

Mr. Speaker, I rise in opposition to this modified closed rule for a number of things, but the issues that I may be able to raise in this amount of time is that as the chairman of the Appropriations Committee said, the amendments that are approved under this rule are Republican amendments, but I would point out that those which are adopted under the rule, the self-executing amendments, are not Republican amendments for the most part.

I have in my hand an amendment that says "offered by Mr. MOLLOHAN of West Virginia," the one that was the subject of Mr. SESSIONS' remarks that strikes those three earmarks that were in there.

Now, they were stricken because, according to the chairman, they were in controversy. Now, this controversy has not been something that has been a large area of discussion here on this floor. But the gentleman from West Virginia has said he is unaware of any investigations. He may be the only one in this Congress that's unaware.

I would point out that the Speaker handed the gentleman from West Virginia the gavel to the appropriations subcommittee that he chairs. He held and still holds the purse strings of the agency that's been reported as looking into this that has brought out this controversy.

□ 1515

That is why we are here on this. These three earmarks that came from West Virginia from Mr. MOLLOHAN stricken by a self-enacting rule, now is this also going to be the policy in the case on the Department of Defense appropriations bill that comes up? Because there are at least nine earmarks in that bill as well. So these are the consequences of a closed rule. There is friction, there is controversy, there is 4½ hours of debate, which is greatly to the resentment of the gentlelady from Connecticut.

But I would say we got through Justice approps through an open rule, and we did so with legitimate debate, and we were here to perfect the legislation, and we did so to the extent and we executed the will of this body. This rule does not execute the will of this body. This rule self-enacts. Vote down the rule.

Mr. MCGOVERN. Mr. Speaker, I regret the fact that the gentleman feels he needs to personalize this debate; and I would only ask the gentleman, how many ranking Republicans are right now under investigation who continue to serve in their capacity?

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

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding, and I thank Chairman ROSA DELAURO for an incredible bill that I would like to get to so we can vote on it.

The debate on this rule I think just shows what is going on here, which is a reason to stall, a reason to just eat up the time so that we really don't get to

the underlying issues. Because they know when we pass this bill it is going to pass with a bipartisan vote.

Mr. DREIER. Will the gentleman yield?

Mr. FARR. No, I will not yield; and I want to say why.

In law, you learn an old adage that says, in order to get equity, you have got to show equity.

The other night we were on the floor with a bunch of amendments, and the amendment was debated, and it was accepted by the chairwoman. And then we went on and debated with motions to adjourn, motions to rise for a number of hours.

The gentleman who offered the original amendment that was adopted also had 11 other amendments. This is a \$100 billion operation, the U.S. Department of Agriculture, \$100 billion. His amendments were to cut \$50,000, another amendment for \$60,000, another amendment for \$7,000, another amendment for \$39,000. And it went on. The list went on and on. He could have put all of those into one amendment. It still wouldn't have even matched \$1 million.

So the point is that these were all dilatory amendments to just try to delay the time; and I think that equity was not shown, partnership was not shown, bipartisanship was not shown. And that is why we have a rule that is fair, allows these amendments, 12 more, to be debated, and the self-executing rule did self-execute some Republican amendments as well.

I urge the adoption of this rule.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 1 minute to my friend from Hobbs, New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from California for yielding.

Mr. Speaker, I rise to oppose this unduly restrictive rule. I had two amendments that I was prepared to offer to this legislation, neither of which will be considered here today. They were pretty simple, really.

My first amendment would have increased funding for the Wildlife Services by \$500,000 to support the Mexican Wolf Recovery Program in New Mexico and Arizona. This program is teetering on the edge of failure. My attempt to add a modest amount of additional funding to manage dangerous problem wolves was rejected by the majority.

My second amendment was an attempt to bring protections to the endangered wolves in the Northeast United States, where many in the conservation community believe they are being killed by Wildlife Services.

My amendments were filed in a timely fashion. The committee was alerted to my intentions all along. Yet this is the result of the rule that we have before us today.

Mr. Speaker, I ask unanimous consent that the rule be amended to allow me to offer my two amendments which have been placed at the desk, which were also filed with the Rules Committee, were provided to the Appro-

priations Committee and are critically important to my constituents in New Mexico.

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

Mr. PEARCE. Mr. Speaker, I have a unanimous consent request.

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

Mr. MCGOVERN. No, I do not, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has not yielded for that purpose.

The gentleman's time has expired.

Mr. MCGOVERN. Mr. Speaker, I am reserving at this time because I am the last speaker on my side.

MOTION TO ADJOURN

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

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 165, nays 254, not voting 13, as follows:

[Roll No. 798]

YEAS—165

Aderholt	Fallin	McCaul (TX)
Akin	Feeney	McCrery
Alexander	Ferguson	McHenry
Bachmann	Flake	McKeon
Bachus	Forbes	McMorris
Baker	Fortenberry	Rodgers
Barrett (SC)	Foxo	Mica
Bartlett (MD)	Franks (AZ)	Miller (FL)
Barton (TX)	Frelinghuysen	Miller (MI)
Biggert	Gallely	Miller, Gary
Billbray	Garrett (NJ)	Murphy, Tim
Bilirakis	Gerlach	Musgrave
Bishop (UT)	Gilchrest	Myrick
Blackburn	Gillmor	Neugebauer
Blunt	Gingrey	Nunes
Boehner	Goodlatte	Paul
Bonner	Granger	Pearce
Bono	Graves	Pence
Boustany	Hastert	Peterson (PA)
Brady (TX)	Hastings (WA)	Petri
Broun (GA)	Hayes	Pickering
Brown (SC)	Heller	Pitts
Brown-Waite,	Hensarling	Poe
Ginny	Herger	Porter
Buchanan	Hobson	Price (GA)
Burton (IN)	Hulshof	Pryce (OH)
Buyer	Hunter	Putnam
Calvert	Inglis (SC)	Radanovich
Camp (MI)	Issa	Regula
Campbell (CA)	Jordan	Rehberg
Cannon	Keller	Reichert
Cantor	King (IA)	Renzi
Capito	King (NY)	Reynolds
Carter	Kingston	Rogers (AL)
Castle	Kirk	Rogers (KY)
Chabot	Kline (MN)	Roskam
Cole (OK)	Knollenberg	Royce
Conaway	Kuhl (NY)	Ryan (WI)
Cubin	Lamborn	Sali
Culberson	Latham	Schmidt
Davis (KY)	LaTourette	Sensenbrenner
Davis, David	Lewis (CA)	Sessions
Deal (GA)	Lewis (KY)	Shadegg
Dent	Linder	Shays
Doolittle	Lucas	Shimkus
Drake	Lungren, Daniel	Shuster
Dreier	E.	Simpson
Duncan	Mack	Smith (NE)
Ehlers	Manzullo	Smith (TX)
English (PA)	Marchant	Souder
Everett	McCarthy (CA)	Tancredo

Terry Upton
Thornberry Walberg
Tiahrt Walden (OR)
Tiberi Wamp
Turner Westmoreland

Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Johnson, Sam Miller, George
Jones (OH) Oliver
Sullivan
Taylor

□ 1544

Mr. KLEIN of Florida, Mr. WYNN, Mrs. CAPPS, Mr. HALL of Texas and Mr. VAN HOLLEN changed their vote from “yea” to “nay.”

Mr. NEUGEBAUER and Mr. TURNER changed their vote from “nay” to “yea.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3161, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. DREIER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to apologize to the House for calling for the motion to adjourn, and I do so because in 15 minutes a memorial service is going to be held for our former colleague, Guy VanderJagt, over in the Ways and Means Committee room.

And I will say that Guy VanderJagt is someone who served longer in the minority than any Member on the other side of the aisle. But no one understood about the rights of the minority better than Guy VanderJagt; and I will tell you, Mr. Speaker, those rights are outlined very clearly in the opening of Jefferson’s Manual.

Now, we have been excoriated over the past hour for having used what have been called dilatory tactics 2 days ago before we passed the SCHIP bill. The fact of the matter is that is now ancient history. We have been struggling to ensure that we continue with the debate on this very important bill under an open amendment process.

I am going to urge my colleagues to defeat the previous question so that we will have the opportunity to table this measure and go back to an open amendment process. Why? Because this rule represents the trifecta of bad process. It has shut down the amendment process, it has restricted the period of time for debate, and it has rewritten the bill through self-execution in this rule. And I am going to urge my colleagues to defeat the previous question so that we can go back to what was promised on the opening day, and that is an open process.

With that, Mr. Speaker, I yield the balance of my time to the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker and my colleagues, this is disappointing, disappointing that the House has had to resort to a martial law to further stifle the voices of those of us in the minority who represent nearly half the American people.

We have had a debate on this rule. I have listened to the debate. I even par-

ticipated in part of the debate and listened to my colleagues in the majority complain about the fact that we spent 3 or 4 hours the other day trying to debate a measure that we were not going to have much time to debate on because we didn’t have a committee process, it was going to be brought to the House under a closed rule. And my colleagues pulled the bill and have been whining now for days that we spent 3 or 4 hours doing dilatory tactics.

Now, some of you were here in 1998 when the Ag appropriations bill was on the floor of the House, and that bill was held up for 9 hours by the then minority over the fact that there was an amendment that a Member wanted to have heard on the Foreign Operations bill. It just so happened it was the distinguished gentlewoman from California (Ms. PELOSI) who wanted an abortion amendment on the Foreign Operations bill and wasn’t sure she was going to be able to get her amendment; and, as a result, she and some of her colleagues held up the bill with dilatory tactics for 9 hours.

Now, who were those Members who held that bill for 9 hours on this floor?

It was the gentlewoman from Connecticut (Ms. DELAURO), it was the gentleman from Wisconsin (Mr. OBEY), it was the gentleman from New York (Ms. SLAUGHTER), and it was who is now the distinguished Speaker of the House, Ms. PELOSI.

Nine hours of dilatory tactics over 3 days. So what did the Republican majority do? They went to the Rules Committee, and they got a rule. And do you know what they did in the rule? They told all Members any amendment that is filed will be made in order under the rule, and we came back to the floor and we spent 9 hours debating every amendment that Members wanted to offer, and we completed the bill.

Now, if you want to bring a rule out here, at least allow us to be heard, at least allow us to participate, at least allow the 202 of us on this side of the aisle to represent the millions of American people that have sent us here to do their work.

All I have asked and all my colleagues have asked all year is for fairness. All we want is fairness. I know how you wanted to be treated when you were in the minority. I say to my colleagues on the both sides of the aisle we have both been in a minority. We both know what it is like to not have many tools at your disposal. I, when I was chairing the Education and Workforce Committee, made sure that all of our members were treated fairly and treated honestly; and I think my work with the gentleman from California (Mr. GEORGE MILLER) demonstrates that, while we had differences, we had a very fair process.

I understand that over the last 12 years some of my predecessors may have handled, may have handled, this floor in a less than delicate way. Over the last several years, my colleagues in the majority now complained that we

NAYS—254

Abercrombie Gutierrez
Ackerman Hall (NY)
Allen Hall (TX)
Altmire Hare
Andrews Harman
Arcuri Hastings (FL)
Baca Herseth Sandlin
Baird Higgins
Baldwin Hill
Barrow Hinchey
Bean Hinojosa
Becerra Hirono
Berkley Hodes
Berman Hoekstra
Berry Holden
Bishop (GA) Holt
Bishop (NY) Honda
Blumenauer Hooley
Boozman Hoyer
Boren Inslee
Boswell Israel
Boucher Jackson (IL)
Boyd (FL) Jefferson
Boyd (KS) Jindal
Brady (PA) Johnson (GA)
Braley (IA) Johnson (IL)
Brown, Corrine Johnson, E. B.
Burgess Jones (NC)
Butterfield Kagen
Capps Kanjorski
Capuano Kaptur
Cardoza Kennedy
Carnahan Kildee
Carney Kilpatrick
Carson Kind
Castor Klein (FL)
Chandler Kucinich
Clay LaHood
Cleaver Lampson
Clyburn Langevin
Coble Lantos
Cohen Larsen (WA)
Conyers Larson (CT)
Cooper Lee
Costa Levin
Costello Lewis (GA)
Courtney Lipinski
Cramer LoBiondo
Crowley Loebsock
Cuellar Lofgren, Zoe
Cummins Lowey
Davis (AL) Lynch
Davis (CA) Mahoney (FL)
Davis (IL) Maloney (NY)
Davis, Tom Markey
DeFazio Marshall
DeGette Matheson
Delahunt Matsui
DeLauro McCarthy (NY)
Diaz-Balart, L. McCollum (MN)
Diaz-Balart, M. McCotter
Dicks McDermott
Dingell McGovern
Doggett McHugh
Donnelly McIntyre
Doyle McNerney
Edwards McNulty
Ellsworth Meek (FL)
Emanuel Meeke (NY)
Emerson Melancon
Engel Michaud
Eshoo Miller (NC)
Etheridge Mitchell
Farr Mollohan
Fattah Moore (KS)
Filner Moore (WI)
Fossella Moran (KS)
Frank (MA) Moran (VA)
Giffords Murphy (CT)
Gillibrand Murphy, Patrick
Gonzalez Murtha
Goode Nadler
Gordon Napolitano
Green, Al Neal (MA)
Green, Gene Oberstar
Grijalva Obey

Ortiz
Pallone
Pascarell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rotman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Clarke Davis, Lincoln Jackson-Lee
Crenshaw Ellison (TX)
Davis, Jo Ann Gohmert