

Whitfield (KY) Wilson (SC) Wolf
Wilson (NM) Wittman (VA) Young (FL)

NOT VOTING—14

Andrews Gillibrand Rush
Carter Hinojosa Walden (OR)
Castor Kennedy Wexler
Crenshaw Kind Young (AK)
Fossella Paul

□ 1209

Messrs. MCKEON and TURNER changed their vote from “yea” to “nay.”

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

Stated against:

Mr. CARTER. Mr. Speaker, on rollcall No. 350, On Ordering the Previous Question, Providing for consideration of H.R. 5658, the Department of Defense Authorization, 2009, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted “nay.”

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 197, not voting 14, as follows:

[Roll No. 351]

YEAS—223

Abercrombie Davis (AL) Israel
Ackerman Davis (CA) Jackson (IL)
Allen Davis (IL) Jackson-Lee
Altmire Davis, Lincoln (TX)
Arcuri DeFazio Jefferson
Baca DeGette Johnson (GA)
Baird Delahunt Johnson, E. B.
Baldwin DeLauro Jones (OH)
Barrow Dicks Kagen
Bean Dingell Kanjorski
Becerra Doggett Kaptur
Berkley Donnelly Kildee
Berman Doyle Kilpatrick
Berry Edwards Kind
Bishop (GA) Ellison Klein (FL)
Bishop (NY) Ellsworth Langevin
Boren Emanuel Larsen (WA)
Boswell Engel Larson (CT)
Boucher Eshoo Lee
Boyd (FL) Etheridge Levin
Boyd (KS) Farr Lewis (GA)
Brady (PA) Fattah Lipinski
Braley (IA) Filner Loebsack
Brown, Corrine Foster Lofgren, Zoe
Butterfield Frank (MA) Lowey
Capps Giffords Lynch
Capuano Gonzalez Mahoney (FL)
Cardoza Gordon Maloney (NY)
Carnahan Green, Al Markey
Carney Green, Gene Marshall
Carson Grijalva Matheson
Caza-youx Gutierrez Matsui
Chandler Hall (NY) McCarthy (NY)
Childers Hare McCollum (MN)
Clarke Harman McDermott
Clay Hastings (FL) McGovern
Cleaver Herseht Sandlin McIntyre
Clyburn Higgins McNerney
Cohen Hill McNulty
Conyers Hinchey Meek (FL)
Cooper Hirono Meeks (NY)
Costa Hodes Melancon
Costello Holden Michaud
Courtney Holt Miller (NC)
Cramer Honda Miller, George
Crowley Hookey Mollohan
Cuellar Hoyer Moore (KS)
Cummings Inslee Moore (WI)

Moran (VA) Ryan (OH) Tauscher
Murphy (CT) Salazar Taylor
Murphy, Patrick Sánchez, Linda Thompson (CA)
Murtha T. Thompson (MS)
Nadler Sanchez, Loretta Tierney
Napolitano Sarbanes Towns
Neal (MA) Schakowsky Tsongas
Oberstar Schiff Udall (CO)
Obey Oliver Shuler Van Hollen
Ortiz Scott (VA) Velázquez
Pallone Serrano Visclosky
Pascarell Sestak Walz (MN)
Pastor Shea-Porter Wasserman
Payne Sherman Schultz
Perlmutter Shuler Waters
Peterson (MN) Sires Watson
Pomeroy Skelton Watt
Price (NC) Slaughter Waxman
Rahall Smith (WA) Weiner
Rangel Snyder Welch (VT)
Reyes Solis Wilson (OH)
Richardson Space Woolsey
Rodriguez Speier Wu
Ross Spratt Wynn
Rothman Stupak Yarmuth
Roybal-Allard Sutton
Ruppersberger Tanner

NAYS—197

Aderholt Gerlach Neugebauer
Akin Gilchrest Nunes
Alexander Gingrey Pearce
Bachmann Gohmert Pence
Bachus Goode Peterson (PA)
Barrett (SC) Goodlatte Petri
Bartlett (MD) Granger Pickering
Barton (TX) Graves Pitts
Biggert Hall (TX) Platts
Bilbray Hastings (WA) Poe
Bilirakis Hayes Porter
Bishop (UT) Heller Price (GA)
Blackburn Hensarling Pryce (OH)
Blunt Herger Putnam
Boehner Hobson Radanovich
Bonner Hoekstra Ramstad
Bono Mack Hulshof Regula
Boozman Hunter Rehberg
Boustany Inglis (SC) Reichert
Brady (TX) Issa Renzi
Broun (GA) Johnson (IL) Reynolds
Brown (SC) Johnson, Sam Rogers (AL)
Brown-Waite, Jones (NC) Rogers (KY)
Ginny Jordan Rogers (MI)
Buchanan Keller Rohrabacher
Burgess King (IA) Ros-Lehtinen
Burton (IN) King (NY) Roskam
Buyer Kingston Royce
Calvert Kirk Ryan (WI)
Camp (MI) Kline (MN) Sali
Campbell (CA) Knollenberg Saxton
Cannon Kucinich Scalise
Cantor Kuhl (NY) Schmidt
Capito LaHood Sensenbrenner
Castle Lamborn Sessions
Chabot Lampson Shadegg
Coble Latham Shays
Cole (OK) LaTourrette Shimkus
Conaway Latta Shuster
Cubin Lewis (CA) Simpson
Culberson Lewis (KY) Smith (NE)
Davis (KY) Linder Smith (NJ)
Davis, David LoBiondo Smith (TX)
Davis, Tom Lucas Souder
Deal (GA) Lungren, Daniel Stark
Dent E. Stearns
Diaz-Balart, L. Mack Sullivan
Diaz-Balart, M. Manzullo Tancredo
Doolittle Marchant Terry
Drake McCarthy (CA) Thornberry
Dreier McCaul (TX) Tiahrt
Duncan McCotter Tiberi
Ehlers McCrery Turner
Emerson McHenry Upton
English (PA) McHugh Walberg
Everett McKeon Walsh (NY)
Fallin McMorris Wamp
Feeney Rodgers Weldon (FL)
Ferguson Mica Weller
Flake Miller (FL) Westmoreland
Forbes Miller (MI) Whitfield (KY)
Fortenberry Miller, Gary Wilson (NM)
Foxy Mitchell Wilson (SC)
Franks (AZ) Moran (KS) Wittman (VA)
Frelinghuysen Murphy, Tim Wolf
Gallegly Musgrave Young (FL)
Garrett (NJ) Myrick

NOT VOTING—14

Andrews Fossella Rush
Blumenauer Gillibrand Walden (OR)
Carter Hinojosa Wexler
Castor Kennedy Young (AK)
Crenshaw Paul

□ 1218

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.

Stated against:

Mr. CARTER. Mr. Speaker, on rollcall No. 351, On Agreeing to the Resolution H. Res. 1218, Providing for consideration of H.R. 5658, the Department of Defense Authorization, 2009, I as unavoidably absent due to a family medical emergency. Had I been present, I would have voted “nay.”

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 350 and 351, had I been present, I would have voted “yea” on No. 350 and “yea” on No. 351.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. SERRANO). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 1221

Whereas the Democratic Leadership has engaged in a continuing pattern of withholding accurate information vital for Members of the House of Representatives to have before voting on legislation;

Whereas the conference report on H.R. 2419, which was adopted by the House on May 14, 2008, and the Senate on May 15, 2008, contained title III, relating to trade, which contained sections 3001 through 3301;

Whereas the Speaker and the Clerk certified that the enrolled copy of H.R. 2419 transmitted to the President was a true and accurate reflection of the actions taken by the House and Senate;

Whereas the enrolled copy certified by the Speaker and the Clerk and presented to the President failed to include title III and sections 3001 through 3301 and was not an accurate or complete document;

Whereas the President vetoed and returned to the House said certified copy;

Whereas before laying the President's message before the House, the Speaker and the Democratic Leadership were informed by the Office of the Law Revision Counsel and the Committee on Agriculture that said certified copy was erroneous and not an accurate or complete document;

Whereas on May 21, 2008, the Democratic Leadership deliberately chose to ignore that notification and instead allowed the House to vote on an incorrect version of this legislation;

Whereas a veto override requires $\frac{2}{3}$ of the House to vote in the affirmative, and knowledge of this mistake may have influenced each Member's decision and therefore changed the outcome of this vote, which is why the Democratic Leadership chose not to pursue a correction of this legislation;

Whereas the effect of these actions raises serious constitutional questions and jeopardizes the legal status of this legislation;

Whereas Speaker Pelosi and Majority Leader Hoyer knowingly scheduled and began consideration of the President's veto of H.R. 2419, without regard to the serious and obvious constitutional questions and detrimental implications to the sanctity of the House and its process;

Whereas at the direction of the Republican Leader, senior staff contacted the Chief-of-Staff to the Speaker and the Floor Director for the Majority Leader, requesting that they immediately halt consideration of the veto message until the facts surrounding the errors could be sorted out and all Members could be notified;

Whereas the Democratic Leadership refused that request;

Whereas in the 109th Congress, the current Speaker, Nancy Pelosi, offered a privileged resolution, H. Res. 683, accusing the Republicans of concealment, incompetence, and corruption with respect to the enrollment error of the Deficit Reduction Act;

Whereas the Deficit Reduction Act was the subject of numerous lawsuits questioning its validity due to the enrollment error, including a lawsuit filed by several Democratic Members;

Whereas in a memorandum from the Clerk of the House to Speaker Nancy Pelosi entitled "Farm Bill Omission" and dated May 21, 2008, the Clerk stated "Enrolling Division staff expressed concern in receiving direct calls from Leadership and the Committee to accelerate the enrolling process.";

Whereas the Democratic Leadership's repeated efforts to thwart the normal legislative process by cutting corners, ignoring requirements of the Constitution and House rules, and rushing through legislation with major errors, forces Members to vote on controversial legislation without thorough time for review and must be denounced:

Now, therefore, be it Resolved, That—

(1) the Committee on Standards of Official Conduct shall begin an immediate investigation into the abuse of power surrounding the inaccuracies in the process and enrollment of H.R. 2419, Food and Energy Security Act of 2007, vetoed by the President on May 21, 2008; and,

(2) the Speaker, Majority Leader and other Members of the Democratic Leadership are hereby admonished for their roles in the events surrounding this enrollment error.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. CARDOZA. Mr. Speaker, I move to lay the resolution on the table.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 188, answered "present" 10, not voting 16, as follows:

[Roll No. 352]

YEAS—220

Abercrombie, Ackerman, Allen, Altmire, Arcuri, Baca, Baird, Baldwin, Barrow, Bean, Becerra, Berkley, Berman, Berry, Bishop (GA), Bishop (NY), Blumenauer, Boren, Boswell, Boucher, Boyd (FL), Boyda (KS), Brady (PA), Braley (IA), Brown, Corrine, Butterfield, Capps, Capuano, Cardoza, Carnahan, Buchanan, Burgess, Burton (IN), Buyer, Calvert, Camp (MI), Campbell (CA), Cannon, Cantor, Capito, Castle, Chabot, Coble, Cole (OK), Conaway, Cubin, Culberson, Davis (KY), Davis, David, Davis, Tom, Deal (GA), Dent, Diaz-Balart, L., Diaz-Balart, M., Doolittle, Drake, Dreier, Duncan, Ehlers, Emerson, English (PA), Everett, Fallon, Feeney, Ferguson, Flake, Forbes, Fortenberry, Fossella, Foyx, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gilchrest, Gingrey, Gohmert, Goode, Goodlatte, Granger, Graves, Hall (TX), Hayes, Heller, Hensarling, Herger, Hoekstra, Hulshof, Hunter, Inglis (SC), Issa, Johnson (IL), Johnson, Sam, Jones (NC), Jordan, Keller, King (IA), King (NY), Kingston, Kirk, Knollenberg, Kuhl (NY), LaHood, Aderholt, Akin, Alexander, Bachmann, Bachus, Bartlett (MD), Barton (TX), Biggart, Bilbray, Bilirakis, Bishop (UT), Blackburn, Blunt, Boehner, Bono Mack, Boozman, Boustany, Brady (TX), Broun (GA), Brown (SC), Brown-Waite, Ginny, Buchanan, Burgess, Burton (IN), Buyer, Calvert, Camp (MI), Campbell (CA), Cannon, Cantor, Capito, Castile, Chabot, Coble, Cole (OK), Conaway, Cubin, Culberson, Davis (KY), Davis, David, Davis, Tom, Deal (GA), Dent, Diaz-Balart, L., Diaz-Balart, M., Doolittle, Drake, Dreier, Duncan, Ehlers, Emerson, English (PA), Everett, Fallon, Feeney, Ferguson, Flake, Forbes, Fortenberry, Fossella, Foyx, Franks (AZ), Frelinghuysen, Gallely, Garrett (NJ), Gerlach, Gilchrest, Gingrey, Gohmert, Goode, Goodlatte, Granger, Graves, Hall (TX), Hayes, Heller, Hensarling, Herger, Hoekstra, Hulshof, Hunter, Inglis (SC), Issa, Johnson (IL), Johnson, Sam, Jones (NC), Jordan, Keller, King (IA), King (NY), Kingston, Kirk, Knollenberg, Kuhl (NY), LaHood, Andrews, Carter, Castor, Cleaver, Crenshaw, Dingell, Gillibrand, Hobson, Kennedy, Kilpatrick, Lynch, Paul, Green, Gene, Hastings (WA), Jones (OH), Klaine (MN), McCaul (TX), Roybal-Allard, Rush, Walden (OR), Wexler, Young (AK), Tauscher, Not Voting—16, Andrews, Carter, Castor, Cleaver, Crenshaw, Dingell, Gillibrand, Hobson, Kennedy, Kilpatrick, Lynch, Paul, Green, Gene, Hastings (WA), Jones (OH), Klaine (MN), McCaul (TX), Roybal-Allard, Rush, Walden (OR), Wexler, Young (AK), Tauscher, ANSWERED "PRESENT"—10, Barrett (SC), Bonner, Delahunt, Doyle, Green, Gene, Hastings (WA), Jones (OH), Klaine (MN), McCaul (TX), Roybal-Allard, Tauscher, NOT VOTING—16, Gillibrand, Hobson, Kennedy, Kilpatrick, Lynch, Paul, Rush, Walden (OR), Wexler, Young (AK), Tauscher, □ 1242, Mr. GENE GREEN of Texas changed his vote from "yea" to "present."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against: Mr. CARTER. Mr. Speaker, on rollcall No. 352, On Motion To Table H. Res. 1221, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "nay."

FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6124) to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Food, Conservation, and Energy Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.
Sec. 3. Explanatory statement.
Sec. 4. Repeal of duplicative enactment.