

very similar to the House bill, and I have high hopes that we are going to be able to pass legislation that we can all agree on in the House and the Senate ultimately.

Here, basically, we're instructing conferees to adhere to the House provisions for a reasonable salary cap prohibiting Head Start executives from collecting a salary higher than an assistant secretary of a Federal agency, which is currently \$168,000.

Although the House language contained in H.R. 1429, the Improving Head Start Act of 2007, effectively prohibits any official from receiving compensation above that of an assistant secretary, legislation approved by the Senate leaves open a glaring, lavish salary loophole by allowing programs to divert their own non-federal resources away from other uses in order to pay Head Start programs operators more than top officials. We think that's wrong. We think that money should be used for the kids, for the recruiting and development of the kids, for the students who are going to be in the Head Start program to pay their teachers.

So for all those reasons I think we all agree that executive salaries and other benefits which are out of the ordinary should not be allowed in the Head Start programs; that we should obviously compensate people as well as possible, but make sure that after that is done, that the money that is there, be it State money or local money, is channeled in the direction of helping these young children who need so much help in order to prepare them to get ready for school. And that is something I think we all agree on.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Just quickly, I yield myself 30 seconds to say that, as I said, this bill has been a long time coming to where we think we can get it to the President's desk. I certainly want to thank the staffs on both sides of the aisle for all of their expertise, experience, and knowledge about this program. And we've been working together to get to this point in the conference committee.

I would urge passage of the motion to instruct.

I reserve my time.

Mr. CASTLE. Mr. Speaker, I yield the balance of my time to the gentleman from Utah (Mr. BISHOP), and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to offer my support for this motion to instruct conferees which will cap the amount Head Start employees may be paid at the executive schedule level to an amount currently equal to \$168,000.

I want to thank my colleague, Congressman MIKE CASTLE, the former Governor of Delaware, who is a champion for education, for offering this motion. This is a commonsense motion. It is fiscally responsible for us to use taxpayers' money, and it is a fair compromise for the Head Start employees.

If this cap is not adopted, a Head Start employee could be paid up to \$186,000, an \$18,000 difference and a substantial amount of money that would be better spent on Head Start classroom teachers and other aspects of this program.

Fiscal responsibility means not just being cautious in how much we spend. It is just as important to be responsible in where we spend.

When you have Head Start classroom teachers making an average of \$25,000 annually, it is disrespectful to divert more money and give it to employees already making well over six figures.

As the husband of a teacher, I hope my colleagues will join me in being effective about how we spend the taxpayers' money for the children.

Again, I want to thank my colleague, MIKE CASTLE, for bringing this motion to the floor.

Mr. BISHOP of Utah. Could I ask the gentleman from California if he has other speakers.

Mr. GEORGE MILLER of California. No, I have none.

Mr. BISHOP of Utah. Then I'll be the last speaker, and I think we're ready to move on with that.

Mr. Speaker, I yield myself such time as I may consume at this time.

I think in closing on this particular issue, I would like to speak also in favor of the motion to instruct of the gentleman from Delaware (Mr. CASTLE). It's a wise motion. I don't think I or anyone else here objects to any administrator making an adequate compensation. But I also think that six figures is an adequate compensation, especially when the teachers in Head Start are averaging 25 grand a year.

In 2005, the independent General Accountability Office did issue a report that warned that their financial control system in the Head Start program is flawed, failing, and it did fail to prevent multi-million-dollar financial abuses that do cheat children in this particular program.

It is important that the resources that we have go to increasing teacher salaries, hiring more teachers or supplies that directly go to help the kids in the Head Start program. And it's important that in conference we make it very clear that our resources should be targeted to those who are simply in need.

Sparky Anderson was once asked why he was such a successful manager, and he simply responded that baseball is a simple game. You have good players you keep in the right positions, and then the manager is a success.

Even Earl Weaver once said that if you do the dull things right, extraor-

dinary things won't be required. This motion to instruct may be one of those dull things, that if we do it right and do it right in this bill, we won't have to come back here and do the extraordinary things. The extraordinary things will be done by the teachers in the classrooms who are helping these kids who need this help in the Head Start program so desperately.

I urge a favorable vote on the motion to instruct.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 3043, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 794 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 794

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. A motion to proceed to consideration of H.R. 3688 pursuant to section 151 of the Trade Act of 1974 shall be in order only if offered by the Majority Leader or his designee.

SEC. 3. Upon receipt of a message from the Senate transmitting H.R. 3043, with a Senate amendment thereto, it shall be in order to take the same from the Speaker's table and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in such amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 794 under

section 2 of H. Res. 491, because the resolution contains a waiver of all points of order against the conference report and its consideration.

The SPEAKER pro tempore (Mr. PASCRELL). The gentleman from Arizona makes a point of order that the resolution violates section 2 of House Resolution 491.

Such a point of order made under that resolution shall be disposed of by the question of consideration under the same terms as specified in clause 9(b) of rule XXI.

The gentleman from Arizona and a Member opposed, the gentleman from Florida, each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Arizona.

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

H. Res. 491 says that it shall not be in order to consider a conference report unless the joint explanatory statement includes a list of congressional earmarks that were air-dropped into it or that were not committed to the conference committee by either Chamber.

Mr. Speaker, it's unfortunate that, on the first general appropriations bill since the adoption of H. Res. 491 and its improvements to the earmarks rules, that the majority has reported a rule that waives all points of order.

I object to using veterans spending to grease the skids for a pork-laden Labor-HHS spending bill. A cursory look through the more than 150 pages of earmarks in the conference report reveals such earmarks as \$320,000 for the American Jazz Museum in Kansas City, Missouri; \$130,000 for the First Ladies Museum in Canton, Ohio; \$85,000 for the Los Angeles Craft and Folk Art Museum in Los Angeles, California.

But beyond taking exception to the bill, I raise this point of order as the only means available to highlight the alarming trend toward opaqueness rather than transparency. Rather than allow for a full debate on whether this conference report complies with the earmark rule, this rule actually prevents it.

Mr. Speaker, I have a little experience challenging earmarks on the floor. It's not been a pleasant experience at times. We don't know much of what are in these bills that get to the conference. And then when you have a conference report that comes with earmarks air-dropped into it after that, and you only get that bill just a few hours before you vote on it, then I think it behooves us to slow down a bit and say what are we doing here.

I should note that when I challenged earmarks in the House version of the bill, on one occasion we had an earmark withdrawn before the earmark amendment could be offered because there was a problem with the earmark.

□ 1900

In other cases we had the Committee on Appropriations go to the Rules Committee and actually withdraw some of the amendments before they could be challenged. So it is obvious that these earmarks have not been vetted through the process very well, and those are the earmarks that actually went through the House process.

We have here at least nine, nine that are identified, nine earmarks that were air-dropped that were not either part of the House or the Senate version. Mr. Speaker, this just is not a good practice.

One example of the air-dropped earmarks that we just found out about just hours ago, \$1 million for the Thomas Daschle Center for Public Service and Representative Democracy. Now, if we are air-dropping amendments like that into this bill, what else is in the bill? We really haven't had time to go through it. Outside groups are trying to go through this bill and simply haven't had the time. And you are going to have problems; we are going to be learning for weeks or months what's in this bill unless we slow down a bit here.

With that, Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

I would have the gentleman know that the earmarks that he refers to are clearly delineated in this conference report.

This point of order is about whether or not to consider this rule and ultimately the funding of vital education, health, and veterans programs. In fact, I would say that it is simply an effort to try to kill this conference report and, in my view, on a faulty premise at that.

Every single earmark in this conference report has been properly disclosed in conformance with House rules. This parliamentary ruse won't work because these programs are too important to the health and vitality of the Nation.

With this conference we keep our commitment to our veterans with the largest single increase in the 77-year history of the Department of Veterans Affairs. It also invests in critical domestic priorities in the Labor, Health, and Education bill with major investments in K-12 education, college affordability, increasing access to quality health care, medical research, worker protection, and job training programs. Voting "no" on this question of consideration will prevent consideration of this package, which has strong House and Senate bipartisan support.

Furthermore, the parliamentary maneuver that my good friend chooses to use today to stop this legislation is completely transparent. Just so that we keep the record straight, Madam Speaker, the changes proposed in the Boehner discharge petition that our

Republican counterparts seem so eager to have adopted would not cover any measure not now covered by our earmark rule, clause 9 of rule XXI. As a matter of fact, Mr. BOEHNER's resolution does not even include the projects that are covered by House Resolution 491, which was introduced by our majority leader, Representative HOYER, and is now in effect.

So despite whatever roadblock the other side tries to use to stop this bill, we will stand up for America's hardworking families and America's veterans. We must consider this rule and we must pass this conference report today.

Madam Speaker, I have the right to close, but in the end I am just going to urge my colleagues to vote "yes" to consider the rule.

Madam Speaker, I reserve the balance of my time.

Mr. FLAKE. Madam Speaker, I think it begs the question, if there was total transparency here, why did we waive all points of order against this rule? I would have liked to have challenged the conference report itself, but I couldn't because the Rules Committee had decided to waive all points of order. Now, you have to ask why. If everything is transparent and everything is known, why did we waive all points of order? Why am I forced to bring a point of order against the rule itself rather than the conference report?

And I would submit that I would like to believe that it is a transparency, but when you have air-dropped earmarks dropped at the last minute, again, if we are working so hard for America's hardworking taxpayers, as was just said, then why are we air-dropping an earmark for \$1 million for the Thomas Daschle Center for Public Service? Naming a center after a former Member, why is that so urgent that we have to break all the rules that we have laid out and sneak it into a bill at the last minute, with less than 24 hours, in fact, less than 12 hours to actually review it? That's not proper vetting.

I should mention that there have been statements made by the majority, and I have liked what I have heard about what we are going to do this year in terms of earmarks transparency.

The Speaker of the House said back in June that Members need to have time to read through these reports and that every earmark should have to be defended.

These nine air-dropped earmarks into this bill today don't have to be defended. They are untouchable. We can't even go at them. We can't offer an amendment to strike them out because they are air-dropped into a conference report where you have no ability to strike them.

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I appreciate the gentleman from Arizona's yielding, and I appreciate the gentleman bringing up a point of order

against the rule. And to take away that opportunity to raise a point of order against the conference report, Madam Speaker, where there are air-dropped earmarks, in this case I think the gentleman said nine, I still remember the calls from the Democratic leadership, led, of course, by Madam Speaker, Speaker PELOSI, when the Democrats won control of the House by virtue of the elections almost exactly a year ago, that this would be the most open, honest, and transparent Congress in history.

Madam Speaker, I just want to give you a quote from Speaker PELOSI promising fiscal restraint if Democrats win. And here's the quote:

"Breaking with many Democrats, Ms. PELOSI also spoke out against earmarking billions of dollars for home-State projects, a practice she calls a 'monster' that hurts Congress." And here is what she said: "I'd get rid of all of them. None of them is worth the skepticism, the cynicism the public has . . . and the fiscal irresponsibility of it." And that was in the Wall Street Journal, July 13, 2006.

Another quote from Madam Speaker PELOSI: "We will bring transparency and openness to the budget process and to the use of earmarks and will give the American people the leadership they deserve," NANCY PELOSI, press release, December 12, 2006.

Madam Speaker, this is absurd. And, again, I commend the gentleman from Arizona for calling attention to this. Where is the openness? Where is the transparency? What good do we have in regard to a point of order so that we can look at these conference reports? Where are the 2 days that we are supposed to have to look at them? So it is taken away from us. What good does it do if the Rules Committee waives all points of order?

So I commend the gentleman. He's absolutely right. We need to have some true transparency in this body.

Mr. HASTINGS of Florida. Madam Speaker, the spirit and the letter of the law has been complied with in this matter. I will just reference one aspect of compliance with clause 9 of rule XXI and with the rules in the Senate. This is what it says:

"The following list is also submitted in compliance with House Resolution 491, which requires a listing of congressional earmarks in the conference report or joint statement of managers that were not committed to the committee of conference by either house, not in a report on a bill committed to conference, and not in a Senate committee report on a companion measure. Such earmarks are marked with an 'X' in the list below."

If that ain't transparency, I don't know what is. All of them have the "X" mark, the asterisk, and are clearly following the spirit of the law.

When the Republicans were in charge, they had 14,000 earmarks, and nobody knew where they were, where they came from, when they came. And now we have them in this bill.

Madam Speaker, I yield back the balance of my time.

Mr. FLAKE. Madam Speaker, I am not here to defend the Republican record on earmarks. It's abysmal, frankly. I think that's one of the main reasons we are here squarely in the minority today.

But I took great heart, as did many of us, at the promises that were made with the new Congress, that we would have real transparency, real accountability. And, unfortunately, what we are seeing today is a move away from that.

Let me read a statement that I mentioned. In June of this year, the Speaker of the House, in a press conference, said, "Before Members vote on a bill, there should be an appropriate time for people to be able to read it, that it should be a matter of public record. And if there's an earmark that can stand the scrutiny, then that transparency will give the opportunity for it to be there."

When you have nine, at least, that we have been able to find, and when the gentleman says that they are all marked with an asterisk, how do we know? We have 150 pages of earmarks that we were given just this morning. We only got the hard copy of this this morning. We simply don't know. So it behooves us to move a little slower here.

If we really believe in transparency, if we really believe that these earmarks need to be there, then let's have a rule that actually allows for a point of order to be lodged against the conference report, not just against the rule.

Again, I have to say if there was complete transparency here and we didn't have anything to worry about, I think we would have had a rule that did not waive points of order against the bill. And that's why we are here today.

We need to do far better. This is a wonderful institution. There are wonderful people here. It has a great history. We need to do better by it. And I would submit that this legislation before us today with 150 pages of earmarks and nine air-dropped earmarks at the last minute does not do this institution the good that it deserves.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. TAUSCHER). The question is, Will the House now consider the resolution?

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

Mr. FLAKE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the question of con-

sideration will be followed by 5-minute votes on the motion to instruct conferees on H.R. 1429 and the motion to suspend the rules and agree to House Resolution 379.

The vote was taken by electronic device, and there were—yeas 203, nays 178, and voting 51, as follows:

[Roll No. 1044]

YEAS—203

Abercrombie	Gutierrez	Neal (MA)
Ackerman	Hall (NY)	Obeys
Allen	Harman	Oliver
Altmire	Hastings (FL)	Ortiz
Andrews	Hereth Sandlin	Pallone
Baca	Higgins	Pascarella
Baldwin	Hill	Perlmutter
Barrow	Hinchea	Peterson (MN)
Bean	Hinojosa	Pomeroy
Becerra	Hirono	Price (NC)
Berkley	Hodes	Rahall
Berman	Holden	Rangel
Berry	Holt	Reyes
Bishop (GA)	Honda	Richardson
Bishop (NY)	Hoolley	Rodriguez
Blumenauer	Hoyer	Ross
Boren	Inslee	Rothman
Boswell	Jackson (IL)	Roybal-Allard
Boucher	Jackson-Lee	Ruppersberger
Boyd (FL)	(TX)	Rush
Boyda (KS)	Jefferson	Salazar
Brown, Corrine	Johnson (GA)	Sanchez, Loretta
Capps	Johnson, E. B.	Sarbanes
Capuano	Jones (OH)	Schakowsky
Cardoza	Kagen	Schiff
Carnahan	Kanjorski	Schwartz
Carney	Kennedy	Scott (GA)
Clarke	Kildee	Scott (VA)
Clay	Kilpatrick	Serrano
Cleaver	Kind	Sestak
Clyburn	Klein (FL)	Shea-Porter
Cohen	Kucinich	Sherman
Conyers	Lampson	Shuler
Cooper	Langevin	Sires
Costa	Lantos	Skelton
Costello	Larsen (WA)	Smith (WA)
Courtney	Larson (CT)	Snyder
Cramer	Lee	Space
Crowley	Levin	Spratt
Cuellar	Lewis (GA)	Stark
Cummings	Lipinski	Stupak
Davis (AL)	Loeb sack	Tanner
Davis (CA)	Lofgren, Zoe	Tauscher
Davis (IL)	Lowey	Taylor
Davis, Lincoln	Lynch	Thompson (CA)
DeFazio	Mahoney (FL)	Thompson (MS)
DeGette	Maloney (NY)	Tierney
DeLauro	Marshall	Towns
Dicks	Matheson	Tsongas
Dingell	McCarthy (NY)	Udall (CO)
Doggett	McCollum (MN)	Udall (NM)
Donnelly	McDermott	Van Hollen
Doyle	McIntyre	Velázquez
Edwards	McNerney	Visclosky
Ellsworth	Meek (FL)	Walz (MN)
Emanuel	Meeks (NY)	Wasserman
Engel	Melancon	Schultz
Eshoo	Miller (NC)	Waters
Etheridge	Miller, George	Watson
Farr	Mitchell	Watt
Fattah	Mollohan	Weiner
Filner	Moore (KS)	Wexler
Frank (MA)	Moore (WI)	Wilson (OH)
Giffords	Moran (VA)	Woolsey
Gillibrand	Murphy (CT)	Wu
Gonzalez	Murphy, Patrick	Wynn
Green, Al	Murtha	
Green, Gene	Nadler	
Grijalva	Napolitano	

NAYS—178

Aderholt	Bonner	Capito
Akin	Bono	Castle
Alexander	Boozman	Chabot
Bachmann	Boustany	Coble
Bachus	Brady (TX)	Cole (OK)
Baker	Broun (GA)	Conaway
Barrett (SC)	Brown (SC)	Crenshaw
Bartlett (MD)	Buchanan	Davis (KY)
Barton (TX)	Burgess	Davis, David
Biggart	Burton (IN)	Davis, Tom
Billray	Calvert	Deal (GA)
Bilirakis	Camp (MI)	Dent
Bishop (UT)	Campbell (CA)	Diaz-Balart, M.
Blackburn	Cannon	Doolittle
Boehner	Cantor	Drake

Dreier	Lamborn	Reichert
Duncan	Latham	Renzi
Ehlers	LaTourette	Reynolds
Emerson	Lewis (CA)	Rogers (AL)
English (PA)	Lewis (KY)	Rogers (KY)
Everett	Linder	Rogers (MI)
Fallin	LoBiondo	Rohrabacher
Feeney	Lucas	Ros-Lehtinen
Flake	Lungren, Daniel	Roskam
Forbes	E.	Royce
Fortenberry	Mack	Ryan (WI)
Fox	Manzullo	Sali
Franks (AZ)	Marchant	Schmidt
Frelinghuysen	McCarthy (CA)	Sensenbrenner
Gallegly	McCaul (TX)	Shadegg
Garrett (NJ)	McCotter	Shays
Gerlach	McCrery	Shimkus
Gilchrest	McHenry	Shuster
Gingrey	McHugh	Simpson
Gohmert	McKeon	Smith (NE)
Goode	McMorris	Smith (NJ)
Goodlatte	Rodgers	Smith (TX)
Granger	Mica	Souder
Graves	Miller (FL)	Stearns
Hall (TX)	Miller (MI)	Sullivan
Hastert	Miller, Gary	Terry
Hastings (WA)	Moran (KS)	Thornberry
Hayes	Murphy, Tim	Tiahrt
Heller	Musgrave	Tiberi
Hensarling	Myrick	Turner
Herger	Neugebauer	Upton
Hobson	Nunes	Alexander
Hoekstra	Pearce	Walberg
Hulshof	Pence	Walden (OR)
Inglis (SC)	Peterson (PA)	Walsh (NY)
Issa	Petri	Wamp
Johnson (IL)	Pickering	Weldon (FL)
Jordan	Pitts	Weller
King (IA)	Platts	Whitfield
King (NY)	Porter	Wicker
Kingston	Price (GA)	Wilson (NM)
Kirk	Putnam	Wilson (SC)
Kline (MN)	Ramstad	Wolf
Knollenberg	Regula	Young (AK)
Kuhl (NY)	Rehberg	Young (FL)

**APPOINTMENT OF CONFEREES ON H.R. 1429, IMPROVING HEAD START ACT OF 2007**

**MOTION TO INSTRUCT OFFERED BY MR. CASTLE**

The **SPEAKER pro tempore**. The unfinished business is the vote on the motion to instruct on H.R. 1429 offered by the gentleman from Delaware (Mr. CASTLE) on which the yeas and nays were ordered.

The Clerk will designate the motion. The Clerk designated the motion.

The **SPEAKER pro tempore**. The question is on the motion to instruct.

This is a 5-minute vote. The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 32, as follows:

[Roll No. 1045]

**YEAS—400**

Abercrombie	Conyers	Grijalva
Ackerman	Cooper	Gutierrez
Aderholt	Costa	Hall (NY)
Akin	Costello	Hall (TX)
Alexander	Courtney	Hare
Allen	Cramer	Harman
Altmire	Crenshaw	Hastings (FL)
Andrews	Crowley	Hastings (WA)
Arcuri	Cuellar	Hayes
Baca	Cummings	Heller
Bachmann	Davis (AL)	Hensarling
Bachus	Davis (CA)	Herger
Baker	Davis (IL)	Herseth Sandlin
Baldwin	Davis (KY)	Higgins
Barrett (SC)	Davis, David	Hill
Barrow	Davis, Lincoln	Hinchoy
Bartlett (MD)	Davis, Tom	Hinojosa
Barton (TX)	Deal (GA)	Hirono
Bean	DeFazio	Hobson
Becerra	DeGette	Hodes
Berkley	Delahunt	Hoekstra
Berman	DeLauro	Holden
Berry	Dent	Holt
Biggert	Diaz-Balart, L.	Honda
Bilirakis	Diaz-Balart, M.	Hooley
Bishop (GA)	Dicks	Hoyer
Bishop (NY)	Dingell	Hulshof
Bishop (UT)	Doggett	Hunter
Blackburn	Donnelly	Inglis (SC)
Blumenauer	Doolittle	Inslee
Boehner	Doyle	Israel
Bonner	Drake	Issa
Bono	Dreier	Jackson (IL)
Boozman	Duncan	Jackson-Lee
Boren	Edwards	(TX)
Boswell	Ehlers	Jefferson
Boucher	Ellison	Johnson (GA)
Boustany	Ellsworth	Johnson (IL)
Boyd (FL)	Emanuel	Johnson, E. B.
Boyd (KS)	Emerson	Jones (NC)
Brady (TX)	Engel	Jones (OH)
Broun (GA)	English (PA)	Jordan
Brown (SC)	Eshoo	Kagen
Brown, Corrine	Etheridge	Kanjorski
Brown-Waite,	Everett	Kaptur
Ginny	Fallin	Kennedy
Buchanan	Farr	Kildee
Burgess	Fattah	Kilpatrick
Burton (IN)	Feeney	Kind
Calvert	Filner	King (IA)
Camp (MI)	Flake	King (NY)
Campbell (CA)	Forbes	Kingston
Cannon	Fortenberry	Kirk
Cantor	Fox	Klein (FL)
Capito	Frank (MA)	Kline (MN)
Capps	Franks (AZ)	Knollenberg
Capuano	Frelinghuysen	Kucinich
Cardoza	Gallegly	Kuhl (NY)
Carnahan	Garrett (NJ)	Lamborn
Carney	Gerlach	Lampson
Castle	Giffords	Langevin
Castor	Gilchrest	Lantos
Chabot	Gillibrand	Larsen (WA)
Clarke	Gingrey	Larson (CT)
Clay	Gohmert	Latham
Cleaver	Gonzalez	LaTourette
Clyburn	Goode	Lee
Coble	Goodlatte	Levin
Cohen	Granger	Lewis (CA)
Cole (OK)	Graves	Lewis (GA)
Conaway	Green, Al	Lewis (KY)
	Green, Gene	Linder

Lipinski	Pence	Skelton
LoBiondo	Perlmutter	Slaughter
Loeb	Peterson (MN)	Smith (NE)
Loebsack	Peterson (PA)	Smith (NJ)
Lofgren, Zoe	Petri	Smith (TX)
Lowey	Pickering	Smith (WA)
Lucas	Pitts	Snyder
Lungren, Daniel	Platts	Solis
E.	Poe	Souder
Lynch	Pomeroy	Space
Mack	Porter	Spratt
Mahoney (FL)	Price (GA)	Stark
Maloney (NY)	Price (NC)	Stearns
Manzullo	Putnam	Stupak
Marchant	Rahall	Sullivan
Markey	Ramstad	Sutton
Marshall	Rangel	Tanner
Matheson	Regula	Tauscher
Matsui	Rehberg	Taylor
McCarthy (CA)	Reichert	Terry
McCarthy (NY)	Renzi	Thompson (CA)
McCaul (TX)	Reyes	Thompson (MS)
McCollum (MN)	Reynolds	Thornberry
McCotter	Richardson	Tiahrt
McCrery	Rodriguez	Tiberi
McDermott	Rogers (AL)	Tierney
McGovern	Rogers (KY)	Towns
McHenry	Rogers (MI)	Tsongas
McHugh	Rohrabacher	Turner
McIntyre	Ros-Lehtinen	Udall (CO)
McKeon	Roskam	Udall (NM)
McMorris	Rodgers	Upton
Rodgers	McNerney	Rothman
Meek (FL)	Meek (FL)	Roybal-Allard
Meeke (NY)	Hastings (WA)	Royce
Mica	Meeke (NY)	Ruppersberger
Michaud	Heller	Rush
Miller (FL)	Hensarling	Ryan (OH)
Miller (MI)	Herger	Ryan (WI)
Miller (NC)	Herseth Sandlin	Salazar
Miller, Gary	Higgins	Sallazar
Miller, George	Hill	Salli
Mitchell	Hinchoy	Sanchez, Linda
Mollohan	Hinojosa	T.
Moore (KS)	Hirono	Sanchez, Loretta
Moore (WI)	Hobson	Sarbanes
Moran (KS)	Hodes	Schakowsky
Moran (VA)	Hoekstra	Schiff
Murphy (CT)	Holden	Schmidt
Murphy, Patrick	Holt	Schwartz
Murphy, Tim	Honda	Scott (GA)
Murtha	Hooley	Scott (VA)
Musgrave	Hoyer	Sensenbrenner
Myrick	Hulshof	Serrano
Nadler	Hunter	Sessions
Napolitano	Inglis (SC)	Sestak
Neal (MA)	Inslee	Shadegg
Neugebauer	Israel	Shays
Nunes	Issa	Shea-Porter
Obey	Jackson (IL)	Sherman
Ortiz	Jackson-Lee	Shimkus
Pallone	(TX)	Shuler
Pascrell	Jefferson	Shuster
Pearce	Johnson (GA)	Simpson
	Johnson (IL)	Stires
	Johnson, E. B.	
	Jones (NC)	
	Jones (OH)	
	Jordan	
	Kagen	
	Kanjorski	
	Kaptur	
	Kennedy	
	Kildee	
	Kilpatrick	
	Kind	
	King (IA)	
	King (NY)	
	Kingston	
	Kirk	
	Klein (FL)	
	Kline (MN)	
	Knollenberg	
	Kucinich	
	Kuhl (NY)	
	Lamborn	
	Lampson	
	Langevin	
	Lantos	
	Larsen (WA)	
	Larson (CT)	
	Latham	
	LaTourette	
	Lee	
	Levin	
	Lewis (CA)	
	Lewis (GA)	
	Lewis (KY)	
	Linder	

**NOT VOTING—32**

Baird	Ferguson	Olver
Blunt	Fossella	Pastor
Brady (PA)	Gordon	Paul
Braley (IA)	Hastert	Payne
Butterfield	Jindal	Pryce (OH)
Buyer	Johnson, Sam	Radanovich
Carson	Keller	Saxton
Carter	LaHood	Tancredo
Chandler	McNulty	Westmoreland
Cubin	Melancon	Yarmuth
Culberson	Oberstar	

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The **SPEAKER pro tempore** (during the vote). There are 2 minutes remaining on this vote.

□ 1941

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**NOT VOTING—51**

Arcuri	Ferguson	Pastor
Baird	Fossella	Paul
Blunt	Gordon	Payne
Brady (PA)	Hare	Poe
Braley (IA)	Hunter	Pryce (OH)
Brown-Waite,	Israel	Radanovich
Ginny	Jindal	Ryan (OH)
Butterfield	Johnson, Sam	Sanchez, Linda
Buyer	Jones (NC)	T.
Carson	Kaptur	Saxton
Carter	Keller	Slaughter
Castor	LaHood	Sutton
Chandler	Markey	Tancredo
Cubin	Matsui	Waxman
Culberson	McGovern	Welch (VT)
Delahunt	McNulty	Westmoreland
Diaz-Balart, L.	Michaud	Yarmuth
Ellison	Oberstar	

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

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

□ 1934

Messrs. **TERRY, PEARCE, REICHERT, MACK,** and Mrs. **BACHMANN** changed their vote from “yea” to “nay.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. **ELLISON**. Madam Speaker, on November 6, 2007, I inadvertently failed to vote on rollcall No. 1044. Had I voted, I would have voted “yea.”

Stated against:

Mr. **POE**. Madam Speaker, on rollcall No. 1044, I was unavoidably detained. Had I been present, I would have voted “nay.”