Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—120

Akin
Bachmann
Baker
Barrett (SC)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Calvert
Campbell (CA)
Cantor
Castle
Chabot
Coble
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Hensarling
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jordan
Keller
King (NY)
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy, Patrick
Murphy, Tim
Myrick
Paul
Pence
Petri
Pitts
Platts
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NJ)
Smith (TX)
Stark
Stearns
Tancredo
Terry
Tiberi
Turner
Upton
Walberg
Wamp
Waxman
Weldon (FL)
Weller
Westmoreland
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (PA)
Clay
Davis, Jo Ann
Engel
Fattah
Hastert
Johnson, Sam
McMorris Rodgers
Peterson (PA)
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2145

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. REYES. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2082 pursuant to House Resolution 388, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

POINT OF ORDER

Mr. WESTMORELAND. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WESTMORELAND. I make a point of order under clause 9(a) of rule XXI regarding the earmarks in this bill, H.R. 2082. The list of earmarks in this bill fails to meet the requirements of clause 9(a) in that the list is deficient. One of the earmarks listed was included in the bill even though it failed to meet the requirement that the requesting Member notify in writing the chairman and ranking minority member of the committee.

The SPEAKER pro tempore. Under clause 9(a) of rule XXI, the Chair is constrained to ask a threshold question relating to the cognizability of the point of order.

Is the gentleman from Georgia alleging the absence of an entry in the report of the Permanent Select Committee on Intelligence in compliance with clause 9(a) of rule XXI?

Mr. WESTMORELAND. Mr. Speaker, I am saying that under clause 9(a) of rule XXI, that the list is deficient and did not include a notice to the ranking minority member on the committee of the earmark.

The SPEAKER pro tempore. The Chair finds the entry on pages 50 and 51 of the Report of the Permanent Select Committee on Intelligence constitutes compliance with clause 9(a) of rule XXI.

The point of order is overruled.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though it includes an earmark where the requesting Member failed to notify the ranking minority member of his request, as required under clause 17 of rule XXIII?

The SPEAKER pro tempore. The Chair cannot render advisory opinions or respond on hypothetical premises.

Mr. WESTMORELAND. Mr. Chairman, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though the list fails to include an earmark contained in the bill?

The SPEAKER pro tempore. Again, the Chair does not purport to issue such an advisory opinion.

Mr. WESTMORELAND. Mr. Speaker, I don't believe this is a hypothetical situation, but I want to make further parliamentary inquiry, if I could.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though it includes an earmark where the requesting Member failed to certify he has no financial interest in the earmark?

The SPEAKER pro tempore. The Chair's response must remain the same.

Mr. WESTMORELAND. Finally, one last parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Finally, is the Chair saying that the mere printing of a list of earmarks, or a statement that the bill contains no earmarks, is sufficient to render the point of order against the bill as not recognized by the Chair?

The SPEAKER pro tempore. The Chair can affirm that clause 9 of rule XXI contemplates that the presence of earmarks and limited tax and tariff benefits be disclosed or disclaimed. Complying statements, listing such provisions or disclaiming their presence, must appear either in the report of a committee or conference committee or in a submission to the CONGRESSIONAL RECORD.

Paragraph (a) of clause 9 establishes a point of order. Paragraph (c) of clause 9 requires that such a point of order be predicated only on the absence of a complying statement.

Clause 9 of rule XXI does not contemplate a question of order relating to the content of the statement offered in compliance with the rule. Argument concerning the adequacy of a list or the probity of a disclaimer is a matter that may be addressed by debate on the merits of the measure or by other means collateral to the review of the Chair.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. So, Mr. Speaker, is it my understanding, from your last comments, that even though the rule specifically state that these procedures should be followed, and that they were not followed in this particular instance, that you are going to rule that the list, even though deficient not containing all the earmarks, just the mere fact that there was a list presented, no matter how accurate, that that will stand?

The SPEAKER pro tempore. The Chair would not deign to say what the gentleman understands, but the Chair's statement speaks for itself.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Under the rules, is there any limit to the number of times a Member may ask the identical parliamentary inquiry?