

going to be subject to Ethics Committee investigations.

I would say in this case that my principal concern would be that the sections of the farm bill that have gone to the President, since they were not part of an entire bill, could be subject to all kinds of future litigation. I do know in the litigation that the minority initiated in February, 2006, 2 years and millions of taxpayer dollars later, we finally ended that litigation at the court of appeals level with the court of appeals deciding that if the Speaker and the President pro tempore certified that this is what both bodies passed, it was what both bodies passed.

Here, we're moving forward with both bodies admitting that what this President has seen is not what both bodies passed. This idea that just because a portion of the bill has passed in a bigger bill means that the House was for that portion of the bill, that the Senate was for that portion of the bill, I don't think would stand any reasonable test of a way for us to move forward, and I think this bill does become subject to all kind of challenges from outside this building as well as perhaps from inside.

Mr. BOEHNER. I would just add, what has happened here raises serious constitutional questions, very serious. I don't know how we can proceed with the override as it occurred, nor do I think we should proceed with some attempt to fix it until such time as we all understand what happened, what are the precedents of the House, and how do we move forward.

As a result, I really believe that there ought to be a motion, I may make the motion, to vacate the vote that has occurred until we all understand better about what it is that we are dealing with.

Mr. HOYER. Will the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. My suggestion will be that we have another vote. We are going to have some other business coming. We discussed this briefly in the hallway. My suggestion is before we make any motions, that we take the time, your leadership and our leadership, let's sit down and discuss this and then we can come back and do whatever each decides to do.

Mr. DREIER. Would the gentleman yield?

Mr. BOEHNER. I would be happy to yield to the gentleman from California.

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

I would just like to raise one other point that should be part of those discussions. If I could remind our colleagues, one of the items that was debated vigorously during consideration of the farm bill happened to be the issue of the baseline numbers that were used. We are poised at this moment to bring up a budget resolution which will raise a question as to exactly what baseline level is used and what pay-fors

might be out there. So I think that we have some very serious questions that are raised.

My friend from Arizona (Mr. SHAD-EGG) just reminded us again that for us to conclude, as the distinguished Republican whip has said, that this bill somehow would have passed identically in the exact same form is a real stretch. For that reason, I think that we have lots of questions that need to be addressed before we do proceed.

I thank my friend for yielding.

□ 1845

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Ohio yield for that purpose?

Mr. BOEHNER. I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY AUTHORIZATION AND LEASE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5856, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5856.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 349]

YEAS—416

Abercrombie	Blumenauer	Capito	Culberson	Jefferson	Oberstar
Ackerman	Blunt	Capps	Cummings	Johnson (GA)	Obey
Aderholt	Boehner	Capuano	Davis (AL)	Johnson (IL)	Oliver
Akin	Bonner	Cardoza	Davis (CA)	Johnson, E. B.	Ortiz
Alexander	Bono Mack	Carnahan	Davis (IL)	Johnson, Sam	Pallone
Allen	Boozman	Carney	Davis (KY)	Jones (NC)	Pascarell
Altmire	Boren	Carson	Davis, David	Jones (OH)	Pastor
Andrews	Boswell	Castle	Davis, Lincoln	Jordan	Paul
Arcuri	Boucher	Cazayoux	Davis, Tom	Kagen	Payne
Baca	Boustany	Chabot	Deal (GA)	Kanjorski	Pearce
Bachmann	Boyd (FL)	Chandler	DeFazio	Kaptur	Pence
Bachus	Boyd (KS)	Childers	DeGette	Keller	Perlmutter
Baird	Brady (PA)	Clarke	DeLahunt	Kildee	Peterson (MN)
Baldwin	Brady (TX)	Clay	DeLauro	Kilpatrick	Peterson (PA)
Barrett (SC)	Braley (IA)	Cleaver	Dent	Kind	Petri
Barrow	Brown (GA)	Clyburn	Diaz-Balart, L.	King (IA)	Pickering
Bartlett (MD)	Brown (SC)	Coble	Diaz-Balart, M.	King (NY)	Pitts
Barton (TX)	Brown-Waite,	Cohen	Dicks	Kingston	Platts
Bean	Ginny	Cole (OK)	Dingell	Kirk	Poe
Becerra	Buchanan	Conaway	Doggett	Klein (FL)	Pomeroy
Berkley	Burgess	Conyers	Donnelly	Kline (MN)	Porter
Berman	Burton (IN)	Cooper	Doolittle	Knollenberg	Price (GA)
Berry	Butterfield	Costa	Doyle	Kucinich	Price (NC)
Biggart	Buyer	Costello	Drake	Kuhl (NY)	Pryce (OH)
Bilbray	Calvert	Courtney	Dreier	LaHood	Putnam
Bilirakis	Camp (MI)	Cramer	Duncan	Lamborn	Radanovich
Bishop (GA)	Campbell (CA)	Crowley	Edwards	Lampson	Rahall
Bishop (NY)	Cannon	Cubin	Ehlers	Langevin	Ramstad
Blackburn	Cantor	Cuellar	Ellison	Larsen (WA)	Regula
			Ellsworth	Larson (CT)	Rehberg
			Emanuel	Latham	Reichert
			Emerson	Latta	Renzi
			Engel	Lee	Reyes
			English (PA)	Levin	Reynolds
			Eshoo	Lewis (CA)	Richardson
			Etheridge	Lewis (GA)	Rodriguez
			Everett	Lewis (KY)	Rogers (AL)
			Fallin	Linder	Rogers (AL)
			Farr	Lipinski	Rogers (MI)
			Fattah	LoBiondo	Rohrabacher
			Ferguson	Loeback	Ros-Lehtinen
			Filner	Lofgren, Zoe	Roskam
			Flake	Lowey	Ross
			Forbes	Lucas	Rothman
			Fortenberry	Lungren, Daniel	Roybal-Allard
			Foster	E.	Royce
			Fox	Lynch	Ruppersberger
			Frank (MA)	Mack	Ryan (OH)
			Franks (AZ)	Mahoney (FL)	Ryan (WI)
			Frelinghuysen	Maloney (NY)	Salazar
			Gallely	Manzullo	Sali
			Garrett (NJ)	Marchant	Sánchez, Linda
			Gerlach	Markey	T.
			Giffords	Marshall	Sanchez, Loretta
			Gilchrest	Matheson	Sarbames
			Gingrey	Matsui	Saxton
			Gohmert	McCarthy (CA)	Scalise
			Gonzalez	McCarthy (NY)	Schakowsky
			Goode	McCaul (TX)	Schiff
			Goodlatte	McCollum (MN)	Schmidt
			Gordon	McCotter	Schwartz
			Granger	McCrery	Scott (GA)
			Graves	McDermott	Scott (VA)
			Green, Al	McGovern	Sensenbrenner
			Grijalva	McHenry	Serrano
			Gutierrez	McHugh	Sessions
			Hall (NY)	McIntyre	Sestak
			Hall (TX)	McKeon	Shadegg
			Hare	McMorris	Shays
			Harman	Rodgers	Shea-Porter
			Hastings (FL)	McNerney	Sherman
			Hastings (WA)	McNulty	Shimkus
			Hayes	Meek (FL)	Shuler
			Heller	Meeks (NY)	Shuster
			Hensarling	Melancon	Simpson
			Hergert	Mica	Sires
			Herseth Sandlin	Michaud	Skelton
			Higgins	Miller (FL)	Slaughter
			Hill	Miller (MI)	Smith (NE)
			Hinchey	Miller (NC)	Smith (NJ)
			Hinojosa	Miller, Gary	Smith (TX)
			Hirono	Miller, George	Smith (WA)
			Hobson	Mitchell	Snyder
			Hodes	Mollohan	Solis
			Hoekstra	Moore (KS)	Souder
			Holden	Moore (WI)	Space
			Holt	Moran (KS)	Speier
			Honda	Moran (VA)	Spratt
			Hooley	Murphy (CT)	Stark
			Hoyer	Murphy, Patrick	Stearns
			Hulshof	Murphy, Tim	Stupak
			Hunter	Murtha	Sullivan
			Inglis (SC)	Musgrave	Sutton
			Inslee	Myrick	Tancredo
			Israel	Nadler	Tanner
			Issa	Napolitano	Tauscher
			Jackson (IL)	Neal (MA)	Taylor
			Jackson-Lee	Neugebauer	Terry
			(TX)	Nunes	Thompson (CA)