we should note that this includes poultry that originates in the U.S.—they should be addressed through sound science in the regulatory channels, not through ad hoc legislation or appropriations bills. Section 727, however, precludes scientific analysis from being conducted, therefore adversely affecting U.S. credibility and potentially hindering U.S. market access overseas.

If the U.S. cannot uphold the basic rules of international trade, our trading partners may take similar actions against U.S. exports, which will ultimately harm American workers, farmers, businesses and the U.S. economy as a whole.

Respectfully,

Advanced Medical Technology Association, Agri Beef Company, AJC International, Incorporated, American Farm Bureau Federation, American Meat Institute, Animal Health Institute, Butterball, LLC, Cargill, Incorporated, DGM Commodities, Corporation, Edwards Lifesciences, Elanco, Emergency Committee for American Trade, Fieldale Farms Corporation, Grocery Manufacturers Association, Grove Services, Incorporated, Hormel Foods Corporation,

Interra International, Incorporated, JBS S.A., Keystone Foods, LLC, Kraft Foods, Incorporated, Maritime Products International, Mar-Jac Poultry, Incorporated, MetaFoods, LLC, Michigan Corn Growers Association, Monsanto Company, National Cattlemen's Beef Association, National Chicken Council, National Fisheries Institute, National Foreign Trade Council, National Meat Association, National Pork Producers Council, National Retail Federation.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to our colleague from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentlewoman from North Carolina. I'm sorry for throwing you off a minute ago. I certainly appreciate the time.

I speak against this rule, Mr. Speaker, simply because it's a closed rule. You know, we come here, 435 Members representing 300 million people all across the United States of America with different ideas, and we are about to vote on a \$123.8 billion bill in which these 435 Members of Congress have different ideas of how to change it.

Now, you know the expression, you're dressed up with no place to go. That's what it's like being on the Appropriations Committee. Maybe even rehearsing for a dance, and when you get to the dance, you find out you're not even allowed to dance. Well, that's what happens.

Ms. DELAURO and I worked very closely over the last several months—and, indeed, over the last several years—working on agriculture issues. We have some sincere agreements, sincere disagreements, but we always have a dialogue going.

But now here, as we are in maybe not the home stretch, but at least the halfway point, we find out that the minority Members really can't participate today except for in a very narrowly focused gag rule. We submitted 90 amendments—we, Democrats and Republicans—in an effort to improve this bill, and of those, I believe 12 have been agreed upon. And of those, four are noncontroversial and five of them are a little bit superficial, if not routine.

I am just so disappointed in the fact that we can't get back to regular order. We have quoted DAVID OBEY, the chairman of the Appropriations Committee, many times on the House floor and his words to the effect that when he was in the minority, how disappointed he was.

And he pointed out that when we lose the rights of the minority, we lose the right to be called the greatest deliberative body left in the world.

We had a good debate in the Rules Committee, and I thank my friend, Mr. MCGOVERN, for facilitating that debate last night. And I don't believe that the Rules Committee made the final decision. I think the final decision was made down the hall by some staffers. I just believe that this really tight-lipped, ironclad straitjacket on debate is bad for the system, as Mr. OBEY lamented in 2006.

You know, there is a great line from "Fiddler on the Roof." The star of it, I think his name is Tevye—I'm not sure, but I know these are the words. And he said in the song, "If I Were a Rich Man," "Lord who made the lion and the lamb, you decreed I should be what I am. Would it spoil some vast eternal plan, if I were a wealthy man?"

And so my question to my friends on the Rules Committee is, would it really spoil some vast eternal plan if you had an open rule? And you know the answer is certainly not. And you know that when we were in charge for 12 years, we had open rules—7 out of 12 years we had open rules on every single appropriations bill except for Legislative Branch. And as respects the Ag bill, we only had 1 year that we had a modified closed rule, and that was after 16 hours of debate.

So what is the vast eternal plan that we would spoil if we were allowed, in a representative democracy, an open rule? What would really happen? Is it that the philosophies of the majority are so fragile that they are like a card house, that if a Republican sneezed in the form of an amendment the whole thing would tumble down and the Pelosi empire would come crashing to the floor and be exposed for some bad and evil thing? I don't believe that's the case.

I think, frankly, that this body would do well with open rules and more debates. And I think it would foster a spirit of bipartisanship, because I think what we would find out is what most legislative bodies find out in State legislatures, that you've got good ideas from Republicans and good ideas from Democrats.

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

Ms. FOXX. I yield the gentleman 1 minute.

Mr. KINGSTON. I thank the gentleman.

If you think about it, Mr. Speaker, some of the good ideas of Democrats melding—cross-pollination now—with good ideas of Republicans and good ideas of Independents, I think that would be a very healthy thing. And then this bill would go out of this Chamber to the other body, which we know has no good ideas whatsoever—just joking there. A little levity on the House floor is okay.

The point is we could get together as Democrats and Republicans on the

House floor and then go debate the Senate, and maybe our ideas would prevail. And those ideas wouldn't necessarily be branded as Democrat or Republican, but they would be branded as American ideas, and they would be of a representative democracy.

So I hope we will vote this rule down and send it back to the Rules Committee, and then we will challenge that vast eternal plan—maybe not the one of the Democrat Party, but maybe the one of our forefathers—that envisioned open debate in an open society as an underpinning of democracy.

□ 1730

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much, Mr. MCGOVERN, for yielding.

Mr. Speaker, I rise in support of the rule and in support of the underlying bill.

I wasn't going to speak on it, but it just gets bothersome sometimes to see how much time we spend on debating a rule. I mean, this process is very open. There's no other process in the world that is as open as the process inside Congress. And to say that you're denied access to the hearings that set up the bill, to the markups, all of these things are very open.

I served for 13 years in the California legislature, a full-time professional legislature. We didn't have rules for each debate that we were going to conduct on the floor. So in all the years I have served in Congress, I have never been asked how did you vote on a rule or was the rule an open rule or a closed rule or whatever. These are pretty esoteric terms of inside Congress. And to suggest that that process is denying people access to a process to make a law and decide how to spend money on the U.S. Department of Agriculture and the Food and Drug Administration, I think, is an exercise in a little bit of futility.

The substance underlying here is very good. It's about how we spend the money, taxpayers' money, on these agencies that are responsible for overseeing our food safety, for overseeing the incredible array of agriculture that we have in this country unlike any other country in the world. The diversity is incredible. Just the county I represent grows 85 different crops. I don't think there's another county in the United States or the world that grows 85 different crops, \$3 billion in sales. So all fresh fruit and vegetables, things that you're eating in your salad today, a lot of it harvested by immigrants. It's an amazing thing because the Department of Agriculture also does the rural infrastructure, rural electric, rural water, rural farm work, farm worker housing and things like that, kind of the essence of a culture of a rural community. Broadband communication systems.

We have a very competent chairwoman, and she has brought a great

bill to the floor, and I ask that you support the rule.

Ms. FOXX. Mr. Speaker, the majority party, because they bring bills to the floor, amendments to the floor at 3 a.m. and Members have no time to read the bills, have effectively taken away the opportunity to read bills before we vote on them. And now to suggest that it's a waste of time to debate the bill is really taking this, I think, to an extreme. So I certainly hope that that idea doesn't catch on along with the idea of not letting people read the bills before they vote on them.

Mr. Speaker, I would now like to yield 2 minutes to my colleague from New York (Mr. LEE).

Mr. LEE of New York. I want to thank my friend for the time.

Mr. Speaker, I rise to oppose the rule for H.R. 2997.

Over the last year, the rapid decline in the price of milk has had a devastating impact on family farms in my district and throughout the Northeast region. This year farmers have reported receiving less than \$11 per hundredweight for their milk, which is less than the \$17.50 per hundredweight it costs to produce it. This gap is a killer for our dairy farmers and will lead to huge job losses in my region.

Dairy farmers in Livingston County, New York, are projected to lose more than \$23 million this year. In Wyoming County, New York, losses are projected at \$28 million. And in Genesee County, over \$60 million.

I cannot emphasize enough how important dairy is to the western New York region. It is the Nation's third largest dairy State, generating over \$2 billion in milk sales annually. More than 145,000 jobs in transporting, processing, and marketing milk are directly attributable to the region's dairy industry.

That is why I offered two common-sense proposals to help our struggling dairy farmers, including one to enhance the Milk Income Loss Contract program and another to raise the dairy product support price. This would help ensure our struggling dairy farmers can remain viable in these tough economic times.

Mr. Speaker, I regret that my amendments were not accepted. Our failure to act is reckless. Our dairy farmers are running out of time.

I urge my colleagues to vote down the rule so we can give this crisis the attention it deserves.

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

I want to respond to the gentleman from New York's comments. I realize that he's new, but the fact is that both of his amendments would have been a violation of the House rules even under an open rule. The gentleman was legislating on an appropriations bill. There are other ways for him to get his point across.

I share his concerns on the dairy issue. I come from a New England State. But the fact of the matter is

that even under an open rule, his amendments would have been ruled out of order because they're legislating on an appropriations bill.

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

Ms. FOXX. Mr. Speaker, I want to thank my colleague from New York for raising the issue of the plight of dairy farmers in particular. All across my district, we see farmers of all types going out of business, but particularly hard hit are the dairy farmers. And there is no tougher type of farming than dairy farming in this country. My husband and I have done a lot of farming in our lives. We've never had a lot of cows, but we both grew up milking cows. And believe me, that is the toughest work in the world. You've got to be there every day, all day, and these folks are really struggling to stay in business. And the sad part about it is that with the cap-and-tax bill that passed last week and so many of the other policies of this administration and this Congress, we are going headlong into putting a lot of our farmers out of business, particularly the dairy farmers.

Again, the implication here is that we ought not to be spending a lot of time talking about the problems that we're facing in this country and that agriculture is facing, that all of our citizens are facing. But the Democrats in charge want to limit what ideas can be debated on the floor and what constituents can be represented in this House.

Our constituents in both Republican districts and Democrat districts are struggling to make ends meet, are facing unemployment, and yet are being shut out of participating in a debate over how their hard-earned taxpayer dollars are being borrowed and spent by the Federal Government.

It is a mystery as to why the majority is blocking debate on such important legislation. What are they afraid of? Are they protecting their Members from tough votes? Are they afraid of the democratic process? It's hard to know why they're doing it.

The Speaker has gone back on her word about making this the most open process in the world. Is she afraid that the American people will disagree with her? Is she keeping other Democrats from having to make tough decisions on difficult votes? Is she afraid of the very principles upon which our country is founded? We are very concerned, again, with the direction in which this Congress is going as far as the rules are concerned.

During the Independence Day break, I was at home. I went to a lot of functions. I spoke to my constituents. I spoke to hundreds of them. They told me over and over and over again how concerned they are about the direction this country is going. They used the word "frightened" over and over again. I talked to my colleagues on both sides of the aisle, and they say they are hearing the very same things from

their constituents at home. They are concerned about the amount of money that's being spent by this Congress, the policies that this administration is taking, and the direction in which they are moving.

We know that the Democrats have proposed spending \$1.89 trillion of American taxpayer money for discretionary government programs in the 2010 fiscal year. When all appropriation spending is combined, the Democrats have increased nondefense, nonveteran discretionary spending by 85 percent over the last 2 fiscal years. With millions of jobs lost since the passage of the stimulus, the President said this morning "there is nothing we would have done differently concerning the \$787 billion spending bill."

But that spending bill, which is really a trillion-dollar spending bill because of the cost of the bill, isn't creating the jobs Democrats promised. Even the Vice President said over the weekend this regarding the bill's poor returns: "The truth is we and everyone else misread the economy."

Well, no, not everyone else did that because Republicans all voted against the stimulus bill. You aren't going to hang that around our necks, Mr. Vice President.

House Democrats now want to spend another trillion dollars on a government-run health care bill after they have just crammed through a national energy tax.

At the same time, House Republicans are being denied the opportunity to offer cost-cutting amendments to save taxpayer money. Many Republican proposals could save billions in wasteful government spending and better prioritize how Washington spends taxpayer funds. But these ideas are being shut down. This is not the way to operate the greatest deliberative body in the world.

I am going again to suggest to my colleagues that they vote "no" on this rule because this is not the way we should be going.

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

Mr. McGOVERN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

#### MOTION TO ADJOURN

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

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

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

Ms. FOXX. 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 35, nays 368, not voting 29, as follows:

[Roll No. 490]

#### YEAS—35

Bartlett	Halvorson	Paul
Boehner	Hensarling	Pence
Broun (GA)	Inglis	Price (GA)
Campbell	Johnson (IL)	Rangel
Chaffetz	Johnson, Sam	Shadegg
Clay	King (IA)	Shimkus
Coffman (CO)	Kingston	Taylor
Connolly (VA)	Lamborn	Thornberry
Flake	Marchant	Tiahrt
Foxx	McHenry	Westmoreland
Garrett (NJ)	Miller, Gary	Young (AK)
Gutierrez	Olson	

#### NAYS—368

Abercrombie	Davis (IL)	Johnson, E. B.
Aderholt	Davis (KY)	Jones
Adler (NJ)	Davis (TN)	Jordan (OH)
Akin	Deal (GA)	Kagen
Alexander	DeFazio	Kanjorski
Altmire	DeGette	Kaptur
Arcuri	Delahunt	Kennedy
Austria	DeLauro	Kildee
Baca	Dent	Kilpatrick (MI)
Bachmann	Diaz-Balart, L.	Kilroy
Bachus	Diaz-Balart, M.	Kind
Baird	Dicks	King (NY)
Baldwin	Dingell	Kirk
Barrett (SC)	Doggett	Kirkpatrick (AZ)
Barrow	Donnelly (IN)	Kissell
Becerra	Dreier	Klein (FL)
Berkley	Driehaus	Kline (MN)
Berman	Duncan	Kosmas
Berry	Edwards (MD)	Kratovil
Biggert	Edwards (TX)	Kucinich
Bilbray	Ehlers	Lance
Bilirakis	Ellison	Langevin
Bishop (NY)	Ellsworth	Larsen (WA)
Bishop (UT)	Emerson	Larson (CT)
Blackburn	Engel	Latham
Blumenauber	Eshoo	LaTourrette
Blunt	Etheridge	Latta
Boccheri	Fallin	Lee (CA)
Bonner	Farr	Lee (NY)
Bono Mack	Fattah	Levin
Boozman	Filmer	Lewis (CA)
Boren	Fleming	Lewis (GA)
Boswell	Forbes	Linder
Boucher	Fortenberry	Lipinski
Boustany	Foster	LoBtondo
Boyd	Frank (MA)	Loeb sack
Brady (PA)	Frelinghuysen	Logren, Zoe
Brady (TX)	Galleghy	Lowe y
Braley (IA)	Gerlach	Lucas
Bright	Giffords	Luetkemeyer
Brown (SC)	Gingrey (GA)	Lujan
Brown, Corrine	Gonzalez	Lummis
Brown-Waite,	Goodlatte	Lungren, Daniel
Ginny	Gordon (TN)	E.
Buchanan	Graves	Lynch
Burgess	Grayson	Mack
Burton (IN)	Green, Al	Maffei
Butterfield	Green, Gene	Maloney
Buyer	Griffith	Manzullo
Calvert	Grijalva	Markey (CO)
Camp	Guthrie	Markey (MA)
Cantor	Hall (NY)	Marshall
Cao	Hall (TX)	Massa
Capito	Hare	Matheson
Capps	Harman	Matsui
Capuano	Harper	McCarthy (CA)
Cardoza	Hastings (FL)	McCarthy (NY)
Carnahan	Hastings (WA)	McCaul
Carney	Heinrich	McClintock
Carson (IN)	Heller	McCollum
Carter	Herger	McCotter
Castle	Herseth Sandlin	McDermott
Castor (FL)	Higgins	McGovern
Chandler	Hill	McHugh
Cleaver	Himes	McIntyre
Clyburn	Hinche y	McKeon
Coble	Hirono	McMahon
Cohen	Hodes	McMorris
Cole	Hoekstra	Rodgers
Conaway	Holden	McNerney
Conyers	Holt	Meek (FL)
Cooper	Honda	Meeks (NY)
Costa	Hoyer	Melancon
Costello	Hunter	Mica
Courtney	Inslee	Michaud
Crenshaw	Israel	Miller (FL)
Crowley	Issa	Miller (MI)
Cuellar	Jackson (IL)	Miller (NC)
Culberson	Jackson-Lee	Miller, George
Dahlkemper	(TX)	Minnick
Davis (AL)	Jenkins	Mitchell
Davis (CA)	Johnson (GA)	Mollohan