Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—35

Blumenauer
Coble
Cubin
Davis, Tom
Dingell
Gallegly
Gilchrest
Gutierrez
Hall (TX)
Hastings (FL)
Heller
Hobson
Hooley
Hunter
Jindal
Johnson, E. B.
Kanjorski
Loebsack
Marchant
McHenry
Miller, Gary
Myrick
Ortiz
Pastor
Paul
Pryce (OH)
Rangel
Reyes
Rohrabacher
Thompson (CA)
Wamp
Weiner
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1920

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIA CARSON, MEMBER OF CONGRESS FROM THE STATE OF INDIANA

Mr. BURTON of Indiana. Madam Speaker, I offer a privileged resolution (H. Res. 880) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 880

Resolved, That the House has heard with profound sorrow of the death of the Honorable Julia Carson, a Representative from the State of Indiana.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008)

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 878 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 878

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment with each of the two House amendments printed in the report of the Committee on Rules accompanying this resolution. 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 or demand for division of the question except that the question of adoption of the motion shall be divided between the two House amendments.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

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

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). And all time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume, and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 878.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, House Resolution 878 provides 1 hour of debate on the motion by the chairman of the Committee on Appropriations to concur in the Senate amendment to H.R. 2764, the Department of State, Foreign Operations and Related Programs Appropriations Act with each of the two House amendments printed in the report accompanying the resolution.

The rule waives all points of order against consideration of the motion except those arising out of clause 10 of rule XXI, and provides that the Senate amendment and the motion shall be considered as read.

The rule directs the Chair to divide the question of adoption of the motion between the two House amendments; and, finally, it provides that the Chair may postpone further consideration of the motion to a time designated by the Speaker.

Mr. Speaker, it is our constitutional obligation to ensure that our government is running efficiently, from our children who need quality education to our veterans who need the benefits promised to them when they put their lives on the line for their country, and to our senior citizens who need access to health care and affordable prescription drugs.

And I am proud to say that we, here in the House of Representatives, have fulfilled our fiscal responsibility to the American people by passing all 12 of our appropriations bills on time. We've also used our time this year to pass all of the 9/11 Commission recommendations, to increase the minimum wage, to promote a 21st century jobs and global economic initiative, add much needed funds to the gulf coast following hurricanes Katrina and Rita, and to undertake the largest expansion of college aid since the GI Bill in 1944.

We also passed the widely acclaimed landmark lobbying and ethics reforms standards, enacted PAYGO, resulting in no new deficit spending, and passed an unprecedented energy bill that will help our Nation to be more energy efficient, while addressing global warming.

We will not soon forget that, of the 12 appropriations bills that we were supposed to have passed in 2006 when Republicans controlled the Chamber, only two were completed. The others were abandoned, requiring the incoming Democrat majority to meet the responsibilities abdicated by an outgoing party that now claims a mantle of fiscal responsibility. Simply put, we were forced to clean up their mess.

And according to the Office of Management and Budget, President Bush and the Republican Congress increased Federal spending by nearly 50 percent, turned record surpluses into record deficits, and increased our national debt by more than $3 trillion. And let's not forget that President Bush and the Republican-controlled Congress doubled our foreign debt to more than $2 trillion, more in 7 years, Mr. Speaker,

more in just 7 years than in the previous 224 years of our Nation combined. Listen to that, America. They did more in 7 years to run up the debt than the previous 224 years of our Nation combined.

Now, all this among budget failures that vastly increased our national debt, while leaving the agencies, States and localities in limbo for months concerning their future funding. Let me add to that our children's health program.

It is simply astounding to me that the President would request an 11 percent increase for the Pentagon, a 12 percent increase for foreign aid, and $195 billion emergency funding for this terrible war, while in the same breath claiming that any increase in domestic programs needed for the citizens is fiscally irresponsible.

We all remember the promises of the Bush administration claiming that, at the most, the Iraq war would cost $50 billion. A recent report issued on November 13 states that the total economic cost of the Iraq war through 2008 exceeds $1.3 trillion, with a projected cost of $3.5 trillion; a long way from $50 billion.

I believe the New York Times Editorial Board said it succinctly in their editorial published last week when they wrote, and I quote, ''We know what's behind President Bush's sudden enthusiasm for fiscal discipline after years of running up deficits and debt: Political posturing, just in time for the 2008 election.''

But one should not forget the damage that his administration inflicted by shortchanging domestic programs in favor of tax cuts for the wealthy and his never-ending Iraq war.

I will submit this editorial for the Congressional RECORD.

[From the New York Times, Dec. 11, 2007]

DISABLED, AND WAITING FOR JUSTICE

We know what is behind President Bush's sudden enthusiasm for fiscal discipline after years of running up deficits and debt: political posturing, just in time for the 2008 election. But one should not forget the damage that his administration has also inflicted by shortchanging important domestic programs in favor of tax cuts for the wealthy and his never-ending Iraq war.

A case in point is the worsening bureaucratic delays at the chronically underfunded Social Security Administration that have kept hundreds of thousands of disabled Americans from timely receipt of their Social Security disability benefits.

As laid out by Erik Eckholm in the Times on Monday, the backlog of applicants who are awaiting a decision after appealing an initial rejection has soared to 755,000 from 311,000 in 2000. The average wait for an appeals hearing now exceeds 500 days, twice as long as applicants had to wait in 2000.

Typically two-thirds of those who appeal eventually win their cases. But during the long wait, their conditions may worsen and their lives often fall apart. More and more people have lost their homes, declared bankruptcy or even died while awaiting an appeals hearing.

In one poignant case described by Mr. Eckholm, a North Carolina woman who is tethered to an oxygen tank 24 hours a day has been waiting three years for a decision. She finally got a hearing last month and is awaiting a final verdict, but, meanwhile, she has lost her apartment and alternates sleeping at her daughter's crowded house and a friend's place.

The cause of the bottlenecks is well known. There are simply too few administrative law judges—1,025 at present—to keep up with the workload. The Social Security Administration is adopting automated tools and more efficient administrative practices, but virtually everyone agrees that no real dent will be made in the backlog until the agency can hire more judges and support staff.

The blame for this debacle lies mostly with the Republicans. For most of this decade, the administration has held the agency's budget requests down and Republican-dominated Congresses have appropriated less than the administration requested. Now the Democratic-led Congress wants to increase funding to the Social Security Administration, and the White House is resisting.

Last month, Congress passed a $151 billion health, education and labor spending bill that would have given the Social Security Administration $275 million more than the president requested, enough to hire a lot more judges and provide other vital services. But Mr. Bush vetoed that bill as profligate.

Democrats in Congress are working on a compromise to meet Mr. Bush halfway on the whole range of domestic spending bills. The White House is not interested in compromise.

If the president remains intransigent, federal agencies may have to limp along under continuing resolutions that maintain last year's spending levels. That would likely, among many other domestic problems, crimp any new hiring at the Social Security Administration and might require furloughs, leading to even longer waits. Mr. Bush should back down from his veto threat and accept a reasonable compromise. Both sides should ensure that real efforts are made to reduce these intolerable backlogs.

Mr. Speaker, this week's actions by the President is just one thread in the appalling tapestry that this administration has in its misplaced policies.

Democrats believe that running this House right is a matter of pride. We believe it's a matter of having fundamental respect for both the institution in which we serve and for the citizens who have given us the privilege to serve here.

□ 1930

In the spirit of working together, we Democrats in Congress collectively extended our hand to those on the other side of the aisle, including the President, to reconcile our differences and pass this important spending bill.

In return, we received nothing but the same obstructionism that has plagued our body and our counterpart on the other side of the Capitol.

And today, those same Members who once enjoyed the splendors of having a majority in the House, the Senate and a Republican President, now chastise the Democratic Congress for trying to solve their own fiscal blunders. But their cries ring hollow, Mr. Speaker.

Democrats have crafted this omnibus appropriations bill that invests in the American people's priorities, that protects our troops and invests in the homefront, and restores funding to the President's devastating cuts to medical research, to college assistance, to job training, and education and health care.

And when my fellow Members of Congress and I cast our votes on this floor this evening, we seek to reconcile our ideals with what is possible to achieve. We seek to do both what is right in principle and necessary at any particular point in time and pray that the two are one in the same.

In this bill, we fund programs for medical research, and we provide 280,000 more underinsured Americans with access to health care. We added extra funds for title I, special education, teacher quality grants, after-school programs, and Head Start, while also adding more for Pell Grants and other student aid programs.

We added extra funds above the President's request to help local communities hire and train more local law enforcement, while also adding more in homeland security grants to better secure our Nation. We also have met the guaranteed levels set in the authorization bill while adding funds for our bridges, which sorely need it.

We invest in solar and wind energy, biofuels, and energy efficiency, while also promoting scientific investments and conservation efforts.

And I would like to stress that this bill provides $3.7 billion in additional funding for our veterans health.

Mr. Speaker, we all agree that it is unfortunate we are forced to pass an omnibus to get our work done at the end of the year. This is especially disheartening because we Democrats in the House of Representatives have been absolute in our pledge to fund important programs and help the American people. And this omnibus comes only as a remedy to the obstructionism in the other body.

The President should accept this reasonable compromise and sign it into law. It is a crucial bill that will keep us on our course of fulfilling our promises to the American people, and I believe it is a clear demonstration of the Democrats' devotion to being fiscally responsible with the money given to us by our fellow citizens.

As I shared a quote from an editorial from the New York Times earlier, I would like to close with another quote published on November 26. It states: ''It is clear that Mr. Bush's threat to veto Congress' proposed spending bills has nothing to do with fiscal discipline. It's all about appealing to his base and distracting attention from his failings, like Iraq. Mr. Bush will no doubt persist in that mode as long as his Republican allies allow him to.'' I could not agree more.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to thank my friend, the distinguished chairwoman of the Rules Committee, for the time; and I yield myself such time as I may consume.

This morning I woke up to the news that the majority had posted on the Rules Committee Web site the omnibus appropriations bill that we are considering tonight. The majority posted this bill, approximately 3,500-page bill, after many Members had retired for the night. So that effectively made it impossible for many of us to even begin to see what was in this legislation obviously until many hours after that.

When the new majority took over, they promised, Mr. Speaker, that they would give at least 24 hours to review legislation before it comes to the floor for a vote. The rules of the House require 3 days. Oftentimes the Rules Committee through the years has waived that requirement, and that's why it's very interesting to note and I think very relevant to note that the majority made a promise that at least 24 hours would be provided for Members to review, to attempt to understand legislation to make sure that the legislation doesn't have provisions that Members would oppose.

During testimony 2 weeks ago at the Rules Committee, Members from the minority expressed our concern with the prospect that the majority would rush through a very large appropriation bill spending, as in this case, approximately a half a trillion dollars without giving Members time to properly read and understand the bill. One particular area of concern was with the possible inclusion of earmarks that Members would not have an opportunity to review before voting on them.

On the opening day of the 110th Congress, the distinguished chairwoman of the Rules Committee, Ms. SLAUGHTER, addressed the House to speak about the majority's changes to the House rules. During her speech, she addressed the issue of earmarks and how the majority claimed to deal with the issue.

Today, as we consider this rule for this omnibus bill, I think it's appropriate to look back and see what the distinguished chairwoman said the majority would do to bring transparency to the earmark process.

''The rules that Thomas Jefferson first wrote down two centuries ago provide for order and discipline in the House. They provide for transparency and accountability. If they are followed, corruption will be exposed before it has a chance to take root. Democrats are going to follow the long-established rules of the House, instead of treating them as impediments to be avoided. We are going to allow Members to read bills before voting on them and prevent them from being altered at the last minute.

''The rules package will finally shed light on an earmarking process that has greased the wheels of corrupt House machinery. It requires the full disclosure of earmarks on all bills and conference reports before Members are asked to vote on them.''

Now, Mr. Speaker, let's compare those promises with today's rule. The rule provides for consideration of this legislation, H.R. 2764. But because the majority is moving the appropriations bill as an amendment between Houses and not a conference report, the bill will fall squarely within one of the loopholes to the earmark rule, and the rules of the House will not require any disclosure of earmarks that may be contained in the legislation.

So this bill is not subject to the earmark rule which the majority claimed would bring transparency and accountability to the earmark process. The majority should not be asking Members to vote on a bill that may include numerous earmarks that no one has vetted and no one has seen.

We've already seen this loophole in action when we debated H.R. 6, the energy bill. The legislation came to the floor also as an amendment between the Houses; and as such, it too was exempt from the earmark rule. Yet it included earmarks that were not discovered until after passage.

So, yes, the majority ''directs the Chairman of the Committee on Appropriations to insert in the CONGRESSIONAL RECORD at any time during the remainder of the first session of the 110th Congress such material as he may deem explanatory of appropriations measures for the fiscal year,'' but there may be problems with that provision.

I did see that the distinguished chairman of the Appropriations Committee did list earmarks in the bill, but the requirement does not say exactly what material the chairman is required to insert, just what ''he may deem explanatory.'' It does not require him to list all earmarks. So earmarks in the bill could have been omitted from the statement.

Second, the provision allows the chairman to insert the explanation into the CONGRESSIONAL RECORD at any time during the first session of the 110th Congress. So in theory, the chairman may still have some time to insert an explanation after both Houses of Congress pass the legislation and the President signs the legislation into law.

We were so concerned with this procedural loophole during a recent markup that in the Rules Committee Mr. DREIER offered an amendment to the rule to require that the chairman of the Appropriations Committee provide the list of earmarks required by clause 9 of rule XXI for the omnibus appropriations bill. Unfortunately, that amendment to the rule was rejected along partisan lines.

Because of this loophole in the earmark rule, I, along with Mr. DREIER, Mr. HASTINGS and Mr. SESSIONS, have sent a letter to Chairman OBEY asking him to ''adhere not just to the letter of clause 9 of rule XXI, but to its spirit as well and provide the Rules Committee and the House with a list of earmarks contained in the omnibus appropriations bill prior to consideration by the Rules Committee.''

Mr. Speaker, I submit that letter into the CONGRESSIONAL RECORD at this point.

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 6, 2007.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN OBEY: Today the Committee on Rules reported a ''martial law'' rule to provide for the same day consideration of an omnibus appropriations vehicle. That measure also includes a provision giving you the option of inserting extraneous explanatory material in the Congressional Record for appropriations measures for the remainder of this session.

During the markup of that measure, we offered an amendment to the rule to require that you provide the list of earmarks required by clause 9 of rule XXI for the omnibus appropriations measure. Unfortunately, that amendment to the rule was rejected along partisan lines.

Mr. Chairman, we know that you have made an effort during this Congress to provide transparency for earmarks contained in bills coming through your committee. However, because the omnibus appropriations bill will be considered as a Senate amendment to a House bill, it falls squarely within one of the loopholes of the earmark rule and the Rules of the House will not require any disclosure of earmarks that will be contained therein. As you were the presiding officer over the motion to concur in the Senate amendment to H.R. 6, the energy bill, you are well aware that no list of earmarks was provided for that measure because it fell within the same loophole.

We respectfully request that you adhere not just to the letter of clause 9 of rule XXI, but to its spirit as well and provide the Rules Committee and the House with a list of earmarks contained in the omnibus appropriations bill prior to consideration by the Rules Committee. That kind of disclosure will be in the best interest of the House, its Members, and the Nation.

We appreciate your willingness to consider our request.

Respectfully,
DAVID DREIER.
DOC HASTINGS.
LINCOLN DIAZ-BALART.
PETER SESSIONS.

I would simply say that as of today we have not received a response to that letter.

Mr. Speaker, I ask when it is appropriate to do so, where is the transparency and the accountability promised when the majority in effect, in practice continues to systematically circumvent its own rules and violate its own promises?

Mr. Speaker, at this time I reserve.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished gentlelady from New York, the chairwoman of the Rules Committee.

I rise in a somewhat curious posture, and that is, to support the job that has to be done on behalf of the American people. So I would call this the responsible serving of the American people's spending bill. That's what Democrats have attempted to do today.

I remind my colleagues that most of the appropriations bills, I would say all

of them, have been passed out of this body, and certainly the predicament that we find ourselves in is because of the administration's refusal to prioritize on behalf of the needs of veterans; the needs of major research institutions; a failing job market that needs increased job training dollars; the young people of America who want a future and, therefore, college assistance; and then recognizing the importance and the crucialness of access to health care; a good energy policy; and certainly the needs of repairing the transportation system of America.

I'm grateful that we have reprogrammed dollars to include money for research, job training, college assistance, access to health care, and as well, that we're reminded that we must ensure the safety of this Nation, while fighting, of course, to preserve the transportation centers of excellence, the letter that I wrote to ensure that funding for that would be included.

And though we talk sometimes without understanding about the concept ''earmark,'' it is for the community of Houston, Texas, and the 18th Congressional District more early childhood education, more homeland security dollars for a constable's office. It is more dollars for a mental health facility, and it is recognition of more technology for our local first responders.

So I rise today to express the dilemma, when we have three branches of government, to refute any accusations of the postures that Democrats are in. Democrats are fighters. It is because of a budget mark and a stance by this administration to demand $120 billion for a war that is not working that puts us in a position not to be able to service the needs of the American people.

□ 1945

So we will continue this fight and we will stand strong and tall for those who are in need.

And I look forward to the Military Success Act of 2007 that I have authored being debated on this floor to acknowledge that the military has finished their work, it's time to bring them home and to reward them in honor and medals for what they have done in Iraq and to ensure that the people of America receive a spending bill that serves the needs of the American people.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my privilege to yield 6 minutes to the distinguished former member of the Rules Committee, my friend from Georgia, Dr. GINGREY.

Mr. GINGREY. I thank my colleague for yielding.

Mr. Speaker, I want to remind the previous speaker that this body and the other body passed a spending bill for our veterans increasing by $4 billion over 3 months ago, and the President made very clear, emphatically stating that he was ready to sign that bill to get this money to our veterans, and the Democratic leadership has made a decision, for whatever reason, not to send that bill to the President. So I think it's important to point that out.

Mr. Speaker, I rise tonight in opposition to the rule and to the underlying bill in its present form. In regard to the rule, I can't expound and do any better than the comments that the senior Republican long-term member of the Rules Committee has just outlined, the gentleman from Florida. That stack of 11 bills in this omnibus sitting in front of the gentleman from Florida is almost as large as the Internal Revenue Code, which I understand is as thick as nine Bibles. Mr. Speaker, that's probably as thick as at least six Bibles, and every rule has been waived. And all this business about earmark reform, it makes a total mockery of that. So, Mr. Speaker, from the standpoint of the rule, absolutely I am opposed to it.

We need earmark reform. I have submitted legislation to cut earmarks by 50 percent immediately and then 1 percent of discretionary spending in the subsequent year and to say that no Member of this body, no matter how powerful, should have a larger bite at the apple in regard to Member-directed initiatives, or what the general public, who's so outraged at that process, knows as pork and/or earmarks.

In regard to the bill itself, my colleagues, I'm sure, hopefully on both sides of the aisle, will be opposed to this omnibus because there's not one penny, Mr. Speaker, not one penny of money for our troops in Iraq. That in itself is a reason why absolutely I would be opposed to this omnibus. But, Mr. Speaker, there's more. There is much more when we look into the weeds and finally see some of the things in these bills.

Last year this body voted to strike language from the energy and water bill that would not allow the Corps of Engineers to update manuals in regard to how they control water releases from certain dams in the Southeast where we are suffering from a severe drought, Mr. Speaker. And yet this same language now is stuck in on the Senate side, and it's in this omnibus bill that would prohibit the Corps of Engineers from updating these 25-year-old manuals, making the drought in the Southeast worse than it has ever been. And, Mr. Speaker, I want to point out the fact that in this body last year when we voted to remove that language from those bills, Speaker PELOSI voted to remove the language; Majority Leader HOYER voted to remove the language; Appropriations Chairman OBEY voted to remove the language; Minority Leader BOEHNER voted to remove the language; and every subcommittee chairman on the Appropriations Committee, the so-called cardinals on the Democratic side, voted to remove that language. Now it's in there sort of air-dropped on the Senate side.

There are other things in here, Mr. Speaker, that I am so much opposed to. There's increased funding for title X, almost $17 million for Planned Parenthood and abortion providers, but there's no increased funding for critical abstinence education, which goes a long way to ensure that abortion services wouldn't be needed, Mr. Speaker.

There is $2.9 billion in here, Mr. Speaker, to provide for security on our southern border, to build that fence that this body has called for; yet there are all kinds of restrictions. In fact, the committee says 15 conditions have to be met before this money can be spent on 300 or 400 miles of fencing on our southern border that we so desperately need, and at the same time there's millions of dollars in this omnibus, Mr. Speaker, that provides legal defense funds to defend illegal immigrants who are in this country. I just don't quite understand the logic of that, Mr. Speaker.

I am sure my colleagues are as confused as I am over this gimmick of advanced appropriations. But how does this body say that we are going to spend $2.4 billion additional money on Labor-HHS and say that we are not going to count it against this year's appropriation, that it's going to be counted in 2009, this so-called advanced appropriation? Is it an emergency, Mr. Speaker, to spend $100 million to provide security at the upcoming Republican and Democratic National Conventions? Is that, my colleagues, what we would call money that needs to be spent in an emergency?

And last but not least, Mr. Speaker, I put language in an appropriation bill that would not allow funding for States that mandate that our little girls in the fourth and fifth grade, our 9-, 10-, 11-year-old children, could not attend public school unless they receive a shot against human papillomavirus, a sexually transmitted disease, not a communicable disease like measles, mumps, and whooping cough. Unfortunately, this funding is allowed in this omnibus, but my language is removed.

So for many, many reasons, my colleagues, vote ''no'' against the rule and vote ''no'' against this bill when it comes to us in its present form.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Wisconsin, chairman of the Committee on Appropriations, for a response.

Mr. OBEY. Mr. Speaker, even though it's not Halloween, I'm concerned that some Members may be seeing ghosts. So I simply want to say that the gentleman from Florida raised concerns that because this is an amendment between the houses that we might not be fully disclosing earmarks.

Let me simply point out to the House that the gentleman's claims are misplaced. Early this afternoon I submitted for printing in the RECORD a lengthy and complete explanatory statement, the same statement that went on the Rules Committee Web site last night. That statement contains full and complete disclosure of all earmarks. We did that disclosure exactly

as if this were a conference report. Nothing has been left out that would have been required if this had been a conference report.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of this rule and the omnibus appropriations bill.

This is good news from Washington. We can always find problems with things if we look for them. For education, for veterans, for health care for children, many other programs, these are things people have been waiting for.

And I'm very pleased that the House is scheduled to vote on a disaster assistance package to provide relief to our farmers suffering from record droughts in the Southeast. My farmers are hurting, and this omnibus appropriations bill will provide some $600 million for disaster assistance.

My congressional district in North Carolina has been afflicted by what's called ''Exceptional Drought.'' This is the most serious category in America. Every county in the State is experiencing drought conditions. The whole Southeast is experiencing record drought. This aid will bring real relief to rural communities.

I have been proud to lead this effort. In September I wrote a bipartisan letter to the President signed by 54 of my colleagues from both political parties to make the case for disaster relief. I've been very pleased to work with Speaker PELOSI, Majority Leader HOYER, Majority Whip CLYBURN, Agriculture Committee Chairman PETERSON, and Appropriations Committee Chairman OBEY to get this done, and I want to thank them for their leadership, and our farmers thank them.

I grew up on a Johnston County farm, and I have lived in a farm community all my life. And as a senior member of the House Ag Committee, I am pleased that we have finally gotten this football into the end zone. Now we will do the clincher. This disaster assistance is a major achievement and an important step forward for America's farmers.

I urge my colleagues to join me in voting for this rule and then voting for the underlying omnibus bill that will make a difference not only for rural America but for all Americans.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Washington, the chairman of the Appropriations Subcommittee on Interior, Environment, and Related Agencies (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in support of this rule and the omnibus appropriations bill.

For better or worse, it is the Appropriations Committee that is charged with the job of making the difficult choices that provide the best mix possible of funding levels for competing programs. The interior and environment portion of this bill is the product of the difficult choices that had to be made as a result of the President's insistence that we cut $22 billion from the levels approved by the House 6 months ago.

The final allocation for the Interior Subcommittee was $26.6 billion, essentially flat funding at the 2007 enacted level, because we were unable to achieve a compromise with the President that would have allowed for modest growth in the Interior and related agencies as well as the Environmental Protection Agency. I would remind my colleagues that since 2001, these same accounts have been reduced drastically. Interior has been cut by 16 percent, EPA by 29 percent, and the nonfirefighting accounts in the Forest Service by more than 35 percent.

In allocating these funds in this omnibus bill, our subcommittee, on a bipartisan basis, could have frozen funding for all programs at the Department of Interior, EPA, the Indian Health Service, and the Forest Service at the 2007 enacted levels. Alternatively, we could have approved deep reductions proposed by the President for the Forest Service, Indian health clinics, fire preparedness programs, clean air State grants, PILT payments or Land and Water Conservation Fund and Conservation Grants.

We did not choose either of these approaches. Instead, we chose to produce a conference version that was consistent with the priorities established in the House-passed Interior appropriations bill, reflecting the input from Members on both sides of the aisle and from 41 hearings held by our subcommittee this spring. The final version reflects the input of hundreds of individuals and organizations during these hearings.

The bill includes an increase of $123 million for the National Park Service operational accounts to fund an additional 1,500 FTE positions. This staff will help reinvigorate the Park Service for its centennial in 2016. An additional $24 million is included as interim funding for the new centennial matching grants program for 2008. This will get the program going while the authorizing committees complete negotiations to find a funding source for this new mandatory program. An increase of $39 million is provided for our national refuge system to begin refurbishing our refuges and replacing the 600 positions which have been lost since 2004.

□ 2000

$145 million is provided for the National Endowment for the Arts, an increase of $20 million, to partially restore this program to the levels 12 years ago. The gentlewoman from New York has been my partner as we fought to restore this program to the levels of 12 years ago.

The bill includes an increase of $165 million for the Indian Health Service to cover medical inflation and ensure adequate medical care for Native Americans, one of this country's most disadvantaged populations.

An increase of $169 million over the 2007 level is provided for various firefighting programs, $81 million more than requested by the President. And $188 million is provided for climate change programs, including $43 million for the EPA and $32 million at the U.S. Geological Survey. Included for the USGS is $7.5 million to expand its climate research, of which $2.5 million is for a new global warming and wildlife center.

$20 million is provided for the EPA geographic program to ramp up the cleanup of Puget Sound, which is the Nation's second largest estuary and which has been in serious decline.

In this bill, we have also addressed the very serious environmental challenges that exist in the Chesapeake Bay, the Great Lakes, and other major bodies of water in the United States. These increases represent a significant redirection of funds to priorities which we believe serve the country's present and future needs and have not been adequately addressed by President Bush. But the President's requirement that our bill be reduced by $1 billion below the original House level has forced us to make very painful reductions. As I said at the beginning, these were tough choices.

Mr. Chairman, in concluding these remarks, I want to thank Mr. TIAHRT. And I would like to say to my colleagues on the Republican side, I have never seen a year in which Democrats and Republicans at the committee level, at the subcommittee level have worked better and have had better information on both sides of the aisle and have worked to adequately address earmarks to reduce the number of these earmarks very dramatically. So I would say that there has not been a lack of cooperation. There has been outstanding cooperation on the entire subcommittee.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise today in opposition to the rule and in particular opposition to this ominous omnibus bill that comes to the floor of the Congress today.

I am tempted to say to the American people, Here comes the bus, but I'm not going to get on, because this legislation represents a fundamental failure of the legislative process.

Eleven separate appropriations bills balled into one, the sheer tonnage and weight that has been visible on the

screens of America tonight give evidence that this government is broken, and this budget process is broken; 3,500 pages, 34 pounds, and Members of the minority have had, at this very hour, roughly one day to review its contents.

This legislation, which we'll consider under this rule, will cost approximately $515 billion, including $44 billion designated as so-called ''emergency spending,'' and over $10 billion in other budget gimmicks being used to artificially lower the cost.

Now, I want to commend President Bush and the men and women of good will in this Congress who have worked to lower the cost of this legislation from its House- and Senate-passed versions. There have been improvements on the margin. There has been lipstick placed on this pig, but it's still a pig; and the American people are soon to find that out.

Let's take, for example, this legislation includes $31 billion for military operations in Afghanistan for protective equipment for troops overseas, but it does not include one dime to fund our troops in harm's way at this hour serving in Operation Iraqi Freedom. I say to my patriotic colleagues in the other party, that is unconscionable that we would bring before this Congress a spending bill which, for some purpose, serves some audience far to the left of this Chamber, I suspect, who are not including a single cent for our soldiers in harm's way.

And this omnibus contains over $11 billion in so-called ''emergency'' and ''contingency'' spending. Let me favor my colleagues with some of the emergency provisions in this bill: $20 million for salaries at the Farm Service Agency, apparently salaries of employees at the Farm Service Agency unanticipated; $8 million for salaries at the Department of Justice, legal activities and salaries also at DOJ; salaries and expenses for everything from the U.S. Marshal Service to U.S. Attorneys. I mean, Mr. Speaker, where is the surprise in the emergency of finding out we have employees at the Department of Justice? And my own personal favorite here, we have a legislative emergency in the form of $100 million for Presidential security at political conventions. This is the so-called ''emergency spending'' which those who will point to this legislation as having come in at or near the President's numbers will not include these provisions. And there are so many more that will be explored in the months ahead.

This bill is also chock-full of the very worst kind of pork barrel spending. Let me say, Mr. Speaker, I requested earmark projects for my district, and there are some necessary infrastructure projects in this legislation for eastern Indiana. I brought every single one of them through the ordinary committee process in the light of day. But there are, we must assume, thousands of so-called ''air-dropped'' earmarks in this legislation which will not come to light until after this legislation is signed into law.

So it's what we don't know in this legislation that frustrates me the most; 24 hours, I say again, Mr. Speaker, 24 hours to review 3,500 pages and 34 pounds.

Twenty years ago, President Reagan came to this podium and said these words: ''The budget process has broken down. It needs a drastic overhaul. With each ensuing year, the spectacle before the American people is the same as it was this Christmas,'' he said, ''budget deadlines delayed or missed completely, hundreds of billions of dollars worth of spending packed into one bill, and the Federal Government on the brink of default.'' So said Ronald Reagan before this Congress two decades ago. The more things change, the more they seem to stay the same.

I was a harsh critic of reckless and wasteful spending when my party was in control; and I rise, respectfully, to register the same dissent. We can do better, Mr. Speaker. The American people expect from this Congress, whatever its management, whichever party, to do better than to pile into a heap our unfinished business the week before Christmas and send it all to the President without the light of day.

Ms. SLAUGHTER. Mr. Speaker, I am going to yield 30 seconds to the gentleman from Wisconsin, the chairman on the Committee on Appropriations, Mr. OBEY.

Mr. OBEY. Mr. Speaker, let me simply point out that the last year the Republicans were in control we had $16 billion in earmarks. This bill tonight cuts that by 42 percent. The gentleman squawks about the emergency spending; 86 percent of the emergency funds in this bill were requested by the administration.

With respect to his charge that we have 34 pounds in this budget in order to pass the domestic appropriation bills this year, that's absolutely correct. It's very heavy. You can double the weight by only printing on one side, as the gentleman has done, but the fact is, do you know how high the stack was a year ago? Here. Do you see anything? It's because you didn't pass any domestic appropriation bills whatsoever. I'll take this over nothing any time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members to address their remarks to the Chair.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 5 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

It's a fascinating evening that we find ourselves in, to be asked to somehow, in less than a day, in fact, as I understand it, Mr. Speaker, this bill was filed after midnight. So on the very same day we're being asked to consider a bill, which all of America can see here, which is over 3,000 pages long.

Now, when the Democrat majority came in, they said, well, this was going to be the most fair and democratic Congress that we've ever had, that somehow a new day was dawning, that they would do business in a different way. I have not been a fan of omnibus spending legislation when my party was in control. I voted against the omnibus. It's no way to run the railroad, Mr. Speaker. In fact, when my party was in control, if an omnibus was passed, I note, for example, if I look at the CONGRESSIONAL RECORD of January 4, 2005, that to bring an omnibus piece of legislation to the floor by waiving the 3-day rule was described as ''martial law'' by then-Minority Leader PELOSI, now Speaker PELOSI. It's in the RECORD, Mr. Speaker. Look it up.

So somehow when she's the minority leader, Mr. Speaker, it's not okay to bring this monstrosity; in fact, it's tantamount to martial law. And yet we've heard that this is going to be such an open and democratic and fair Congress. So what is it, Mr. Speaker? Is it martial law, is it not martial law, to expect Members who haven't even seen the bill, much less read the bill, to vote on it tonight?

I heard the distinguished chairman of the Appropriations Committee come and speak to us about earmarks. Well, again, this was the leadership team that claimed that they would do better. And as I look at it, when you add in the earmarks in the one appropriations bill that was passed by regular order, you're still looking at the third highest amount of earmarks, I believe, in the history of the Republic.

Now, the Speaker herself said, and I don't have the quote in front of me, but something along the lines that she would just as soon do without earmarks. But as I've read the legislation, she doesn't appear to be leading by example in that regard.

Mr. Speaker, there are very few people who know what is in this bill. But what I do know is it spends the people's money with very little accountability. I was at a town hall meeting in my district, and I have the honor and privilege of representing the Fifth Congressional District of Texas. I was in Athens, Texas, and a constituent, a very wise man, came up to me and said, You know what? I don't think that any Member of Congress should be allowed to vote on a piece of legislation unless they've read the bill, which I guess might lend this evening's vote to one, maybe two, Members, maybe no Members. There's something to be said for that. A bad process can lead to bad outcomes, and this is a bad outcome. It spends too much of the people's money. It continues to grow the government budget faster than the family budget, the family budget that has to pay for it.

Mr. Speaker, I'm a member of the House Budget Committee. I see several of my colleagues on the Democrat side who are also serving on that Budget Committee. And we just heard testimony from the head of the Congressional Budget Office, which I might add

was an appointment under this majority, this Democrat majority, who said that if we don't change the spending patterns of the Federal Government that within a generation we're looking at doubling taxes on our children and grandchildren.

Now, you can go check the RECORD. And it's not just the head of the Congressional Budget Office; it's the head of OMB, it's the Comptroller General. And yet we are asked to vote on an omnibus piece of legislation that, once again, sets us on this path to double taxes on the next generation. It's just unconscionable. Again, it robs the family budget to pay for the Federal budget.

And here's something else that's unconscionable about this: in this omnibus, we're going to pay to fund some bureaucrat in the bowels of the Commerce Department, but we won't pay for the men and women in our Nation's uniform fighting for liberty in Iraq. Well, last I looked, they're part of this Federal Government as well. They're wearing our Nation's uniform. They get paychecks drawn on the U.S. Treasury. But somehow we can find the ability, in this 3,000-page bill, to pay for every bureaucrat in Washington; but we won't fund the men and women in harm's way in Iraq. Also unconscionable.

There are so many reasons, Mr. Speaker, that this rule should be voted down, as should the entire bill.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California, the chairman of the Committee on Education and Labor, Mr. GEORGE MILLER.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

□ 2015

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, I want to thank the gentlewoman for yielding, and I want to recognize the difficult choices that the Appropriations Committee had in dealing with the education portion of this legislation. At a time when this administration is almost $55 billion behind its promises to the American people, to the parents of this country, to the children of this country, to the educators of this country, of the resources that would be available in title I, we find that, in fact, we are only going to be able to add about $1 billion, a little over $1 billion this year, which is completely insufficient, at a time when schools and school districts are struggling to make the reforms required under No Child Left Behind.

But I want to thank the Appropriations Committee, because as difficult as that choice is to only provide that small amount of money, they were able to make of that portion of the money almost $500 million available to schools in need of improvement. These are schools that we were supposed to have started helping out 3 and 4 years ago. This is the first time this money has ever been put in this budget to help these schools that have been recognized as needing very substantial improvement to improve the opportunities of the children in those schools for a decent education, but this bill is the first time that we have done that. The administration has ignored that over the last 6 years.

I also see that the committee was able to restore some of the money for educational technology, a subject that is becoming more and more important in terms of improving our schools, improving the opportunity of students to learn, and improving opportunities for students to understand the technologies that they are going to have to grasp in the workplace and in higher education. The President's budget zeroed that money out. The Appropriations Committee, under the leadership of Mr. OBEY, was able to restore almost all of it, the money that was available in the last year.

Now I see that we have been able to add $259 million to IDEA, which is able to take it above the President's request, which was a cut in education for students with disabilities. Once again, the Republicans, when they were in the minority, promised that they would fully fund IDEA because districts are struggling with the education of students with disabilities, and they signed letters, they passed resolutions, they did all of it. The day they came in power, they stopped funding IDEA. So it has been flat-funded while school districts struggle with both trying to deal with school reform and the education of students with disabilities.

So this committee, I think, made some good choices, difficult choices, insufficient choices. But if you look at what the President had recommended for educational technology, if you look at what the President had recommended to help schools with English learners in those schools, this is a dramatically better budget, but an insufficient budget for the education, but it is completely insufficient for the education of America's children. Don't go home and tell your constituents how well you understand the tools that they need to compete in a globalized world, in a globalized economy, because you have absolutely failed to provide them, and this administration has failed to provide them.

Fortunately, the Appropriations Committee has been able to recalibrate some of the numbers and to move some of the money around for these high-priority areas. I am only so sorry that we weren't able to do better by America's children and their families.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, a prior colleague who spoke said that this 34-pound bill was that size and weight because of our photocopying. I just want to make clear for the RECORD that it was handed to us by the majority like that.

I yield 3½ minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, those of us who have teenage kids at home know very well the saying ''nothing good happens after midnight.'' That is why you have a curfew. Nothing good happens after midnight.

I would say the same holds true when you are putting together an omnibus. Here is what you get when you pass an omnibus and you present it after midnight; 34 pounds, some 3,400 pages of documents here that we have no idea what is in there. Any Member who says that he has read it isn't telling you the truth. Nobody has read through this thing. We will be discovering for months items that are in this bill that we simply don't know. Preliminary analysis, and you will hear me say this several times, because that is all you can do is a preliminary analysis, a cursory reading will tell you that there are 9,241 earmarks in this omnibus bill.

Now, we earlier in the year passed a couple of bills without any earmarks in saying we would probably be nearly earmark free when it comes to the omnibus, or when it comes to the end of the year, MILCON and I think Homeland Security, because typically, particularly Homeland Security, that bill is not traditionally earmarked. Well, guess what? It is now. There are well over 100 earmarks in the Homeland Security one, and I think over 150 in the MILCON, earmarks that I have never seen, I don't think anyone in this body has seen until midnight last night. So those are air-dropped earmarks, more than 300 of them, I think, in this bill that we have had no opportunity to see, let alone challenge on the House floor, we are just seeing for the first time now.

Let me just give you an idea of what happens when you do things after midnight. Here are a few of the earmarks that were slipped in. These, by the way, we are always told that you have to leave it open to air-dropped earmarks because there are vital things that need to be done. Maybe there is a natural disaster somewhere, something that you have to account for. Well, here is what was added last night. One was a $1.8 million earmark for the East Capitol Center for Change, Capitol Area Asset Building Corporation, and the National Center for Fatherhood to administer Marriage Development Accounts in the District of Columbia. That is something that couldn't wait for a regular bill to go through? Did we have to do that in the middle of the night? How about $400,000 for the Burchfield-Penny Art Center in Buffalo? The Burchfield-Penny Art Center was so important that we had to air-drop it into this bill and not have any challenge, any way to challenge it on the House floor.

Let me remind my colleagues that we agreed in the transparency rules earlier this year that if there were air-dropped earmarks into a bill, we would have an opportunity to offer a point of

order to strike them out, to at least eliminate them. We can't do that here because this is not a conference report. This is an amendment between the Houses.

We have had that before. Rules are only as good as your willingness to enforce them, and we have seen a pattern of unwillingness to enforce the rules or to seek ways around them. Now, some will stand up and brag and say, Hey, we have 40 percent fewer earmarks here than we had 2 years ago. They will say we have 40 percent fewer, the dollar value is down. Well, if you look at last year, we have, I think the figure is, about 400 percent more earmarks than last year. It is hardly, hardly a mark of fiscal discipline to have 9,200 earmarks in this bill when you have already had 2,000 pass in the defense bill. For one, that is not a 40 percent reduction, and two, it is about a 400 percent addition to last year.

Let's reject this rule and reject this bill.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York, the chairwoman of the Appropriations Subcommittee on State, Foreign Operations and Related Programs, Mrs. LOWEY.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the rule and of the Consolidated Appropriations Act, specifically division J on State and Foreign Operations. Division J reflects a bipartisan, bicameral effort by Ranking Member WOLF, myself, Senator LEAHY and Senator GREGG to address our strategic priorities, national security interests and invest in development, poverty reduction and global health. I also wanted to thank Speaker PELOSI and Chairman OBEY for their knowledge and their commitment to the priorities in this bill.

Just a few highlights. For those of us who did read the bill, what do we have, 20 hours, 3,500 pages. I am sure if you all divided it up, you would have a good understanding of what is in that bill.

Some highlights: $6.5 billion, $796 million above the President's request, for HIV/AIDS and other global health programs; $1.5 billion to address humanitarian emergencies, including Iraqi refugees; $550 million for the U.N. peacekeeping mission in Darfur, funding for Liberian security sector assistance and increased assistance for Africa; an expansion of basic education, safe water, environmental programs; $1.544 billion, 344 million above the Senate-passed level, for the Millennium Challenge Account. This funding will allow them to undertake all planned compacts and threshold programs this year. It maintains Israel's qualitative military edge. It maintains our development and security assistance to the people of Pakistan, assistance central to helping them fight al Qaeda, the Taliban and associated terrorist groups.

And I want to especially thank our staff for their tireless work in crafting the bipartisan bill, the division J of this Consolidated Appropriations Act. This bill will help make America be more secure and improve the lives of millions around the world, and I encourage my colleagues to vote for this bill.

Mr. LINCOLN DIAZ-BALART of Florida. I would ask my friend how many speakers she has remaining.

Ms. SUTTON. We have two speakers remaining.

Mr. LINCOLN DIAZ-BALART of Florida. I would reserve at this time.

Ms. SUTTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas, the chairman of the Appropriations Subcommittee of Military Construction, Veterans Administration and Related Agencies, Mr. EDWARDS.

Mr. EDWARDS. Mr. Speaker, this bill sends a clear message to America's service men and women, their families and their veterans that a grateful Nation deeply respects their service and sacrifice, provides the largest increase in VA health care funding in the 77-year history of the VA. The bill also provides funds to hire 1,800 new VA claims processors to reduce the serious backlog of benefits claims and reduce the time to process them.

On the military construction side, we increased $4.37 billion for BRAC, military construction and family housing, a 29 percent increase over last year.

I want to salute Speaker PELOSI and Chairman OBEY for making veterans and support of our military families the highest of priorities in the new Congress. Millions of America's veterans and military families will receive better health care and have a better quality of life because of their dedication to them.

I want to thank the majority subcommittee staff, an outstanding staff, the best anybody would have a right to work with, Carol Murphy, Tim Peterson, Walter Hearne, Donna Shahbaz and Mary Arnold, the outstanding minority subcommittee staff, Liz Dawson, Dena Baron, and my staffer, John Conger. I hope to offer a special note to the son of a distinguished Army soldier, Rob Nabors, Chief Clerk of the Appropriations Committee. Because of Mr. Nabors' good judgment, professionalism, calm demeanor and dedication, America's veterans and our military will benefit not just this year but for decades to come. Tonight, Mr. Nabors' father has a right to be especially proud of his son. And let me, along with that, thank Mr. WICKER for his partnership from day one in this effort.

The SPEAKER pro tempore. The gentleman from Florida continues to withhold his time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, with governing comes responsibility. The responsible vote on this rule and this bill is ''yes.'' The minority has talked about responsibility for the military. They are right. That is why this body and the other body passed a Defense Appropriations bill, $459 billion to support the military. The other side talks about responsibility for reducing the deficit. They didn't reduce the deficit when they were in the majority. We are reducing it by passing a budget that puts us back on the path to a balanced budget.

We also have a responsibility to listen to the concerns that are being raised by the men and women that we represent. They are worried about gangs and drugs. So this bill puts 34 percent more money into drug courts, nearly doubles the amount of money being spent on police support programs around the country. They are worried about porous borders and people coming into the country illegally. So this bill puts 15 percent more into customs and border enforcement. They are worried about high heating costs, being unable to pay their utility bills. So this bill puts 21 percent more into the program that helps people pay their utility bills.

Finally, there is all this talk about supporting and saluting our veterans. This bill stops talking and starts acting with a request that matches that which the veterans service organizations of this country asked us for, the largest increase in veterans health care in the history of the country. The responsible vote is ''yes.'' The irresponsible political course is to complain. Let's do the country's business, pass this rule, and pass this bill.

□ 2030

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a ''no'' vote on the previous question so that 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 while closing the loopholes we have found over the last few months.

Under the current rule, so long as the chairman of a committee of jurisdiction 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 or on the bill.

The earmark rule is also not applicable when the majority uses a procedure to accept ''amendments between the

Houses,'' such as with this legislation, the omnibus appropriations bill. Because the omnibus is not a conference report, the bill falls squarely within one of the loopholes to the earmark rule and the rules of the House will not require any disclosure of earmarks contained in the legislation. Any action as announced previously by the chairman of the Appropriations Committee is at his discretion.

I would like to direct all Members to a letter that House Parliamentarian, John Sullivan, recently sent to Rules Chairwoman SLAUGHTER, which confirms what we have been saying since January, that the Democratic earmark rule contains loopholes. In his letter to Chairwoman SLAUGHTER, the Parliamentarian states that the Democratic earmark rule ''does not comprehensively apply to all legislative propositions at all stages of the legislative process.''

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order ''except those arising under clause 9 of rule XXI'' should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called ''manager's amendment'' to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called ''manager's amendment,'' i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

Mr. Speaker, my amendment will restore the accountability and enforceability of the earmark rule. I urge my colleagues to close this loophole in the earmark rule by opposing the previous question.

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 urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 878
OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) the amendment printed in section 4, if offered by Representative Boehner of Ohio or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for forty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 4. The amendment referred to in section 2 is as follows:

Strike all after ''That'' and insert the following:

(1) Clause 9(a) of rule XXI is amended by striking ''or'' at the end of subparagraph (3), striking the period at the end of subparagraph (4) and inserting ''; or'', and adding the following at the end:

''(5) a Senate bill held at the desk, an amendment between the Houses, or an amendment considered as adopted pursuant to an order of the House unless the Majority Leader or his designee has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill and amendments (and the name of any Member, Delegate, or Resident Commissioner who submitted the request for each respective item in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration.''.

(2) 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 proposition. The question of consideration shall be debatable for 10 minutes by the Member initiation 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 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 implications 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 form 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 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 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 110TH CONGRESS

Ms. SLAUGHTER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 271) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 271

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and when the Senate adjourns on any day from Tuesday, December 18, 2008, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 15, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

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

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 of rule XX, this 15-minute vote on the concurrent resolution will be followed by 5-minute votes on ordering the previous question on House Resolution 878; adoption of House Resolution 878, if ordered; and motion to suspend the rules on H.R. 4286.

The vote was taken by electronic device, and there were—yeas 184, nays 218, not voting 30, as follows:

[Roll No. 1167]

YEAS—184

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—218

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Mitchell
Moore (KS)
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross