

(Mr. MARKEY) that the House suspend the rules and pass the bill, H.R. 251, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

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#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 1 o'clock and 22 minutes p.m.

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#### PROVIDING FOR CONSIDERATION OF H.R. 2638, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 473 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 473

*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. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, 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 chairman 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. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, 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. During consideration of H.R. 2638 in the House pursuant to this resolution, notwithstanding the operation of the previous

question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Thank you, Mr. Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members may 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 gentlewoman from New York?

There was no objection.

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

Mr. Speaker, H. Res. 473 provides an open rule for the consideration of H.R. 2638, the Department of Homeland Security Appropriations Act for 2008. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except for those arising under clauses 9 or 10 of rule XXI. The resolution also waives points of order against the bill for failure to comply with clause 2 of rule XXI regarding legislating in an appropriations bill and appropriating for unauthorized programs.

During consideration of the bill for amendment, the chairman of the Committee of the Whole may provide priority in recognition based on whether the Member offering an amendment has caused it to be printed in the CONGRESSIONAL RECORD. The rule also provides one motion to recommit with or without instructions.

I am pleased to bring to the floor the first appropriations bill of the 110th Congress under a traditional open rule process. The security of our Nation concerns every American in every State, and it is a priority of every Member of this body. But while the effort to secure our homeland is a bipartisan one, there are clear differences between how the two parties approach it, and the bill demonstrates them.

We have before us legislation that provides more than \$36 billion in critical funding needed to address security vulnerabilities identified by the Homeland Security experts. It is a fulfillment of commitments made by Democrats in implementing the 9/11 Commission Recommendations Act of 2007, which passed the House with a bipartisan majority.

With this bill Democrats are increasing funding for homeland security by 7 percent, or \$2.5 billion, over the

amount appropriated for it last year. In fact, we are providing close to \$2 billion more than what the President asked for in his request to Congress. These increases aren't excessive. They are, instead, the result of the Democrats' commitment to adequately fund security programs which in past years have been talked about, but not sufficiently supported.

These funding increases stand in stark contrast to past Republican decisions to cut money for vital security efforts and to impose unfunded mandates on State governments. My fellow Democrats and I have rejected the Republican proposals for across-the-board cuts in these areas. We feel that they would indiscriminately and unnecessarily sacrifice billions in needed funding for rail, transit, and port security, as well as for first responder grants. And, indeed, the sad truth is that these grant programs have suffered funding cuts every year since 2004. Compare that to the fact that this bill provides over \$4.5 billion, nearly double the requested amount, for these critical areas.

More specifically, we have provided \$400 million for port security, doubling the requested amount. Similarly, \$400 million will go towards rail and transit security grants, more than the administration requested. And we will increase spending for firefighter grants by \$138 million. The administration had wanted to cut these funds significantly, but we are increasing them.

At a time of heightened concern about our border security, the legislation will help to secure our borders by paying the salaries of 3,000 new Border Patrol agents, and it also improves the benefits package for Customs and Border Patrol officers to ensure higher recruitment and retention rates. After years of a lack of accountability and questionable government contracts, this bill promotes both accountability and oversight through reforms of the contracting process, and this is amazingly important.

I mentioned our borders a moment ago and I want to return to that subject very briefly. As a representative from western New York, the security of our borders is an issue of great concern to me.

□ 1330

Both our northern and southern borders face unique and separate challenges, and the bill addresses each in turn.

The 3,000 new agents funded by the bill will mean over 17,800 brave men and women will patrol our borders by the end of 2008. And at the same time, we will increase northern border funding by 33 percent, and 500 new agents will be placed there. As important as this is, border security efforts must never blind us to the deep connection we share with our neighbor to the north. Ours is a 200-year-old relationship that has benefited both of our nations immensely. In fact, I often say

that people of northern border communities don't see Canadian towns and cities as being in another country; instead, we see it as one nation with a river running through it.

The travel and trade which cross the northern border every single day between America and Canada are critical to our economy and to the northern economic security. We must never sacrifice our relationship with Canada in a misguided attempt to increase border security.

I have long said that economic security and physical security are not mutually exclusive; we can and we must have both. Unfortunately, the approach to northern border security currently advocated by the Department of Homeland Security and the Department of State is flawed. The Western Hemisphere Travel Initiative, of WHTI, will choke off legitimate travel and trade and sacrifice local economies unnecessarily by imposing onerous border-crossing requirements. WHTI, while well-intentioned, is simply unacceptable in its current form.

For 2 years, I have been working with fellow border members and concerned local groups and Canada and their government to fix WHTI, and I am proud to say today represents a major step forward in that battle. With Chairman PRICE's help, I inserted language into this bill that will withhold \$100 million from the funds required to implement WHTI until a series of our demands have been met, demands that will push both DHS and State in the direction that they need to go, that is, away from requiring expensive crossing documents and towards commonsense, low-cost alternatives, and will keep our border closed to criminals, but open to the families and the businesses which make it so vibrant.

Additionally, the language will require the completion of a pilot project, which DHS is paying for and has not yet started, involving the State of Washington and British Columbia before WHTI can go forward. We see no point in paying for a project only to ignore it. The project will reveal the feasibility of the passport requirements in WHTI. With the 2008 winter Olympics being held in Vancouver, there will soon be an even greater number of Americans traveling across the border there. And this is a perfect way for us to test the requirements of WHTI before it is put in place nationwide, and we are going to make sure the results of that test are known.

Mr. Speaker, I am proud to support this bill. It demonstrates the Democratic commitment to smart security, as well as to ensuring that the money spent by this government goes where it is needed most and is spent wisely, efficiently, and effectively. These are our priorities. Our constituents deserve no less, and our security can afford no less.

I urge a "yes" vote on the rule and on the bill.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the distinguished gentlewoman from New York, the chairman of the Rules Committee, Ms. SLAUGHTER, for the time. And I yield myself such time as I may consume.

Several years ago, Mr. Speaker, I had the distinct privilege to bring forth the first rule for a Department of Homeland Security appropriations bill. Since then, the Department of Homeland Security has grown and begun to mature under the bipartisan oversight of the Appropriations Committee and of the Committee on Homeland Security. In fact, Ms. SLAUGHTER and I worked together, when I was the chairman and she the ranking member of the select Committee on Homeland Security's Subcommittee on Rules, to make certain that the committee became the permanent standing committee that it is today.

As we know, the Department of Homeland Security was created in the wake of the attacks of September 11, 2001, to help mobilize and to organize the Federal Government to the best of our ability to secure the homeland from further terrorist attacks.

Thanks to our new concerted approach to security, and I think it is important to recognize, to the 180,000 hardworking employees of the Department of Homeland Security, we have not suffered further attacks. But we must not let our guard down. Within the last month alone, Mr. Speaker, we have seen several plans thwarted to attack both Fort Dix and a major airport in New York City. We must not lose our focus. We must continue our efforts to protect the United States from yet another deadly attack.

There is an item in this legislation that helps fulfill a recommendation of the 9/11 Commission and that will provide additional security to districts that many of us represent throughout the country, including the one that I am honored to represent, districts with large airports. In its report, the 9/11 Commission recommended that the Transportation Security Agency expedite the installation of advanced in-line baggage screening equipment.

Miami International Airport, which is in the district that I am honored to represent, is a high-security, category 10 airport on the front line of homeland security defense. Miami International Airport has approximately 1,160 international flights each week, more than any other airport in the United States. Miami International Airport has over 900 flights a week from Latin America, more than all other U.S. airports combined. Miami International ranks third in overall international passenger traffic.

The Miami-Dade Aviation Department, which operates Miami International Airport, is currently building two new terminals at MIA and is incurring over \$100 million in in-line Explosive Detection System, EDS, terminal modification costs. In 2005, TSA com-

mitted \$20 million in Other Transaction Agreement funds which will almost cover the 75 percent Federal share for the south terminal project.

As Miami International Airport begins the installation process of EDS in its north terminal, the airport still requires an additional funding agreement to cover the Federal share of the \$79 million modification project. For fiscal years 2007 and 2008, the Miami-Dade Aviation Department is projected to spend \$28.8 million on the north terminal modifications, \$21.6 million of which falls under the Federal Government's cost share.

I wish to commend the Appropriations Committee for allocating \$560 million for Explosive Detection System, EDS, procurement and installations. These funds will help reimburse Miami International Airport in its efforts to complete its EDS installations.

Mr. Speaker, there are still some concerns with this bill, as Ranking Member ROGERS has stated publicly. There is concern about the rapid growth of funding represented by the bill, for example. And although the Appropriations Committee worked in a bipartisan manner to produce this bill, there is concern from many Members of this House about the process. As we know, the Appropriations Committee has announced that earmarks were not included in this bill and will only be added during the conference process with the Senate. It is not until that point that Members and the public will be able to see the earmarks. By adding earmarking during the conference process, Members will not have the opportunity to make amendments to remove or adjust earmarks approved by the majority on the Appropriations Committee.

The announced procedure protects earmarks from what during the opening of the 110th Congress some refer to as the "disinfectant of sunshine." This procedure for earmarks is in effect reversing a traditionally more open appropriations process. I urge our colleagues in the majority to reconsider this procedure and allow for an open appropriations process.

I would like to commend the majority for bringing this important appropriations bill to the floor under an open rule. The House, as Ms. SLAUGHTER mentioned, has historically considered appropriations bills under open rules in order to allow each Member the ability to offer germane amendments without having to preprint their amendments or receive approval from the Rules Committee.

I hope that the majority will live up to their campaign promise of running a transparent House and continue our tradition of open rules with the rest of the appropriations bills this year.

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

□ 1340

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank the gentlewoman from New York for yielding.

Mr. Speaker, I rise in support of this open rule providing for consideration of H.R. 2638, which makes appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008.

Mr. Speaker, in November the American people asked for a change. They wanted us to do two things: one, change priorities; two, restore accountability to this government.

We began with a down payment by raising the minimum wage; ending the big subsidies for oil companies, instead putting money into renewable energy; requiring pharmaceutical price negotiation instead of giveaways; making college more affordable by lowering interest rates; and we supported small businesses. These were the beginning.

Today, we take up the first of 12 appropriation bills, and in each of these bills we must do what we promised the American people we would do; change priorities and restore accountability.

This bill on homeland security, brought before us on a bipartisan basis, does both. It funds the Department of Homeland Security. It was created largely in response to the tragedy of 9/11. Since its inception, the Department has been given a crucial mission, and that is protecting American soil and American lives, enhancing our overall security. They have a big job, and it is no small undertaking.

This Homeland Security bill addresses priorities and reflects our change, and it reflects accountability, our responsibility to taxpayers.

The priorities that I would like to speak to that are embedded in this homeland security bill are among the following:

One, it establishes as a key priority funding our first responders with the training and the equipment that they need. Each one of us knows that the first responders are the ones who are going to be there, and in each of our districts they need the training, they need the funding. This Homeland Security bill has rejected a \$1 billion cut that was proposed by the administration and restores Homeland Security grants in Firefighter Assistance grants.

Second, it implements a key recommendation of the 9/11 Commission by providing improved aviation security. This bill substantially increases efforts to purchase and install the latest explosive detection systems for checked baggage and other things that have been mentioned by the speakers.

Also, Mr. PRICE and Mr. ROGERS both spoke about the need for accountability. The good intentions of protecting the homeland does not give this bill a pass when it comes to accountability. The bill mandates that all grants and contact funds be awarded through full competitive processes.

Finally, I want to thank Chairwoman SLAUGHTER for leading to a sensible ap-

proach on the Western Hemisphere Travel Initiative. Thank you, Chairwoman SLAUGHTER.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from California (Mr. DREIER).

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

Mr. Speaker, I rise in reluctant opposition to this rule. As has been pointed out by our distinguished Chair, Ms. SLAUGHTER, and the gentleman from Miami, Mr. DIAZ-BALART, in their thoughtful remarks on this issue, this is an open rule. The problem is, we are still dealing with this problem of the lack of reform in the earmark process. It is for that reason that having voted upstairs, yes, the fact that we haven't brought about the very important reform that is necessary to this horrendous earmark process, that I am going to join with Mr. DIAZ-BALART when he calls for defeat of the previous question and an opportunity that would be allowed by defeating the previous question for us to offer an amendment that would take on this earmark issue.

Mr. DIAZ-BALART very correctly pointed to the fact that in the 109th Congress we were able to implement very important, sweeping reforms for the earmark process. We know that there was understandable, bipartisan outrage that was reflecting the concern of the American people over the abuse of earmarks. There are people who are in prison today because of this, among other reasons. That is why last fall, we stepped up to the plate, and under our Republican leadership, we put together a bipartisan support for earmark reform.

At that time, unfortunately, our colleagues who were in the minority and today in the majority described those reforms as a sham and meaningless. But those reforms, Mr. Speaker, guaranteed accountability, transparency, enforcement, disclosure, things that have been completely thrown out the window unfortunately in the 110th Congress.

So while they described the very important, tough reforms that we had in the 109th Congress as a sham, they have gone right down into the drain and really created potential for little more than abuse of the issue of earmarks.

We have already seen examples of that. Of course, the problem that took place in the clash between the distinguished chairman of the Defense Appropriation Subcommittee, Mr. MURTHA, and our colleague from Michigan, Mr. ROGERS, when it came to the issue of earmarks. Unfortunately, there was no chance whatsoever for us, because of the lack of enforcement that exists now under the Democratic leadership, for us to get at that.

Then when we heard just last week the words that came from the distinguished chairman of the Appropriations Committee, the gentleman from

Wisconsin, Mr. OBEY, that we will not see earmarks provided in the appropriations process itself, but instead, what we are going to see is this secret slush fund put into place that allows, in a very secretive process, to "air drop" these earmarks into a conference report that could come out at some later point.

Now, Mr. Speaker, that is not what the American people wanted when they called for reform of this earmark process. That is not what they expected. It is not what they got with the reforms that we put into place in the 109th Congress. But unfortunately, well, we had these great reforms, but they have been thrown out the window in the attempt to continue to, in a surreptitious manner, seek these things in there.

We just marked the 20th anniversary of the very famous speech that was delivered by Ronald Reagan at the Brandenburg Gate where President Reagan said, "Mr. Gorbachev, tear down this wall." I have been reminded, I mentioned here last week when we had two votes on different rules to try and bring about reform of the earmark process another famous speech Ronald Reagan gave in the negotiating process with the Soviet Union. He said, and I have now been working on my Russian on this, "Doveriyai no Proveryai," which meant "trust but verify."

The fact of the matter is, we want to be able to trust our colleagues, fellow elected representatives, to do the right thing when it comes to earmarks. But we feel very strongly that the American people should have the right and the opportunity to verify whether or not those dollars that are being spent can, in fact, stand up to the light of day.

So while I am pleased that we are going to have a truly open rule if, in fact, this thing passes, I am going to urge my colleagues to defeat the previous question. And if we don't succeed, Mr. Speaker, in defeating the previous question, I am going to urge all my colleagues, Democrats and Republicans alike, to vote "no" on this rule because of the fact that it does not step up to the plate and allow us to have the kind of reform of earmark abuse that the American people desperately want.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. PRICE), chair of the subcommittee.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the chairwoman of the Rules Committee for yielding, and for her good work along with the ranking member and members on both sides of the aisle in granting this open rule, an open rule for debating of this fiscal 2008 Homeland Security appropriations bill. We requested an open rule, with some necessary waivers. The Rules Committee has granted that, and for that we are grateful, and in just a few moments we will be on our way, debating this bill.

This is a critical bill. It is the first of the 12 appropriations bills that we will

be debating this session. So we will lead the pack. We will be telling our colleagues about what we have done, a hardworking subcommittee that has produced, I think, 20 days of hearings and has written a comprehensive bill.

It is going to provide funding to address our country's most pressing security vulnerabilities, with a new emphasis on ports and transit systems. It is going to provide critically needed funding, as the gentleman from Vermont has stressed, to our States and communities to confront terrorist activity threats, but also natural disaster threats.

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Thirdly, it is going to help ensure that taxpayer dollars are well spent by requiring management reforms and by withholding funds until some expenditure reports and other accountability measures are in place.

And fourth, we're taking a long-term approach by requiring outside reviews of several major programs and activities to ensure that our long-term investments are being wisely spent.

I appreciate the chairwoman of the Rules Committee's interest in this bill. In particular, she has stressed, as she did again in her statement today, the challenges of protecting the northern border and also the concerns that she and many others have about the Western Hemisphere Travel Initiative. We are directing the Department in this bill to increase by over 40 percent the number of border patrol agents at the northern border. That will comply with the levels called for in the Intelligence Reform Act.

She also expressed particular concerns about the Western Hemisphere Travel Initiative. The bill makes \$100 million for implementation of that program unavailable for obligation until Customs and Border Protection reports on its experience with pilot programs, provides detailed information on infrastructure and staffing required, confirms the use of radiofrequency identification technology that has been adequately tested under operational conditions, and describes how it will ensure privacy protection. We worked with the chairwoman in putting those protections in place, and we appreciate the consistent interest she has shown in them and in this bill in general.

So with that, Mr. Speaker, I once again thank our Rules Committee colleagues for an open rule and for paving the way for what we hope and believe will be a productive debate as we consider our homeland security needs for the coming fiscal year.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I do thank the gentleman from Florida for yielding me this time, and I want to say, first of all, that I want to commend the gentleman from Florida and also the gen-

tlewoman from New York, the chairwoman of the Rules Committee, two of the Members in this Congress for whom I have the greatest admiration and respect, and I appreciate the fact that they are bringing this legislation to the floor under an open rule.

But as both the gentleman from Florida and the gentleman from California (Mr. DREIER) just expressed, there are still some concerns about this bill, number one of which is the fact that this bill is \$2.1 billion over the President's request and a 13.6 percent increase over fiscal year 2007. That is more than four times the rate of inflation. With an almost \$9 trillion national debt and over \$50 trillion in unfunded future pension liabilities, we just can't keep giving every department and agency that wants one or four or five times increase over the rate of inflation. As the ranking member, Mr. ROGERS, said a few days ago, even the Department of Homeland Security should be subject to some fiscal discipline.

A few weeks after 9/11 when we had renamed the farm bill that year by adding the word "security" to the title, the Wall Street Journal wrote an editorial in October of 2001 and said: "Any bill with the word 'security' in it should get double the public scrutiny, and maybe four times the normal wait, lest all kinds of bad legislation become law."

And a few months ago, Secretary Chertoff, the Secretary of Homeland Security, testified before the Senate in a way perhaps no other Cabinet member ever had. He essentially said we are spending too much on security and we should not let overexaggerated threats of terrorism, quote, drive us crazy, into bankruptcy, trying to defend against every conceivable threat.

He went on to say, quote, we do have limits and we do have choices to make. We don't want to break the very systems we're trying to protect. We don't want to destroy our way of life trying to save it. We don't want to undercut our economy trying to protect our economy, and we don't want to destroy our civil liberties and our freedoms in order to make ourselves safer.

That is the Secretary of Homeland Security. I think, Mr. Speaker, we need to take some of those words into consideration. In a short time, later today, we are going to have several amendments to the bill that I think are worthy of consideration by all of our Members and I think should be passed. We just shouldn't blindly pass a bill and pass everything that anybody wants because they attach the word "security" to it.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the Chair of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I want to say that I think this bill being brought forth today is an excellent bill. It will strengthen America's security, and every Member interested in doing that ought to vote for it.

The four security-related appropriation bills which we will bring to the floor, Military Construction, Homeland Security, State/Foreign Operations and Defense, will come in at a level about \$2 billion above the President's request. This is a key bill in doing that.

I do want to make a few comments about what I understand was said while I was off the floor a few minutes ago with respect to earmarks. Let us trace what the facts are. The last time the Democrats controlled the appropriations process, I was chairman of the Appropriations Committee. In those days, earmarking was focused on about four subcommittees. There were no earmarks whatsoever in the Labor-Health-Education bill the year that I was chairman. Two years ago, there were over 3,000 when the Republicans were running the show.

When we took over the Congress last year, the Republicans had not passed a single appropriation bill on the domestic side of the ledger. So we had to complete their work for them. And one of the ways we did that was to put a moratorium on all earmarks for the year. We promised at the time that we would try to resurrect the process, provided that we had a process that was more transparent.

Now, I understand someone from the other side claimed that we were going to airdrop these earmarks into the conference with no notice. Not so. What we plan to do is the following. And let me say, we didn't not preclude earmarks by choice. The simple fact is that because we had to deal with last year's Republican budget, because we had to deal with the Iraq controversy which consumed the next 3 months of staff time, because we were under subpoena by the San Diego U.S. Attorney to turn over papers related to Republican shenanigans that occurred last year, we did not have the staff time to focus on the substance of the bills for this year or earmarks. And we finally decided that we need to keep the bills moving, even if that meant that we would have to play catchup later with the earmarks.

So what we are going to do is as soon as the staff can prepare them, and we estimate it will take at least 4 to 5 weeks to screen all of those earmarks, we will submit and put in the CONGRESSIONAL RECORD a description of virtually every earmark that we intend to try to include in conference reports. We will then ask every Member to review those projects. If they have questions, raise questions about them, we will then ask the sponsor of the earmark to respond in writing, so that the person responsible for the request is the person who has to explain to the House what is going on. And then we will use our judgment about what makes sense. If the House thinks that we have got projects in there that shouldn't be in there, they can vote against the bill.

But let me point out there is a big difference between what we are doing

and the existing Republican process. It took 2 years after the fact to find out what Duke Cunningham was asking for. The fact is under our process, you will know 30 days ahead of time. It took us more than a year to find out about the Florida road that was evidently inserted in the highway bill by a Republican Member of this House from another State.

□ 1400

That can't happen in our process. Under our process, you will have 30 days to review what they request. That is a sweeping reform in comparison to the absolute, behind-the-scenes operation that existed when the Republicans controlled this House.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 2 minutes to the distinguished gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I appreciate my distinguished colleague yielding me this time.

Sitting here listening, I am puzzled by some of the things being said. First of all, we are having folks thank the majority party for having them give us an open rule. I find it very unusual that we would have to thank somebody for doing what is right. You ought to thank somebody when they do something that is above and beyond what is the right thing to do.

I also find it very difficult to understand how the appropriations chairman can say that they have had to deal with the Iraq problem for 3 months; and therefore, they have not had time to do their work.

Who is in charge here? You all are in charge. You should have been able to do your work. You let yourself get bogged down for 3 months on something that was totally useless, and here you are blaming the minority party. I find it unbelievable that you don't accept the fact that you are in charge of things. What is the "existing Republican process"? You all are in charge. You can't blame us.

I want to quote from the Rules Committee chairman on 1-4-07, "Our rules package requires full disclosure of earmarks in all bills and conference reports before Members are asked to vote on them," not 30 days afterwards, but before.

Where are those earmarks, Madam Chairman? I don't see them in here.

The American people were promised transparency, truthfulness, openness in this process. They were sold a bill of goods. They don't want more secrecy, they want less secrecy. The Democrats said, We will have a new day. This is much worse than anything we have ever seen before. We need to restore the earmark rule like the Republicans had it last year.

Ms. SLAUGHTER. Mr. Speaker, I am somewhat puzzled myself over the earmark process as the Republicans had it last year.

Madam Speaker, I am pleased to yield 1 minute more to the gentleman

from Wisconsin (Mr. OBEY), the chairman of the Appropriations Committee.

Mr. OBEY. Madam Chairman, the comments of the previous speaker simply indicate how little she understands about the appropriations process.

The fact is that the Iraqi bill we had to deal with was last year's supplemental request. Last year's, not this year's, so we had to clean up your mess on the entire domestic budget; and we had to clean up your mess on Iraq before we could move on our business.

The first week we have been able to turn to our agenda is this week. We have spent the last 5 months cleaning up your spilled milk.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, I hope to address several questions more deeply in general debates, as well as with some amendments; but as the ranking member of the Border, Port Security and Global Antiterrorism Subcommittee of Homeland Security, I have been spent much of my congressional career working narcotics, immigration and terrorism issues on the border, particularly as narcotics coordinator in Congress. I worked this even before 9/11.

In the year 2002, we issued the most comprehensive border report ever done by Congress. We had 11 hearings, include many hearings on the north and south borders. In addition, I have visited every major border crossing, north and south border, multiple times and, in particular, the largest southern border crossings many, many times, almost annually.

I have several amendments in this bill related to counternarcotics and terrorism with CBP and with the Coast Guard. But I want to talk briefly here at this point on the border. Thanks to continued funding and the hard work of the people in the Department of Homeland Security, we have made some progress, particularly since 9/11. That said, in case you haven't heard, our borders are still not secure. Not even close.

We have three basic interrelated challenges. And if you can't fix one, you can't fix any: terrorism, contraband and illegal immigration.

Last week we had an irresponsible individual who decided that despite being told not to travel to Europe, he did. Flying home, he flew to Canada and then crossed our border crossing. The screen was absolutely clear. It said, "Refer to INS secondary." Even though all our border personnel had very clear instructions to place mask on subject, place in isolation, well-ventilated room, if possible, subject has multiple resistant TB, public health risk, among other things, he was waved on through after very brief screening. In spite of this, he was waved on through. Now

that means we cannot even keep people we have caught.

Then there was this from yesterday: Homeland Security busted three Texas National Guardsmen for smuggling illegals using National Guard vehicles. That was just yesterday.

Last year, when I was subcommittee chairman, we heard horror stories on illegals being deported multiple times and coming back in and committing additional felonies. Yet the President of our country is coming over to lobby the other body about bringing a terrible amnesty bill back to life. There is not a Member in this body or the other body who doesn't understand that we have to deal with the people that are here, with H-1B visas, with the huge challenges we have in this country.

But this bill demonstrates the fraud of the Senate bill because it has unrealistic border controls that we are just asking in this bill, in clause after clause, for them to report on the costs. We cut the money intended for the travel initiative. How in the world can you do a 380-page amnesty bill if you can't even begin to deliver the basics?

Fortunately, the bill before us today starts to address those. The cost is horrendous. I want to go through, item by item, the challenges, the premises behind what the President is arguing.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding.

This has been an interesting discussion with regard to which system is better in order to challenge earmarks: one in which you can actually come to the floor and challenge specific earmarks in a bill, or in a committee report; or have a situation where the conference report comes to the floor and you have no ability whatsoever, no ability, to bring to a vote any of the earmarks that are in there.

The distinguished chairman of the Appropriations Committee mentioned that it is better to be able to write a letter to the Appropriations Committee and question an earmark than actually bring it to the floor because he mentioned that Mr. FLAKE brought 14 amendments to the floor last year and failed on every one of them.

I actually brought 39, and I failed even more miserably; I failed all 39 times. Nineteen of them called for a rollcall vote. I didn't come close on any on them because as the distinguished Member mentioned, logrolling works pretty well. People will say, I won't vote against your earmark if you don't vote against mine.

But this year is different, partly thanks to the reforms that the Democrats put in place in January of this year following the lead of the Republicans in the fall of last year where you actually said, All right, if you want an earmark, you have to sign your name and claim credit for that earmark.

Of the 39 times I came to the floor last year, most times when I came to the floor I had no clue who had sponsored the earmark I was challenging. Many times we had a vote, sometimes a rollcall vote and sometimes a voice vote, and I still left the floor not knowing whose earmark that was because we didn't have a requirement that the Members claim credit for them.

That is no longer the case. The Appropriations Committee right now is sitting on more than 30,000 request letters where the Members signed off and said, This is my earmark and it is going to this specific entity. That is something we haven't had before, and I applaud the Democrats for putting that reform in place. The problem is, if we go forward with what has been proposed, it won't mean anything.

But here I can tell you, if I was able to come to the floor with some of those earmarks, knowing which entity it was going to, knowing which Member had requested it, and to have the media and others, the blogging community and other organizations going through and finding out what that private entity was or had that private entity made campaign contributions to that Member, if there was a tie that we didn't know about before, it changes the dynamics incredibly here because then Members have to weigh, Do I want to do that or not?

The Appropriations Committee chairman pointed out there have been problems with Members and earmarks. There have been investigations and Members in jail, and there are other investigations going on.

If you have good information, more information, that gives you power. When you come to the floor and are able to point specifically at earmarks, knowing which entity they are going to and knowing which Member requested them, it changes the dynamics.

I would respectfully disagree with the chairman of the Appropriations Committee when he says that this process that is being put in place is superior to being able to challenge earmarks. Again, let me repeat. Under what has been proposed, we will never have a vote on any earmark; and that is simply wrong.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to engage Mr. FLAKE for a moment.

The chairman of the committee made it really clear that you are going to have 30 days to look at the earmarks, whose earmarks they are, and contact them if they are in the bill. The Rules Committee will decide whether you have the ability to strike them or not.

I yield to Mr. FLAKE.

Mr. FLAKE. I thank the gentlelady for yielding, but we will have no vote. The process of logrolling will work just as it has in the past. There will be no vote, no ability by anybody to challenge specifically those earmarks on the floor of the House.

Ms. SLAUGHTER. I wouldn't want you to believe this is going to be the

permanent way this is going to run. Given the vast number, the 32,000 that you mentioned, and the fact that we had no budget last year, no Federal budget last year, there was an extra strain on Mr. OBEY; and I am confident that the next year will be different.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the gentleman for yielding me this time.

I would say to my colleagues, here we go again with Orwellian democracy, which is alive and here on the floor of the House with the majority party saying one thing and doing another. They promised us a more transparent process, they promised us a process that had greater accountability; and in fact, what we are getting is something completely the opposite.

I would note also that we are coming to the floor now with the first appropriations bill which is 1 month later than when we brought our appropriations bills to the floor last year.

I am sorry that the Chair of appropriations has left the floor. He made the comment that this would be a more responsible earmark process. He said he would take all of the requests and would add, quote, "virtually every earmark," unquote, would be included in the bill. Well, that is interesting.

What that process does is make the Chair of the Appropriations Committee the judge and the jury, the sole judge and the sole jury for every single special project. I would prefer there would be no special projects, but it appears that the Appropriations Chair is going to be the one to determine whether or not your project is worthy.

Those that have already been dropped into bills brought before this Congress give us no comfort. There appears to be significant favoritism that is being played, significant politics being played. And the threats that have been given by a Member on the majority side to a Member on the minority side, if he didn't support an earmark, give us no comfort.

We will get 30 days to review. Well, that is a wonderful thing, with no opportunity, as the gentleman from Arizona said, to have any vote on any earmark.

Mr. Speaker, that is not greater transparency or greater accountability.

The chairman of the Appropriations Committee said, Well, if you don't like an earmark, vote against the bill, with no ability to get to a specific egregious program that so angers the American people.

I would suggest, Mr. Speaker, that is Orwellian democracy at its finest, doing one thing and saying exactly the opposite. This ought to be an interesting period of time as we move through the appropriations bills. It ought to be a very interesting time as we move through a process that has

turned into a sham. It ought to be a very interesting time; and I assure you, Mr. Speaker, that the American people are, indeed, paying attention.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time, and I thank all of my colleagues who have taken part in this debate.

Mr. Speaker, I will be asking for a "no" vote on the previous question, so we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

□ 1415

Under the current rule, so long as the chairman or sponsor of a bill, joint resolution, conference report or manager's amendment includes either a list of earmarks contained in the bill or report, or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress.

However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule. This was most recently discovered on the question of the Murtha earmark on the Intelligence authorization bill.

This amendment will restore the accountability and enforceability of the earmark rule to where it was at the end of the 109th Congress to provide Members with an opportunity to bring the question of earmarks before the House for a vote. Without these changes, the new earmark rule, in effect, is nothing more than a fig leaf.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

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

A lot of time has been spent today on the open rule and the open amendment process, and I'd like to give you and anybody else who may be watching some idea of what we can expect.

Some 94 Republican amendments were filed, 16 Democrats. One Republican is responsible for more than 50 percent of that side.

Let me give you a couple of examples of what they are. None of the funds can be used for supporting yoga classes.

None can be used to support art classes. None can be used to support dance classes. None can be used under other programs, any program that offers to support a dance class. And my personal favorite, none of the funds can be used for supporting puppet shows.

There isn't anything in the world in any part of this bill having anything to do with these amendments, but nonetheless here we are. We'll be debating this into the night, but I would ask everybody to listen to those amendments and decide which is serious on homeland security.

I urge a "yes" vote on the previous question and on the resolution.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 473 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

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

SEC. 3. Clause 9(c) of Rule XXI is amended to read as follows:

"(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the bill, joint resolution, or conference report, or amendment described in paragraph (a)(3). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn."

(The information contained herein was provided by the Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy im-

plications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon 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 Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 473, if ordered, and motion to suspend the rules on H. Res. 474.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 16, as follows:

[Roll No. 451]

YEAS—222

Abercrombie	Brown, Corrine	Davis (AL)
Ackerman	Butterfield	Davis (CA)
Allen	Capps	Davis (IL)
Altmire	Capuano	Davis, Lincoln
Andrews	Cardoza	DeFazio
Baca	Carnahan	DeGette
Baird	Carney	Delahunt
Baldwin	Carson	DeLauro
Barrow	Castor	Dicks
Bean	Chandler	Dingell
Becerra	Clarke	Doggett
Berkley	Clay	Donnelly
Berman	Cleaver	Ellison
Berry	Clyburn	Ellsworth
Bishop (GA)	Cohen	Emanuel
Bishop (NY)	Conyers	Engel
Blumenauer	Cooper	Eshoo
Boren	Costa	Etheridge
Boswell	Costello	Farr
Boucher	Courtney	Fattah
Boyd (FL)	Cramer	Filner
Boyd (KS)	Crowley	Frank (MA)
Brady (PA)	Cuellar	Giffords
Braleigh (IA)	Cummings	Gillibrand

Gonzalez	Markey	Salazar
Gordon	Marshall	Sanchez, Linda
Green, Al	Matheson	T.
Green, Gene	Matsui	Sanchez, Loretta
Grijalva	McCarthy (NY)	Sarbanes
Hall (NY)	McColum (MN)	Schakowsky
Hare	McDermott	Schiff
Harman	McGovern	Schwartz
Hastings (FL)	McIntyre	Scott (GA)
Herseth Sandlin	McNerney	Scott (VA)
Higgins	McNulty	Serrano
Hill	Meehan	Sestak
Hinchee	Meek (FL)	Shea-Porter
Hinojosa	Meeks (NY)	Sherman
Hirono	Melancon	Shuler
Hodes	Michaud	Sires
Holden	Miller (NC)	Skelton
Holt	Miller, George	Slaughter
Honda	Mitchell	Smith (WA)
Hooley	Mollohan	Snyder
Hoyer	Moore (KS)	Solis
Inslee	Moore (WI)	Space
Israel	Moran (VA)	Spratt
Jackson (IL)	Murphy (CT)	Stupak
Jackson-Lee	Murphy, Patrick	Sutton
(TX)	Murtha	Tanner
Jefferson	Nadler	Tauscher
Johnson (GA)	Napolitano	Taylor
Kagen	Neal (MA)	Thompson (CA)
Kanjorski	Oberstar	Thompson (MS)
Kaptur	Obey	Tierney
Kennedy	Oliver	Towns
Kildee	Ortiz	Udall (CO)
Kilpatrick	Pallone	Udall (NM)
Kind	Pascarell	Van Hollen
Klein (FL)	Pastor	Velázquez
Kucinich	Payne	Vislosky
Lampson	Perlmutter	Walz (MN)
Langevin	Peterson (MN)	Waters
Lantos	Pomeroy	Watson
Larsen (WA)	Price (NC)	Watt
Larson (CT)	Rahall	Waxman
Lee	Rangel	Weiner
Levin	Reyes	Welch (VT)
Lipinski	Rodriguez	Wexler
Loeback	Ross	Wilson (OH)
Lofgren, Zoe	Rothman	Woolsey
Lowey	Roybal-Allard	Wu
Lynch	Ruppersberger	Wynn
Mahoney (FL)	Rush	Yarmuth
Maloney (NY)	Ryan (OH)	

NAYS—194

Aderholt	Diaz-Balart, M.	Jones (NC)
Akin	Doolittle	Jordan
Alexander	Drake	Keller
Bachmann	Dreier	King (IA)
Bachus	Duncan	King (NY)
Baker	Ehlers	Kingston
Barrett (SC)	Emerson	Kirk
Bartlett (MD)	English (PA)	Kline (MN)
Biggart	Everett	Knollenberg
Bilbray	Fallin	Kuhl (NY)
Bilirakis	Feeney	LaHood
Bishop (UT)	Ferguson	Lamborn
Blackburn	Flake	Latham
Blunt	Forbes	LaTourette
Boehner	Fortenberry	Lewis (CA)
Bonner	Fossella	Lewis (KY)
Bono	Fox	Linder
Boozman	Franks (AZ)	LoBiondo
Boustany	Frelinghuysen	Lucas
Brady (TX)	Galleghy	Lungren, Daniel
Brown (SC)	Garrett (NJ)	E.
Buchanan	Gerlach	Mack
Burgess	Gilchrest	Manzullo
Burton (IN)	Gillmor	Marchant
Buyer	Gingrey	McCarthy (CA)
Calvert	Gohmert	McCaul (TX)
Camp (MI)	Goode	McCotter
Campbell (CA)	Goodlatte	McCreery
Cannon	Granger	McHugh
Cantor	Graves	McKeon
Capito	Hall (TX)	McMorris
Carter	Hastert	Rodgers
Castle	Hastings (WA)	Mica
Chabot	Hayes	Miller (FL)
Coble	Heller	Miller (MI)
Cole (OK)	Hensarling	Miller, Gary
Conaway	Hergert	Moran (KS)
Crenshaw	Hobson	Murphy, Tim
Cubin	Hoekstra	Musgrave
Culberson	Hulshof	Myrick
Davis (KY)	Hunter	Neugebauer
Davis, David	Inglis (SC)	Nunes
Davis, Tom	Issa	Paul
Deal (GA)	Jindal	Pearce
Dent	Johnson (IL)	Pence
Diaz-Balart, L.	Johnson, Sam	Peterson (PA)

Petri Roskam Tiahrt  
 Pickering Royce Tiberi  
 Pitts Ryan (WI) Turner  
 Platts Sali Upton  
 Poe Saxton Walberg  
 Porter Schmidt Walden (OR)  
 Price (GA) Sensenbrenner Walsh (NY)  
 Pryce (OH) Shadegg Wamp  
 Putnam Shays Weldon (FL)  
 Ramstad Shimkus Weller  
 Regula Shuster Westmoreland  
 Rehberg Smith (NE) Whitfield  
 Reichert Smith (NJ) Wicker  
 Renzi Smith (TX) Wilson (NM)  
 Reynolds Souder Wilson (SC)  
 Rogers (AL) Stearns Wolf  
 Rogers (KY) Sullivan Young (AK)  
 Rogers (MI) Tancredo Young (FL)  
 Rohrabacher Terry  
 Ros-Lehtinen Thornberry

NOT VOTING—16

Arcuri Edwards Radanovich  
 Barton (TX) Gutierrez Sessions  
 Brown-Waite, Johnson, E. B. Simpson  
 Ginny Jones (OH) Stark  
 Davis, Jo Ann Lewis (GA) Wasserman  
 Doyle McHenry Schultz

□ 1440

Messrs. RENZI, BILIRAKIS, REYNOLDS and CANNON changed their vote from “yea” to “nay.”

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

Stated against:

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on rollcall No. 451, on ordering the previous question on H. Res. 473, my vote did not register. Only after they closed the vote, was I told of that fact.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE CONTRIBUTIONS OF FATHERS IN THE HEALTHY DEVELOPMENT OF CHILDREN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 474, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 474.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 452]

YEAS—420

Abercrombie Barrow Blunt  
 Ackerman Bartlett (MD) Boehner  
 Aderholt Bean Bonner  
 Akin Becerra Bono  
 Alexander Berkley Boozman  
 Allen Berman Boren  
 Altmire Berry Boswell  
 Andrews Biggert Boucher  
 Baca Bilbray Boustany  
 Bachmann Bilirakis Boyd (FL)  
 Bachus Bishop (GA) Boyda (KS)  
 Baird Bishop (NY) Brady (PA)  
 Baker Bishop (UT) Brady (TX)  
 Baldwin Blackburn Braley (IA)  
 Barrett (SC) Blumenauer Brown (SC)

Brown, Corrine  
 Brown-Waite, Ginny  
 Buchanan  
 Burgess  
 Burton (IN)  
 Butterfield  
 Buyer  
 Calvert  
 Camp (MI)  
 Campbell (CA)  
 Cannon  
 Cantor  
 Capito  
 Capps  
 Capuano  
 Cardoza  
 Carnahan  
 Carney  
 Carson  
 Carter  
 Castle  
 Castor  
 Chabot  
 Chandler  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Coble  
 Cohen  
 Cole (OK)  
 Conaway  
 Conyers  
 Cooper  
 Costa  
 Costello  
 Courtney  
 Cramer  
 Crenshaw  
 Crowley  
 Cubin  
 Cuellar  
 Culberson  
 Cummings  
 Davis (AL)  
 Davis (CA)  
 Davis (IL)  
 Davis (KY)  
 Davis, David  
 Davis, Lincoln  
 Davis, Tom  
 Deal (GA)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dicks  
 Dingell  
 Doggett  
 Donnelly  
 Doolittle  
 Drake  
 Dreier  
 Duncan  
 Ehlers  
 Ellison  
 Ellsworth  
 Emerson  
 Engel  
 English (PA)  
 Eshoo  
 Etheridge  
 Everett  
 Fallin  
 Farr  
 Fattah  
 Feeney  
 Ferguson  
 Filner  
 Flake  
 Forbes  
 Fortenberry  
 Fossella  
 Foxx  
 Frank (MA)  
 Franks (AZ)  
 Frelinghuysen  
 Gallegly  
 Garrett (NJ)  
 Gerlach  
 Giffords  
 Gillibrand  
 Gillchrest  
 Gillibrand  
 Gillmor  
 Gingrey

Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul (TX)  
 McCollum (MN)  
 McCotter  
 McCrery  
 McDermott  
 McGovern  
 McHenry  
 McHugh  
 McIntyre  
 McKeon  
 McMorris  
 Rodgers  
 McNerney  
 McNulty  
 Meehan  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Mica  
 Michaud  
 Miller (FL)  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Mitchell  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (KS)  
 Moran (VA)  
 Murphy (CT)  
 Hunter  
 Murphy, Patrick  
 Murphy, Tim  
 Murtha  
 Musgrave  
 Myrick  
 Nadler  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Nunes  
 Oberstar  
 Obey  
 Olver  
 Ortiz  
 Pallone  
 Pascrell  
 Pastor  
 Paul  
 Payne  
 Keller  
 Pence  
 Perlmutter  
 Peterson (MN)  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Platts  
 Poe  
 Pomeroy  
 Porter  
 Price (GA)  
 Price (NC)  
 Pryce (OH)  
 Putnam  
 Rahall  
 Ramstad  
 Rangel  
 Regula  
 Rehberg  
 Reichert  
 Renzi  
 Reyes  
 Reynolds  
 Rodriguez  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothman  
 Roybal-Allard  
 Royce  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Salazar  
 Sali  
 Sánchez, Linda  
 T.

NOT VOTING—12

Arcuri Edwards Lewis (GA)  
 Barton (TX) Emanuel Radanovich  
 Davis, Jo Ann Gutierrez Sessions  
 Doyle Johnson, E. B. Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1448

Mrs. BACHMANN, Mr. JOHNSON of Illinois and Mr. TANCREDO changed their vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to House Resolution 460, this time has been designated for the taking of the official photo of the House of Representatives in session.

The House will be in a brief recess while the Chamber is being prepared for the photo.

As soon as these preparations are complete, the House will immediately resume its actual session for the taking of the photograph.

About 5 minutes after that, the House will proceed with the business of the House.

For the information of the Members, the photographer will be ready to take the picture in just a few minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess while the Chamber is being prepared.

Accordingly (at 2 o'clock and 50 minutes p.m.), the House stood in recess.