

prior to the gentleman asking that the Committee do rise.

The CHAIR. The gentleman from West Virginia was the Member who sought recognition, and he had a motion preferential to an amendment.

Mr. PRICE of Georgia. I thank the Chair.

The CHAIR. The question is on the motion to rise.

The question was taken; and the Chair announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. SCHOCK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 124, not voting 136, as follows:

[Roll No. 350]

## AYES—179

Abercrombie	Grayson	Murphy (NY)
Ackerman	Green, Al	Murphy, Patrick
Adler (NJ)	Griffith	Nye
Altmire	Gutierrez	Obey
Andrews	Hall (NY)	Ortiz
Arcuri	Halvorson	Pascrell
Baca	Hastings (FL)	Pastor (AZ)
Baldwin	Heinrich	Payne
Barrow	Herseth Sandlin	Perlmutter
Berry	Himes	Perrillo
Bishop (GA)	Hinchev	Peters
Bishop (NY)	Hirono	Pingree (ME)
Blumenauer	Hodes	Polis (CO)
Boccieri	Holt	Pomeroy
Bordallo	Honda	Price (NC)
Boren	Hoyer	Quigley
Boswell	Inlee	Rahall
Brady (PA)	Israel	Reyes
Bright	Jackson (IL)	Richardson
Brown, Corrine	Jackson-Lee	Rodriguez
Butterfield	(TX)	Ross
Capps	Johnson (GA)	Roybal-Allard
Capuano	Kagen	Rush
Cardoza	Kanjorski	Ryan (OH)
Carnahan	Kildee	Sablan
Carson (IN)	Kilroy	Salazar
Castor (FL)	Kirkpatrick (AZ)	Sanchez, Loretta
Chandler	Kissell	Schakowsky
Childers	Klein (FL)	Schauer
Clarke	Kosmas	Schwartz
Cleaver	Kratovil	Scott (GA)
Clyburn	Kucinich	Sestak
Cohen	Langevin	Shea-Porter
Connolly (VA)	Larsen (WA)	Shuler
Cooper	Lee (CA)	Skelton
Costa	Levin	Slaughter
Courtney	Lipinski	Smith (WA)
Cuellar	Loeb sack	Smith (WA)
Dahlkemper	Loftgren, Zoe	Snyder
Davis (AL)	Lowey	Spratt
Davis (CA)	Lujan	Tauscher
Davis (TN)	Lynch	Taylor
DeFazio	Maloney	Teague
Delahunt	Markey (CO)	Thompson (CA)
DeLauro	Marshall	Thompson (MS)
Doggett	Massa	Titus
Donnelly (IN)	McCarthy (NY)	Tonko
Driehaus	McGovern	Towns
Ellison	McIntyre	Tsongas
Ellsworth	McMahon	Van Hollen
Engel	McNerney	Visclosky
Etheridge	Meek (FL)	Walz
Faleomavaega	Melancon	Wasserman
Farr	Michaud	Schultz
Fattah	Miller (NC)	Waters
Filner	Minnick	Watson
Foster	Mitchell	Watt
Frank (MA)	Mollohan	Welch
Fudge	Moore (KS)	Wilson (OH)
Giffords	Moore (WI)	Murphy (CT)
Gonzalez	Murphy (CT)	

## NOES—124

Akin	Biggart	Broun (GA)
Austria	Bilbray	Brown (SC)
Bachmann	Bishop (UT)	Brown-Waite,
Bachus	Blackburn	Ginny
Barrett (SC)	Boehner	Buchanan
Bartlett	Boozman	Burgess
Barton (TX)	Boustany	Burton (IN)

Buyer	Harper	Paulsen
Calvert	Hastings (WA)	Pence
Camp	Heller	Platts
Campbell	Herger	Posey
Cantor	Hoekstra	Price (GA)
Capito	Hunter	Putnam
Carter	Inglis	Reberg
Cassidy	Issa	Roe (TN)
Castle	Jenkins	Rogers (AL)
Chaffetz	Johnson (IL)	Rogers (MI)
Coble	Jones	Rooney
Coffman (CO)	Jordan (OH)	Ros-Lehtinen
Cole	King (IA)	Ryan (WI)
Conaway	Kirk	Scalise
Davis (KY)	Kline (MN)	Schmidt
Deal (GA)	Lamborn	Schock
Dent	Lance	Sensenbrenner
Diaz-Balart, M.	Latham	Sessions
Dreier	Latta	Shimkus
Ehlers	Lee (NY)	Shuster
Fallin	Lewis (CA)	Smith (NE)
Flake	LoBiondo	Smith (TX)
Fleming	Lummis	Stearns
Forbes	McCarthy (CA)	Terry
Fortenberry	McCotter	Thompson (PA)
Fox	McHenry	Thornberry
Franks (AZ)	McKeon	Tiahrt
Garrett (NJ)	McMorris	Tiberi
Gerlach	Rodgers	Turner
Gingrey (GA)	Mica	Upton
Gohmert	Miller (FL)	Walden
Goodlatte	Miller (MD)	Wilson (SC)
Graves	Murphy, Tim	Wittman
Guthrie	Neugebauer	Wolf
Hall (TX)	Nunes	Wu

## NOT VOTING—136

Aderholt	Hill	Paul
Alexander	Hinojosa	Peterson
Baird	Holden	Petri
Bean	Johnson, E. B.	Pierluisi
Becerra	Johnson, Sam	Pitts
Berkley	Kaptur	Poe (TX)
Berman	Kennedy	Radanovich
Bilirakis	Kilpatrick (MI)	Rangel
Blunt	Kind	Reichert
Bonner	King (NY)	Rogers (KY)
Bono Mack	Kingston	Rohrabacher
Boucher	Larson (CT)	Roskam
Boyd	LaTourette	Rothman (NJ)
Brady (TX)	Lewis (GA)	Royce
Braley (IA)	Linder	Ruppenger
Cao	Lucas	Sánchez, Linda
Carney	Luetkemeyer	T.
Christensen	Lungren, Daniel	Sarbanes
Clay	E.	Schiff
Conyers	Mack	Schrader
Costello	Maffei	Scott (VA)
Crenshaw	Manzullo	Serrano
Crowley	Marchant	Shadegg
Culberson	Markey (MA)	Sherman
Cummings	Matheson	Simpson
Davis (IL)	Matsui	Sires
DeGette	McCaul	Smith (NJ)
Diaz-Balart, L.	McClintock	Souder
Dicks	McCollum	Space
Dingell	McDermott	Speier
Doyle	McHugh	Stark
Duncan	Meeke (NY)	Stupak
Edwards (MD)	Miller, Gary	Sullivan
Edwards (TX)	Miller, George	Sutton
Emerson	Moran (KS)	Tanner
Eshoo	Moran (VA)	Tierney
Frelinghuysen	Murtha	Velázquez
Gallely	Myrick	Wamp
Gordon (TN)	Nadler (NY)	Waxman
Granger	Napolitano	Weiner
Green, Gene	Neal (MA)	Westmoreland
Grijalva	Norton	Wexler
Hare	Oberstar	Whitfield
Harman	Olson	Woolsey
Hensarling	Oliver	Young (AK)
Higgins	Pallone	Young (FL)

□ 2101

Messrs. AKIN and PLATTS, Ms. GINNY BROWN-WAITE of Florida, and Messrs. MCKEON and TERRY changed their vote from “aye” to “no.”

Mr. JACKSON of Illinois, Ms. BALDWIN, Ms. WASSERMAN SCHULTZ, Ms. CASTOR of Florida, and Messrs. LIPINSKI, DOGGETT and MINNICK changed their vote from “no” to “aye.”

So the motion to rise was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. ALTMIRE, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of inquiring about the schedule for the rest of the evening.

Mr. HOYER. I thank the gentleman for yielding.

First, I want the Members to understand the context in which we find ourselves. I have indicated—and I have had discussions with Mr. BOEHNER, with Mr. CANTOR and with Mr. LEWIS with reference to the appropriations bills—that none of us likes the omnibus appropriations bills.

In order to pass appropriations bills individually, you have to take appropriately significant time, but if you take so much time that you can't possibly get them done, then you are left at the end of the day with an omnibus appropriations bill which nobody likes.

In discussions with Mr. BOEHNER, with Mr. CANTOR and with Mr. LEWIS, Mr. OBEY and I have tried to come to an agreement on time constraints. There was a discussion on the floor during the course of the rule between Mr. OBEY and Mr. LEWIS with respect to time constraints, and at that point in time, that was not possible.

Subsequent to that, there were further discussions between Mr. OBEY and Mr. LEWIS in which there seemed to be some progress, perhaps, that was possible. As a result, we proceeded with the preprinting requirement that, I know, some people felt was an unnecessary constraint, but it is, after all, the opportunity to give notice to Members of what amendments can be anticipated; but I know that I've discussed it on your side of the aisle, and you felt that was an imposition. We felt it was an open rule because the amendments were not specified.

Notwithstanding that disagreement, there were 127 total amendments. One amendment just now was offered by Mr. SCHOCK, my good friend. He and I have a good relationship. We've traveled together, and I think he is a good Member. We accepted. Notwithstanding that, it took 20 minutes of debate and was going to be subject to a vote.

Now, if you multiply, say, 25 minutes—and we had a 15-minute vote. If

you multiply that by 127, you come to a pretty high number, making it impossible for us to complete, in my view, the appropriations process by the end of July. If we don't complete it by the end of July, frankly, we won't have the opportunity to conference with the Senate and, therefore, will not be able to complete the process in a timely fashion. I don't know whether that's the objective of some, but it is certainly not my objective.

As a result—I was not here—Mr. OBEY felt it necessary for us to go to the Rules Committee for the purposes of constraining time. In a body of 435 people in which everybody has an opportunity to do 5 minutes and to then, perhaps, even get yielded some additional time from somebody else who takes 5 minutes, it would be impossible to complete 10 amendments, much less 127 amendments, in a time frame that we agreed to in a unanimous consent request in 2006 and in 2005.

In fact, on this bill, the average number of amendments that were offered when you were in the majority was 30, the average number. There was a high of 46. In 2004, 16 amendments were offered—10 Republicans and 6 Democrats. In other words, for your bill, you offered more amendments to your bill than we offered to your bill. We would like to proceed in a fashion that is reasonable and that provides for opportunities for amendments to be offered, but we also believe that it is our responsibility to ensure that the appropriations process is completed.

So, when Mr. OBEY asked that the Committee rise, it was, at that point in time, the intention to go to the Rules Committee to provide for amendments in order, not all 127 amendments—I can't predict how many amendments. There are a lot of duplications in that—and to provide for, however, time constraints within which we can do our business. We do not think that's unreasonable, and we certainly don't think it's unfair.

I will tell you that, in 2007, we proceeded for 10 bills without time constraints. From our perspective, we thought we had an agreement that we would use the same time that we gave to you in 2006 when you were in the majority and were controlling. We gave this to Mr. LEWIS. Notwithstanding that, we believe we went at least 53 hours overtime. That is 53 hours longer than the unanimous consent constraints that we gave to you when you were in the majority and we were in the minority. As you know, the last two bills were very contentious because we did, in fact, pursue them under a rule.

I want to say to the Members, particularly who are new, that, while appropriations bills have historically been open, they have historically not taken—as a matter of fact, some of the biggest bills have taken some of the shortest times—the Labor-Health bill and the Defense bill. I've served on the Appropriations Committee from 1983

until I became majority leader 2½ years ago, so I'm fairly familiar with the procedures under which we operate.

So I tell my friend, the Republican whip, that the reason for rising was to give us the opportunity to go to the Rules Committee and to provide for, as I said, time constraints in which we can effectively complete this bill.

I want to say to the Members that we did not expect to have votes. We had votes. Your side believed that we ought to have votes, so we had a vote to rise, but we have made efforts to try to reach agreement to provide a process in which we can complete the appropriations bills.

Very frankly, we think that, in years past, there have been a lot of amendments that have been offered, not for the purpose of the substance of the amendment but for the purpose of simply delaying the ability to get our work done. We've been in the minority ourselves. We understand the frustration that exists; but my responsibility as the majority leader and as the manager of this floor is to provide for the completion of our appropriations process one at a time so that we can consider them on their merits and then, hopefully, pass them individually and have them signed. It would be my hope to have them signed before the beginning of the fiscal year. That's our thought and plan.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would, first of all, respond to speak to the issue of the 127 amendments having been filed. I think that it's certainly a result of and, perhaps, due to the unintended consequences of imposing a preprinting requirement.

As the gentleman and I have discussed, many of our Members felt it necessary to prefile their amendments to preserve their right to proffer an amendment without necessarily having the intention of following through with offering that amendment. There are several amendments that are duplicative. There are many amendments that our Members have already said that they would not offer.

So I would say to the gentleman that it is hard for us on this side of the aisle to stand here and to accept the notion that somehow, 30 minutes into the debate and on page 2 of line 7 of the bill and while in discussion of the first Republican amendment, that was where you drew the line and decided that the tactics by us were going to be dilatory. It certainly seems to me, I would say to the gentleman, with all due respect, that there was some preconceived notion that this was the direction in which the majority was going to head regardless.

Furthermore, Madam Speaker, I will say to the gentleman—and the gentleman and I have spoken about this—it is our intention to practice some good faith and to ask the majority to engage with us, to allow our Members to come to the floor, to deliberate in the context of the only constitutional

duty of this body, which is the expenditure of taxpayer dollars, and to allow our voice to be heard.

I hardly think, Madam Speaker, that the decision to close this process after 30 minutes, to close this process after just the first Republican amendment, is at all being made in good faith.

So I ask the gentleman again: What is the thinking of the majority here? The first appropriations bill. The first Republican amendment. How is it that we can expect a good-faith debate?

Our Members complied with your rule—unprecedented. The gentleman speaks to prior years and to the number of amendments that came up on this bill and on others. He knows as well as I that the preprinting requirement was not in place. This is the unintended consequence of a preprinting requirement, the 127 amendments. We have had that discussion. There will not be discussion and debate and votes asked for 127 amendments. So we stand here in good faith and want to engage with the Members on your side of the aisle.

So I ask the gentleman: What is it? What is the intention tonight—to go back to Rules? Our Members have already been told their amendments will be accepted. Now how should they proceed?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Let me reiterate what the gentleman knows to be the case. He and I have discussed this matter on at least three different occasions. They were, I think, friendly discussions. The gentleman indicated that he did not believe an agreement was possible on the time constraints. Mr. BOEHNER indicated that to me as well, so it's not as if we haven't had significant discussions about this. You also, in fairness, did indicate to me that the preprinting requirement would be something that your side would take umbrage at.

Mr. OBEY, I think correctly, said both sides like notice of actions that are to be taken on the floor. In fact, when we take notice, when we do less than 24 hours, you rightfully believe that's inappropriate. I agree with you on that, and we try to do that. Sometimes we don't make it.

□ 2115

But the fact is that this is not as if we haven't had some discussions over at least the last 2 months about this issue. And from my perspective—I don't want to speak for Mr. OBEY, who has spoken with Mr. LEWIS as well—but over the last 2 months I have seen nothing that indicated to me that time constraints would be agreeable to your side of the aisle, not from you, not from Mr. BOEHNER, not from anybody else, not from Mr. LEWIS, who on this floor just hours ago indicated that there would not be any time agreements possible.

So in that context, I am in a position where, if that's the case—and you may

well be correct that 127 wouldn't be offered, but very frankly, our experience in 2007—now, in 2008, the appropriation process was attenuated, as you know. It upset you and disappointed me that we didn't have bills. The reasons for that, obviously, dealt with mainly the Appropriations Committee fighting about energy, as you know. One can blame one another for that, but in any event, it didn't go forward. Nobody was pleased that we didn't consider the bills individually, and we ended up, as you well know, earlier this year doing an omnibus appropriation bill. We did omnibus appropriation bills frequently when you were in charge of the House, as well. Neither side liked that then or when we did it.

So I tell my friend, the intention is going to be to try to construct time frames—and we would be glad to have further discussions with you on those—which will allow for these 12 bills to be done in the time available to us between now and July 30. Because if we don't get them done, I guarantee you that when we get back in September, with 21 days left to go, we will not be able to conference these bills and get them done. That is a practical matter. For those of you who are new, I will tell you that. For those of who have been here, you understand that that's the case.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would respond, first of all, to the suggestion that the discussions that we've had, and others, over the last 2 months as to whether an agreement was possible, frankly, is unprecedented. Because in years past in the appropriations process, time agreements were arrived at once the number of amendments were known, and we worked out the agreements and debate ensued thereunder.

We did not know prior to the deadline and the cutoff of preprinting requirements as to how many amendments there would be. So we do know now how many amendments there would be. But again, Madam Speaker, I say what sticks with us, and not very well, is your decision to cut debate off on page 2, line 7 of the bill after the first Republican amendment. Madam Speaker, again, with all due respect, that does not speak in good faith about the majority's intention to allow us the opportunity to speak to the issues surrounding the expenditure of taxpayer dollars. That is not good faith.

We stand here in good faith, as the gentleman and I have discussed prior, and we want the opportunity to show you that we can conduct debate in good faith, deliberate on the people's business, and not be shut out summarily. And it is very hard, again, Madam Speaker, for us to accept that the majority had any intention of allowing debate if we shut it off after 30 minutes and the first Republican amendment.

So I say to the gentleman, we stand here and we ask you to allow us to proceed this evening, allow us to demonstrate good faith so that then the

majority can then match that good faith and we can proceed in this House in normal course in the appropriations process.

I yield back the balance of my time.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0250

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. McGOVERN) at 2 o'clock and 50 minutes a.m.

#### REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2847, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-158) on the resolution (H. Res. 552) providing for further consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### GENERAL LEAVE

Mr. PERLMUTTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2847.

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

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONNOLLY of Virginia (at the request of Mr. HOYER) for today (up until 4:00 p.m.) on account of his daughters' graduation.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 2 o'clock and 52 minutes a.m.), the House adjourned until today, Wednesday, June 17, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

2195. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Air Race, Detroit River, Detroit, MI [Docket No.: USCG-2009-0089] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2196. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; F/V PATRIOT, Massachusetts Bay, MA [Docket No.: USCG-2009-0424] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2197. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.4 to Mile Marker 0.6, Pittsburgh, PA [Docket No.: USCG-2009-0016] (RIN: 1625-AA00) received June 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2198. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World June Fireworks; Mission Bay, San Diego, California [Docket No.: USCG-2009-0267] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2199. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World Fireworks Season Kickoff; Mission Bay, San Diego, California [Docket No.: USCG-2009-0279] (RIN: 1625-AA00) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2200. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ocean Beach Fourth of July Fireworks; Pacific Ocean, San Diego, CA [Docket No.: USCG-2009-0122] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2201. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Big Bay Fourth of July Fireworks; San Diego Bay, San Diego, CA [Docket No.: USCG-2009-0123] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2202. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay Yacht Club Fourth of July Fireworks; Mission Bay, San Diego, CA [Docket No.: USCG-2009-0124] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2203. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World Memorial Day Fireworks; Mission Bay, San Diego, California [Docket No.: USCG-2009-0265] (RIN: 1625-AA00) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2204. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World 4th of July Fireworks Display; Mission Bay, San Diego, California [Docket No.: USCG-2009-0103] (RIN: 1625-