

Now, the Suspension Calendar is normally used for non-controversial bills that have approved on a bipartisan basis. Most of the time, we use the Suspension Calendar to bring up bills to name post offices, pass commemorations, or enact Sense of Congress resolutions. It is entirely inappropriate to use the Suspension process for a bill as contentious as the Bass bill, because that process bars any amendments and sharply limits floor debate.

Thankfully, the Bass bill failed when brought up as a Suspension. It deserves to fail again here on the Floor today.

There still have never been any legislative hearings on this bill.

Hearings has been no Subcommittee or Committee process.

The Democratic Members of the Energy and Commerce Committee have been walled out.

This is a bad bill. It deserves to be defeated.

I urge the Members to reject this Rule, to reject this unfair process, and to reject the Bass Refinery bill.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION FOR H. RES. 842

H.R. 5254—REFINERY PERMIT PROCESS SCHEDULE ACT

Text:

In the resolution strike “and (2)” and insert the following:

“(2) the amendment in the nature of a substitute printed consisting of the text of H.R. 5365 if offered by Representative Boucher of Virginia or Representative Dingell of Michigan or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)”.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a

vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here’s how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda to offer an alternative plan.

Mr. LINCOLN DIAZ-BALART of Florida. 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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5521, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2007

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-487) on the resolution (H. Res. 849) providing for consideration of the bill (H.R. 5521) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o’clock and 53 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHWARZ of Michigan) at 6 o’clock and 30 minutes p.m.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 836 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5441.

□ 1831

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, with Mr. BONNER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Kentucky (Mr. ROGERS) had been disposed of and the bill had been read through page 62, line 17.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment by Mr. KING of Iowa.

Amendment by Mr. KINGSTON of Georgia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 179, not voting 35, as follows:

[Roll No. 223]

AYES—218

Aderholt	Gilchrest	Neugebauer
Akin	Gillmor	Ney
Alexander	Gingrey	Northup
Bachus	Gohmert	Norwood
Baker	Goode	Nunes
Barrett (SC)	Goodlatte	Otter
Barrow	Gordon	Oxley
Bartlett (MD)	Granger	Paul
Barton (TX)	Graves	Peterson (MN)
Bass	Green (WI)	Peterson (PA)
Beauprez	Gutknecht	Petri
Berry	Hall	Pickering
Biggert	Harris	Pitts
Bilirakis	Hart	Poe
Bishop (UT)	Hastings (WA)	Price (GA)
Blackburn	Hayes	Pryce (OH)
Blunt	Hayworth	Putnam
Boehlert	Hefley	Radanovich
Boehner	Hensarling	Ramstad
Bonilla	Herger	Regula
Bonner	Hobson	Rehberg
Boozman	Hoekstra	Renzi
Boren	Holden	Rogers (AL)
Boustany	Hostettler	Rogers (KY)
Bradley (NH)	Hulshof	Rogers (MI)
Brady (TX)	Hunter	Rohrabacher
Brown (SC)	Hyde	Ross
Brown-Waite,	Inglis (SC)	Royce
Ginny	Isa	Ryan (WI)
Burgess	Jenkins	Ryun (KS)
Burton (IN)	Jindal	Saxton
Buyer	Johnson (CT)	Schmidt
Calvert	Johnson (IL)	Schwarz (MI)
Camp (MI)	Johnson, Sam	Sensenbrenner
Cantor	Jones (NC)	Sessions
Capito	Kanjorski	Shadegg
Carter	Keller	Shaw
Case	Kelly	Shays
Chabot	King (IA)	Sherwood
Chandler	King (NY)	Shimkus
Chocola	Kingston	Shuster
Coble	Kirk	Simmons
Cole (OK)	Kline	Simpson
Conaway	Knollenberg	Smith (NJ)
Cramer	Kuhl (NY)	Smith (TX)
Crenshaw	LaHood	Sodrel
Cubin	Latham	Souder
Culberson	LaTourette	Spratt
Davis (KY)	Lewis (CA)	Stearns
Davis (TN)	Lewis (KY)	Sullivan
Davis, Jo Ann	Linder	Tancredo
Davis, Tom	LoBiondo	Taylor (MS)
Deal (GA)	Lucas	Taylor (NC)
DeLay	Lungren, Daniel	E.
Dent	E.	Terry
Doolittle	Mack	Thomas
Drake	Marchant	Thornberry
Dreier	Matheson	Tiahrt
Duncan	McCaul (TX)	Tiberi
Emerson	McCotter	Turner
English (PA)	McCrery	Upton
Everett	McHenry	Walden (OR)
Feeney	McHugh	Wamp
Ferguson	McKeon	Weldon (FL)
Fitzpatrick (PA)	McMorris	Weller
Flake	Melancon	Westmoreland
Foley	Mica	Whitfield
Forbes	Miller (FL)	Wicker
Fortenberry	Miller, Gary	Wilson (NM)
Fox	Moran (KS)	Wilson (SC)
Franks (AZ)	Murphy	Wolf
Frelinghuysen	Murtha	Young (AK)
Garrett (NJ)	Musgrave	Young (FL)
Gerlach	Myrick	

NOES—179

Abercrombie	Cannon	Davis (IL)
Ackerman	Capps	DeFazio
Allen	Capuano	DeGette
Andrews	Cardin	Delahunt
Baird	Cardoza	DeLauro
Baldwin	Carnahan	Diaz-Balart, L.
Bean	Carson	Diaz-Balart, M.
Becerra	Castle	Dicks
Berkley	Clay	Dingell
Berman	Cleaver	Doggett
Bishop (GA)	Clyburn	Doyle
Bishop (NY)	Conyers	Edwards
Blumenauer	Cooper	Ehlers
Boswell	Costa	Emanuel
Boucher	Costello	Engel
Boyd	Crowley	Eshoo
Brady (PA)	Cuellar	Etheridge
Brown (OH)	Cummings	Farr
Brown, Corrine	Davis (CA)	Fattah
Butterfield	Davis (FL)	Ford

Fossella	Maloney	Rothman
Frank (MA)	Markey	Roybal-Allard
Gonzalez	Matsui	Ruppersberger
Green, Al	McCarthy	Rush
Green, Gene	McCollum (MN)	Ryan (OH)
Grijalva	McDermott	Sabo
Gutierrez	McGovern	Salazar
Hastings (FL)	McIntyre	Sánchez, Linda
Herseht	McKinney	T.
Higgins	McNulty	Sanchez, Loretta
Hincheay	Meehan	Sanders
Hinojosa	Meek (FL)	Schiff
Holt	Meeks (NY)	Schwartz (PA)
Honda	Michaud	Scott (GA)
Hooley	Millender-	Serrano
Hoyer	McDonald	Skelton
Insee	Miller (NC)	Slaughter
Israel	Miller, George	Smith (WA)
Jackson (IL)	Mollohan	Snyder
Jackson-Lee	Moore (KS)	Solis
(TX)	Moore (WI)	Stark
Jefferson	Moran (VA)	Stupak
Johnson, E. B.	Nader	Sweeney
Jones (OH)	Napolitano	Tanner
Kaptur	Neal (MA)	Tauscher
Kennedy (RI)	Obey	Thompson (CA)
Kildee	Oliver	Tierney
Kilpatrick (MI)	Ortiz	Towns
Kind	Owens	Udall (CO)
Kolbe	Pallone	Van Hollen
Kucinich	Pascrell	Velázquez
Langevin	Pastor	Visclosky
Larsen (WA)	Pelosi	Walsh
Larsen (CT)	Pomeroy	Watson
Leach	Porter	Watt
Levin	Price (NC)	Waxman
Lewis (GA)	Rahall	Weiner
Lipinski	Rangel	Wexler
Lofgren, Zoe	Reichert	Wu
Lowey	Reynolds	Wynn
Lynch	Ros-Lehtinen	

NOT VOTING—35

Baca	Lee	Reyes
Bono	Manzullo	Schakowsky
Campbell (CA)	Marshall	Scott (VA)
Davis (AL)	Miller (MI)	Sherman
Evans	Nussle	Strickland
Filner	Oberstar	Thompson (MS)
Galleghy	Osborne	Udall (NM)
Gibbons	Payne	Wasserman
Harman	Pearce	Schultz
Istook	Pence	Waters
Kennedy (MN)	Platts	Weldon (PA)
Lantos	Pombo	Woolsey

□ 1903

Messrs. CLEAVER, ACKERMAN, CASTLE and FOSSELLA and Mrs. DAVIS of California changed their vote from “aye” to “no.”

Mr. FRELINGHUYSEN changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 223, the King of Iowa amendment to H.R. 5441, I was in my Congressional district on official business. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. KINGSTON

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. KINGSTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 293, noes 107, not voting 32, as follows:

[Roll No. 224]

AYES—293

Aderholt	Fitzpatrick (PA)	McNulty
Akin	Flake	Meeks (NY)
Alexander	Foley	Melancon
Allen	Forbes	Mica
Bachus	Ford	Michaud
Baker	Fortenberry	Miller (FL)
Barrett (SC)	Fossella	Miller (NC)
Barrow	Fox	Miller, Gary
Bartlett (MD)	Franks (AZ)	Mollohan
Barton (TX)	Frelinghuysen	Moore (KS)
Bass	Garrett (NJ)	Moran (KS)
Bean	Gerlach	Murphy
Beauprez	Gilchrest	Musgrave
Berkley	Gillmor	Myrick
Berry	Gingrey	Neugebauer
Biggert	Gohmert	Ney
Bilirakis	Goode	Northup
Bishop (GA)	Goodlatte	Norwood
Bishop (NY)	Gordon	Nunes
Bishop (UT)	Granger	Obey
Blackburn	Graves	Otter
Blunt	Green (WI)	Oxley
Boehlert	Gutknecht	Paul
Boehner	Hall	Peterson (MN)
Bonilla	Harris	Peterson (PA)
Bonner	Hart	Petri
Boozman	Hastings (WA)	Pickering
Boren	Hayes	Pitts
Boustany	Hayworth	Platts
Bradley (NH)	Hefley	Poe
Brady (TX)	Hensarling	Pomeroy
Brown (OH)	Herger	Porter
Brown (SC)	Herseth	Price (GA)
Brown, Corrine	Hobson	Price (NC)
Brown-Waite,	Hoekstra	Pryce (OH)
Ginny	Holden	Putnam
Burgess	Hooley	Radanovich
Burton (IN)	Hostettler	Rahall
Buyer	Hulshof	Ramstad
Calvert	Hunter	Regula
Camp (MI)	Hyde	Rehberg
Cannon	Inglis (SC)	Renzi
Cantor	Israel	Reynolds
Capito	Issa	Rogers (AL)
Capuano	Jenkins	Rogers (KY)
Carnahan	Jindal	Rogers (MI)
Carter	Johnson (CT)	Rohrabacher
Castle	Johnson (IL)	Ros-Lehtinen
Chabot	Johnson, Sam	Ross
Chandler	Jones (NC)	Royce
Chocola	Kanjorski	Ruppersberger
Clay	Keller	Ryan (WI)
Coble	Kelly	Ryun (KS)
Cole (OK)	Kildee	Sabo
Conaway	Kind	Sanders
Cooper	King (IA)	Saxton
Costello	King (NY)	Schmidt
Cramer	Kingston	Schwartz (PA)
Crenshaw	Kirk	Schwarz (MI)
Cubin	Kline	Scott (GA)
Culberson	Knollenberg	Sensenbrenner
Davis (FL)	Kolbe	Sessions
Davis (TN)	Kuhl (NY)	Shadegg
Davis, Jo Ann	LaHood	Shaw
Davis, Tom	Langevin	Shays
Deal (GA)	Latham	Sherwood
DeFazio	LaTourette	Shimkus
Delahunt	Leach	Shuster
DeLay	Levin	Simmons
Dent	Lewis (CA)	Simpson
Diaz-Balart, L.	Lewis (KY)	Skelton
Diaz-Balart, M.	Linder	Smith (NJ)
Dicks	Lipinski	Smith (TX)
Dingell	LoBiondo	Smith (WA)
Doolittle	Lucas	Snyder
Drake	Lungren, Daniel	Sodrel
Dreier	E.	Souder
Duncan	Lynch	Spratt
Edwards	Mack	Stearns
Ehlers	Marchant	Stupak
Emanuel	Matheson	Sullivan
Engel	McCarthy	Sweeney
Eshoo	McCaul (TX)	Tancredo
Etheridge	McCollum (MN)	Tanner
Farr	McCotter	Taylor (MS)
Fattah	McCrery	Taylor (NC)
Ford	McHenry	Terry
	McHugh	Thomas
	McIntyre	Thornberry
	McKeon	Tiahrt
	McKinney	Tiberi
	McMorris	Tierney

Turner	Weldon (FL)	Wilson (SC)
Udall (CO)	Weldon (PA)	Wolf
Upton	Weller	Wu
Visclosky	Westmoreland	Young (AK)
Walden (OR)	Whitfield	Young (FL)
Walsh	Wicker	
Wamp	Wilson (NM)	

NOES—107

Abercrombie	Hastings (FL)	Napolitano
Ackerman	Higgins	Neal (MA)
Andrews	Hinchev	Olver
Baird	Hinojosa	Ortiz
Baldwin	Holt	Owens
Becerra	Honda	Pallone
Berman	Hoyer	Pascrell
Blumenauer	Inslee	Pastor
Brady (PA)	Jackson (IL)	Pelosi
Butterfield	Jackson-Lee	Rangel
Capps	(TX)	Reichert
Cardin	Jefferson	Rothman
Carson	Johnson, E. B.	Roybal-Allard
Case	Jones (OH)	Rush
Cleaver	Kaptur	Ryan (OH)
Clyburn	Kennedy (RI)	Salazar
Conyers	Kilpatrick (MI)	Sánchez, Linda
Crowley	Kucinich	T.
Cuellar	Larsen (WA)	Sanchez, Loretta
Cummings	Larson (CT)	Schiff
Davis (CA)	Lewis (GA)	Scott (VA)
Davis (IL)	Lofgren, Zoe	Serrano
DeGette	Lowe	Slaughter
DeLauro	Maloney	Solis
Doggett	Markey	Stark
Doyle	Matsui	Tauscher
Emanuel	McDermott	Thompson (CA)
Engel	McGovern	Towns
Eshoo	Meehan	Van Hollen
Farr	Meek (FL)	Velázquez
Fattah	Millender-	Watson
Frank (MA)	McDonald	Watt
Gonzalez	Miller, George	Waxman
Green, Al	Moore (WI)	Weiner
Green, Gene	Moran (VA)	Wexler
Grijalva	Murtha	Wynn
Gutierrez	Nadler	

NOT VOTING—32

Baca	Lantos	Pombo
Bono	Lee	Reyes
Campbell (CA)	Manzullo	Schakowsky
Davis (AL)	Marshall	Sherman
Evans	Miller (MI)	Strickland
Filner	Nussle	Thompson (MS)
Gallegly	Oberstar	Udall (NM)
Gibbons	Osborne	Wasserman
Harman	Payne	Schultz
Istook	Pearce	Waters
Kennedy (MN)	Pence	Woolsey

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1909

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 224, the Kingston amendment to H.R. 5441, I was in my Congressional District on official business. Had I been present, I would have voted "no."

Mr. OBEY. Mr. Chairman, I move to strike the last word and yield to the gentlewoman from New York so that the Members might understand what is going to be in the motion to recommit and what will come next.

I yield to the gentlewoman.

Mrs. LOWEY. Mr. Chairman, I will soon offer a motion to recommit. This motion seeks to increase first responder grants by \$750 million. This amount will keep each State and locality funded at whichever is higher, fiscal year 2005 or fiscal year 2006. It is critically important that we increase the allocation for first responder grants.

Mr. Chairman, it is hard to believe, but it is true, that DHS has announced that New York, which remains the likeliest target of a terrorist attack, will receive a \$106 million reduction in funding for fiscal year 2007. Short memories. Such a cut is unconscionable.

New York is the only city that has been attacked by terrorists twice. And the New York Police Department has prevented efforts to destroy the Brooklyn Bridge and other critical infrastructure.

Reducing funding to New York and Washington, D.C., the two targets of the September 11 attack, is a slap in the face to every first responder who rushed to the emergency scene that morning and every individual living in those regions.

In a letter sent to the New York congressional delegation last week, Secretary Chertoff stated that New York is at the top of the national risk ranking. Yet, inexplicably, New York's share of funding decreased.

Now, the allocation method that DHS uses, frankly, defies common sense. The Statue of Liberty was not considered part of New York City because, technically, the Federal Government owns the property.

DHS classified over 200,000 entities into four risk quadrants, with all items in each quadrant receiving equal value. This means that something that is clearly a target, such as the Capitol, the Empire State Building, and the Golden Gate Bridge is considered the same as whatever target was number 50,000 on the list. And Washington, D.C., as a whole, was placed in the lower risk quadrant because DHS claims it does not have significant critical infrastructure. And by the way, if you call DHS to get an explanation, they respond, it is classified; we can't tell you.

Now, remember, DHS claims that Washington, D.C. does not have significant critical infrastructure.

□ 1915

The September 11 hijackers did not care about the total amount of critical infrastructure in a specific region. They sought to destroy symbolic targets full of thousands of Americans. Our preparedness effort should reflect this fact.

Unless the motion to recommit is adopted, first responder funding will once again be slashed. In the last 5 years, terrorists have murdered thousands in New York, Washington, Madrid and London. Within the past 2 hours, the Canadian government has stated that the terrorists they arrested last week planned to storm Parliament and behead the prime minister.

Now, my colleagues, this should sound an alarm that now is not the time to reduce funding to prevent, prepare and respond to attacks in areas that face the greatest risk. We must pay now to protect our country or we will pay later.

Mr. OBEY. Mr. Chairman, let me simply explain that the Lowey motion to recommit will be with instructions to report it back forthwith to the House with an amendment adding an additional \$750 million for State and local formula-based grants and high-threat, high-density urban area grants so that no State or urban area receives funding below which it received in 2005 or 2006, whichever is higher, and is offset by a 1.8 percent reduction in the tax reduction resulting from the enactment of Public Laws 107-16, et cetera, for taxpayers with incomes in excess of \$1 million for calendar year 2007.

Mr. STARK. Mr. Chairman, if there was any doubt, FEMA's performance during Hurricane Katrina proved the Department of Homeland Security's incompetence. I had hoped that more than 3 years after its creation, the Department would use common sense. But as DHS continues to violate Americans' civil liberties, pursue policies that make us no more secure, and misallocate funds, I cannot vote to throw good money after bad.

H.R. 5441 will allow the TSA to spend \$6.4 billion strip-searching grandmothers and small children. Yet multiple auditors have found that despite this and other invasive techniques, the Department is no more likely to detect a weapon than were security personnel prior to September 11, 2001. Under this bill, DHS will continue to screen only 5 percent of port containers and virtually no air cargo. Wyoming will still get about \$27.80 per capita in homeland security funding while California will receive only about \$8.05. I shudder to think how FEMA will handle the next large earthquake in the Bay Area when they can't even handle a hurricane with a week's warning.

I vote "no" to DHS's misplaced priorities and urge my colleagues to stop supporting a dysfunctional agency.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of the FY 2007 Homeland Security Appropriations bill. This isn't a perfect bill, but it provides much needed funds to make our country safer.

Total funding in the bill is increased by nearly \$2 billion from this year's levels, with some increases from FY06 in Customs and Border Protection, Immigration and Customs Enforcement, the Federal Emergency Management Agency, and the Transportation Security Administration.

Still, I'm concerned about shortfalls in the bill. First, although the bill increases funding for Border Patrol salaries and expenses over FY06 levels, it only funds 1,200 new Border Patrol agents, 300 less than requested by the Administration and 800 less than the 2007 level called for in the Intelligence Reform bill. Similarly, although the bill increases funding for salaries and expenses for Immigration and Customs Enforcement, it only funds about 4,800 additional detention beds, almost 2,000 less than requested by the administration and 3,200 less than the 2007 level called for in the Intelligence Reform bill.

The bill also cuts firefighter and SAFER grants by 11 percent, cuts air cargo security by \$30 million, and cuts urban area security grants from FY06 levels.

I opposed the amendment offered by Mr. CAMPBELL which would block any Homeland

Security funding from going to State and local governments if their law enforcement is prohibited from reporting immigration information to the federal government.

I believe that linking this provision to vital homeland security funds could have unintended consequences for our national security. Since 9/11, national security has become a national priority, and State and local governments play an essential role in assisting the Department of Homeland Security to improve the security in this country.

Under current law passed in 1996, it is already illegal for law enforcement to restrict the reporting of immigration information to the federal government. I support this law, and believe it should be fully enforced. The efforts of state and local governments to enhance our security should not be undermined because the federal government has not properly enforced immigration law.

We should be providing states with resources to improve security, not taking these resources away. By under-funding and allowing the weakening of security in some states and localities due to their lack of reporting illegal immigrants to immigration officials, the federal government would in effect be contributing to the weakening of our national security.

Mr. Chairman, much remains to be done to improve our defenses against terrorism, but this bill is an important step, and I will vote for it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to join my colleague from New York in expressing my extreme displeasure with the Department of Homeland Security's recent announcement regarding Urban Area Security Initiative grants.

The outcome of DHS's process defies common sense. I am hard pressed to understand how the National Capital Region, one of the regions deemed most at risk in the United States, should incur such a drastic reduction in funding. The nation's capital bears a disproportionate burden in terms of homeland security costs and ensuring public safety needs. This region was one of two targets on September 11; it was the target of anthrax attacks and sniper shootings.

To the best of my understanding, DHS's decision to reduce funding for the national capital area was based on the opinion that region's planning was inadequate. As of this date, I have not been briefed in detail on the process or criteria used to make this determination. This will be rectified when the Government Reform Committee holds a hearing on the subject on June 15th. For the time being, the entire evolution suggests unnecessary secrecy and an overemphasis on bureaucratic expertise.

The risk doesn't go away if a region is planning poorly; rather, the risk to the citizen increases. I truly hope DHS would take the necessary steps to remediate an inadequate plan for UASI funds—to offer a region the help it apparently needs. Cutting funding should not be the method to address any alleged planning deficiencies.

We have to protect the interests of the taxpayer, but we also have to protect the taxpayer. Much was made about the Department of Homeland Security's renewed emphasis on sending funds where the need was greatest. We're not getting off to a good start.

The Acting CHAIRMAN. The Clerk will read the last two lines.

The Clerk read as follows:

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2007".

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. BONNER, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 836, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMEND OFFERED BY MRS. LOWEY

Mrs. LOWEY. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. LOWEY. In its present form, I am, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Lowey moves to recommit the bill, H.R. 5441, to the Committee on Appropriations with instructions to report the same forthwith back to the House with an amendment providing for an additional \$750 million for state and local formula based grants and high-threat, high-density urban area grants so that no state or urban area receive funding below what it received in 2005 or 2006, whichever is higher, and offset by a 1.8 percent reduction in the tax reduction resulting from the enactment of Public Laws 107-16, 108-27, and 108-311 for taxpayers with income in excess of \$1,000,000 for calendar year 2007.

POINT OF ORDER

Mr. ROGERS of Kentucky. Madam Speaker, I make a point of order against the motion to recommit because it violates clause 2(c) of rule XXI.

I ask for a ruling of the Chair.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mrs. LOWEY. Madam Speaker, I wish to speak on the point of order.

Madam Speaker, I wish to speak on the point of order because, frankly, it is beyond belief to me that this committee could appropriate less to major cities like New York and Washington than they received last year. Given the current threats that are still out there loud and clear, we should not be cut-

ting back on these important critical homeland security dollars.

The SPEAKER pro tempore. Does any other Member wish to speak on the point of order?

Mr. WEINER. Madam Speaker, I wish to be heard on the point of order.

Madam Speaker, a fundamental element of the rules of the House is that Members get an opportunity to debate and have their views heard on issues. We have lost the opportunity to have an amendment such as this because of a unanimous consent that was entered into before these events happened. We, in good faith, entered into a unanimous consent agreement on limiting the number of amendments we offered to this bill. Then in the intervening period, news happened. The Department of Homeland Security issued a formula and issued a distribution of funds that gave less money to places that were at the highest need.

What happened was we entered into a unanimous consent agreement to limit the number of amendments that were offered.

Mr. ROGERS of Kentucky. Madam Speaker, regular order. The gentleman needs to speak to the point of order.

The SPEAKER pro tempore. Is the gentleman from New York intending to address the point of order?

Mr. WEINER. I certainly am, and, if I were permitted to finish, you would see that.

The SPEAKER pro tempore. The gentleman will confine his remarks to the point of order.

Mr. WEINER. Certainly. That is what I am doing, Madam Speaker.

What happened was during the intervening period, after the unanimous consent was entered into, this formula was issued giving Members no opportunity other than this motion in order to make this point, that in order to have funds allocated where they are needed most, the Lowey motion is the only way to do it.

If you vote yes on tabling this motion, you are voting to essentially sustain this allocation.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman must confine his remarks to the point of order.

Mr. WEINER. Madam Speaker, I am seeking to do that.

The SPEAKER pro tempore. The point of order is that the motion to recommit legislates. The gentleman will confine his remarks to that.

Mr. WEINER. Madam Speaker, I understand.

The motion to recommit that we are voting on today that we are seeking to have an up or down vote on, I would say, would give us an opportunity to hear this.

You don't need to raise the point of order. If you want to simply go vote to sustain this ridiculous formula, vote on the Lowey amendment in an act of

good faith that we showed by entering into the unanimous consent. That is why the point of order should be withdrawn.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The motion to recommit proposes an amendment prescribing a new rule of law regarding the Federal income tax. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained. The motion to recommit is not in order.

Mrs. LOWEY. Madam Speaker, because this ruling defies the imagination of anybody living here in the United States of America, because of this ruling and the decision of this committee to cut back on homeland security funds and refuse to adjust them according to risk-threat vulnerability, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Madam Speaker, I move to lay the appeal on the table.

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

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

RECORDED VOTE

Mrs. LOWEY. Madam Speaker, I demand a recorded vote.

A recorded vote was 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 passage.

The vote was taken by electronic device, and there were—ayes 207, noes 191, answered “present” 2, not voting 33, as follows:

[Roll No. 225]

AYES—207

Aderholt	Camp (MI)	Ferguson
Akin	Cannon	Pitzpatrick (PA)
Alexander	Cantor	Flake
Bachus	Capito	Foley
Baker	Carter	Forbes
Barrett (SC)	Castle	Fortenberry
Bartlett (MD)	Chabot	Fox
Barton (TX)	Chocola	Franks (AZ)
Bass	Coble	Frelinghuysen
Beauprez	Cole (OK)	Garrett (NJ)
Biggart	Conaway	Gilchrest
Bilirakis	Crenshaw	Gillmor
Bishop (UT)	Cubin	Gingrey
Blackburn	Culberson	Gohmert
Blunt	Davis (KY)	Goode
Boehrlert	Davis, Jo Ann	Goodlatte
Boehner	Deal (GA)	Granger
Bonilla	DeLay	Graves
Bonner	Dent	Green (WI)
Boozman	Diaz-Balart, L.	Gutknecht
Boustany	Diaz-Balart, M.	Hall
Bradley (NH)	Doolittle	Harris
Brady (TX)	Drake	Hart
Brown (SC)	Dreier	Hastert
Brown-Waite,	Duncan	Hastings (WA)
Ginny	Ehlers	Hayes
Burgess	Emerson	Hayworth
Burton (IN)	English (PA)	Hefley
Buyer	Everett	Hensarling
Calvert	Feeney	Herger

Hobson	Mica
Hoekstra	Miller (FL)
Hostettler	Miller, Gary
Hulshof	Moran (KS)
Hunter	Murphy
Hyde	Musgrave
Inglis (SC)	Myrick
Issa	Neugebauer
Jenkins	Ney
Jindal	Northup
Johnson (IL)	Norwood
Johnson, Sam	Nunes
Keller	Otter
King (IA)	Oxley
Kingston	Paul
Kirk	Peterson (PA)
Kline	Petri
Knollenberg	Pickering
Kolbe	Pitts
Kuhl (NY)	Platts
LaHood	Poe
Latham	Porter
LaTourette	Price (GA)
Leach	Pryce (OH)
Lewis (CA)	Putnam
Lewis (KY)	Radanovich
Linder	Ramstad
LoBiondo	Regula
Lucas	Rehberg
Lungren, Daniel	Reichert
E.	Renzi
Mack	Reynolds
Marchant	Rogers (AL)
McCaul (TX)	Rogers (KY)
McCotter	Rogers (MI)
McCrery	Rohrabacher
McHenry	Ros-Lehtinen
McHugh	Royce
McKeon	Ryan (WI)
McMorris	Ryun (KS)

NOES—191

Abercrombie	Eshoo
Ackerman	Etheridge
Allen	Farr
Andrews	Fattah
Baird	Ford
Baldwin	Fossella
Barrow	Frank (MA)
Bean	Gerlach
Becerra	Gonzalez
Berkley	Gordon
Berman	Green, Al
Berry	Green, Gene
Bishop (GA)	Grijalva
Bishop (NY)	Hastings (FL)
Blumenauer	Herseth
Boren	Higgin
Boswell	Hinche
Boucher	Hinojosa
Boyd	Holden
Brady (PA)	Holt
Brown (OH)	Honda
Brown, Corrine	Hooley
Butterfield	Hoyer
Capps	Inslee
Capuano	Israel
Cardin	Jackson (IL)
Cardoza	Jackson-Lee
Carnahan	(TX)
Carson	Jefferson
Case	Johnson (CT)
Chandler	Johnson, E. B.
Clay	Jones (NC)
Cleaver	Jones (OH)
Clyburn	Kanjorski
Conyers	Kaptur
Cooper	Kelly
Costa	Kennedy (RI)
Costello	Kildee
Cramer	Kilpatrick (MI)
Crowley	Kind
Cuellar	King (NY)
Cummings	Kucinich
Davis (CA)	Langevin
Davis (FL)	Larsen (WA)
Davis (IL)	Larson (CT)
Davis (TN)	Levin
DeFazio	Lewis (GA)
DeGette	Lipinski
Delahunt	Lofgren, Zoe
DeLauro	Lowe
Dicks	Lynch
Dingell	Maloney
Doggett	Markey
Doyle	Matheson
Edwards	Matsui
Emanuel	McCarthy
Engel	McCollum (MN)

Saxton	Snyder
Schmidt	Solis
Schwarz (MI)	Spratt
Sensenbrenner	Stark
Sessions	Stupak
Shadegg	Sweeney
Shaw	Tanner
Sherwood	Tauscher
Shimkus	
Shuster	
Simpson	
Smith (NJ)	
Smith (TX)	
Sodrel	
Souder	
Stearns	
Sullivan	
Tancredo	
Taylor (NC)	
Terry	
Thomas	
Thornberry	
Tiahrt	
Tiberi	
Turner	
Upton	
Walden (OR)	
Walsh	
Wamp	
Weldon (FL)	
Weldon (PA)	
Weller	
Westmoreland	
Whitfield	
Wicker	
Wilson (NM)	
Wilson (SC)	
Young (AK)	
Young (FL)	

Taylor (MS)	Watson
Thompson (CA)	Watt
Tierney	Waxman
Towns	Weiner
Udall (CO)	Wexler
Van Hollen	Wu
Velázquez	Wynn
Visclosky	

ANSWERED “PRESENT”—2

Davis, Tom	Wolf
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NOT VOTING—33

Baca	Lantos	Reyes
Bono	Lee	Schakowsky
Campbell (CA)	Manzullo	Sherman
Davis (AL)	Marshall	Strickland
Evans	Miller (MI)	Thompson (MS)
Filner	Nussle	Udall (NM)
Gallely	Oberstar	Wasserman
Gibbons	Osborne	Schultz
Gutierrez	Payne	Waters
Harman	Pearce	Woolsey
Istook	Pence	
Kennedy (MN)	Pombo	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1942

Mr. SMITH of Washington changed his vote from “aye” to “no.”

Mr. ADERHOLT and Mr. FEENEY changed their vote from “no” to “aye.”

So the motion to lay on the table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall No. 225, table the Motion to Recommit H.R. 5441, I was in my Congressional District on official business. Had I been present, I would have voted “no.”

RECOGNIZING SPEAKER HASTERT

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Madam Speaker, I rise this evening to salute Speaker HASTERT for becoming the longest serving Republican Speaker in history. Long may his record stand.

This milestone is a testament to his leadership within the Republican Conference and within the Halls of Congress. DENNIS HASTERT spent 16 years as a teacher and coach at Yorkville High School in Illinois. He has put the skills he learned there to good use in this body.

After 6 years in the Illinois State House, he came to the U.S. House of Representatives in 1986. In 1999, DENNY HASTERT’s colleagues elected him Speaker of the House, the third highest Government official in the United States.

While we often disagree on issues, we agree on the importance of public service. That kind of public service has been the hallmark of Speaker HASTERT’s career whether in the classroom or in the House of Representatives.