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House of Representatives

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008—Continued

Ms. FOXX. Mr. Chairman, the Democrats campaigned on transparency, and I will give you a quote again from Speaker of the House. ''We will bring transparency and openness to the budget process and to the use of earmarks, and we will give the American people the leadership they deserve.''

Majority leader: ''We are going to adopt rules that make the system of legislation transparent so that we don't legislate in the dark of the night.'' And I think we're in the dark of the night right now.

We need to have earmarks subject to more debate. That's what debate and public awareness is all about. Democracy works if people know what's going on.

Homeland Security Appropriations Subcommittee Chairman DAVID PRICE, the bill we're debating tonight: ''This bill mandates that all grant and contract funds be awarded through full and open competitive processes, except when other funding distribution mechanisms are required by statute.''

□ 0000

''This approach creates a level playing field and also ensures that there are no congressional or administration earmarks in the bill.''

Again, we don't know what is here.

The Rules Committee chairwoman: ''Our rules package requires full disclosure of earmarks in all bills and conference reports before Members are asked to vote on them,'' House floor remarks, January 4, 2007.

Folks, there is some hypocrisy going on here, and that is what we are calling you on. You promised a different process.

The CHAIRMAN. The gentlewoman will direct her remarks to the Chair.

Ms. FOXX. Mr. Chairman, the majority party promised a new process. We are not getting that new process.

Mr. Chairman, I move that the Committee do now rise.

I yield back the balance of my time.

The CHAIRMAN. The gentlewoman may not offer that motion on another Member's time.

Mr. WEINER. Mr. Chairman, I move to strike the last word. Mr. Chairman, it is——

Mr. PRICE of Georgia. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The gentleman will suspend.

The gentlewoman from Oklahoma did not complete her 5 minutes and no one yielded back. The Chair then recognized the gentleman from New York.

POINT OF ORDER

Mr. PRICE of Georgia. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PRICE of Georgia. A precedent motion was offered after the gentleman moved to strike the last word. The motion was that the Committee do now rise.

The CHAIRMAN. The gentleman had been recognized. The motion is renewable, but the motion cannot interrupt someone who has been recognized.

POINT OF ORDER

Mr. GOHMERT. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will state his point of order.

Mr. GOHMERT. Mr. Chairman, the point of order is that this woman is the one who had the time. She did not yield it back. It was not appropriate to go to someone else until she had yielded back her time. That is the point of order.

The CHAIRMAN. No one had made a motion who was able to make a motion.

The Chair will not try to explain the rules in the midst of an uproar.

Mr. GOHMERT. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order

Mr. GOHMERT. Mr. Chairman, this point of order did not ask for an explanation. It asked that the rules be followed, not explained.

The CHAIRMAN. The Chair is following the rules.

The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Mr. Chairman, it is gratifying to hear so many of my colleagues express their understanding of what happened in the campaign of 2006 and why a majority party on that side turned into a minority party. They are right. Some of it was because of the abject abuse of the earmark process. Some of it was about the abject abuse that resulted in people being indicted and people going to jail.

But that was only part of it. We on this side of the aisle got that message. That is why we have a transparent process that is going to open up all the earmarks to scrutiny. But that was only part of it.

The fact that some commentators have referred to the previous leadership of the party of this House as the most ethically bankrupt in our Nation's history, that was only part of the reason that the American people rejected the Republican mission.

They also rejected it because they ran up the largest deficits in recent memory. They rejected the Republican rule because there was a war that was being prosecuted without any oversight on that side of the aisle. The fact that wages were stagnant and the minimum wage hadn't been raised; that it was more and more difficult for the middle class and those struggling to get into the middle class to send their kids to college.

Well, on the Democratic side, we said we are going to work late into the night past the dilatory efforts of our colleagues because we are here to fight for the American people.

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You say, one way or another you are going to get your way by doing motion after motion after motion.

I have got to tell you something. It is worth it. It is worth it. This fight is important enough that we are prepared to stand here and try to get a Homeland Security bill to protect the American people. We are prepared to do it. We are prepared to stay here all night for a transparent process that allows us to assess some of these thousands of earmarks submitted by both sides of the aisle.

Mr. Chairman, do you know how I know with certitude that we are going to pass this bill to protect the American people by having a Homeland Security bill that is sound? Because we said we were going to make it easier for parents to send their kids to college, and we did it. We said we were going to raise the minimum wage, and we did it. We said we were going to crack down on these oil companies getting tax breaks for doing nothing more than gouging the American people, and we did it. We have done the things the American people have sent us here to do.

The only way that my colleagues on the other side can think from stopping us to achieve the agenda of the American people is every couple of minutes saying, We want to go home. We have worked hard enough. We want to rise.

We are not going anywhere. You can do it again and again and again. And we will wait you out.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. WEINER. Mr. Chairman, tell them this. We will wait. We will wait because this is too important, if you want to trivialize the process.

I don't blame you for not wanting to debate this bill because the leadership of the previous Congress was shameful. There was no oversight. There was no questioning. There was no sense of what the responsibility is of this Congress. And your vision, or absence thereof, was rejected by the American people.

Now, my colleagues on the other side, the colleagues that my back is facing, are destined to be in the permanent minority because the American people want us to achieve things. We are committed on this side of the aisle to doing it. And if you think that you have problems with this bill, make an amendment to it. Make 10 amendments. Make 30 amendments.

We are going to be here because we believe in something else: Having an open rule to allow you to do this.

The CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. WEINER. Mr. Chairman, we think that more and more it is becoming clear that we have a good portion of this institution that wants to solve these problems in a bipartisan way if we can, and as Democrats alone if we must. But one way or another, if you think, as one of the previous speakers said, ''You are going to do it our way or we are going to keep making motions to rise,'' keep doing it. We are not going anywhere. We are here to fight for the American people for 2 years, and we are not giving up.

There are people making much bigger sacrifices than we are. What we are here to do is to try to honor their sacrifice, honor the things the American people are going through. And that is why the American people turned to a Democratic House; a Democratic Senate; and in a matter of months, a Democratic President of the United States.

Mr. MCCOTTER. Mr. Chairman, I move to strike the last word.

Granted, I cannot bring you the histrionics and gesticulations because I am not from a big city like New York. I'm just a simple country lawyer from Detroit.

But I am reminded of a phrase that Ralph Waldo Emerson used in one of Robert Kennedy's favorite poems. It's called ''Fame.'' And he used the phrase ''Being for Seeming bravely barter.'' And that is what this has become an exercise in.

The reason that we are here is not because we want to rush this bill. I think you would be quite pleased if we were in a hurry to leave. I think, Mr. Chairman, that the majority would be very happy with us if we were willing simply to take whatever was offered and move on, as much of what happened during the first grand and glorious 6,000 minutes where if they had the votes, the minority services were not required.

The reason that we are here today is so that we can seem to be doing our work. If you pass an appropriation bill, your constituents are going to come back to you and say, Okay, tiger, what was in the appropriation bill? And we will then say, What? Well, I don't really know, but I did my work.

It is akin to being on an operating table where the doctor opens you up and knows he has to put something inside of you, and then shoves you off to outpatient therapy saying, Well, don't worry. We will figure that out later and don't think about it because we still haven't decided what is going to go back in you.

We are trying to bring transparency to a system that does not have it because it wants to put perception over policy. That is what we are fighting for. It is not our way. It is the American way. We are trying to make sure that we do our work in the sunlight, not in the dark of night, so that America knows we are appropriators, not vampires.

As a country lawyer from Detroit, I am reminded that this appropriation process is much like closing the barn door after the horse has left, and when you watch that fine steed leave, you know the rear view is not all that it is cracked up to be.

We have learned a painful lesson as a former majority. We did not realize, I think, the historic opportunity we had to lead this Nation to transformational times, but at least we tried to be honest about the process, certainly more honest than the new majority has portrayed themselves to the American people.

Mr. Chairman, ''Those who do not learn the lessons of history are condemned to repeat them.'' I sincerely hope so, because you are repeating so many of the mistakes we made, I can hardly get to sleep at night, I am so happy to see it. Except for one thing: The American people deserve better. Give them the process that allows them to weigh their determinations that we make here in a fair, full, and honest manner. Give them the government they need so that you do not become an empty majority as this new minority once was.

And I wish to close with this. Prove me wrong. Because as of today, as of tonight, I know two things: My party stalled moving America forward, but right now you have stalled moving America backward.

Mr. Chairman, I yield back the balance of my time.

MOTION TO RISE OFFERED BY MR. MCCOTTER

Mr. MCCOTTER. Mr. Chairman, I move that the Committee do now rise.

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

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 216, not voting 33, as follows:

[Roll No. 462]

AYES—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Crenshaw
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
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo

Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Christensen
Clarke
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—33

Bordallo
Boucher
Carson
Clay
Coble
Conaway
Conyers
Davis (AL)
Davis, Jo Ann
Dingell
Doyle
Edwards
Faleomavaega
Fortuño
Gordon
Gutierrez
Harman
Hastert
Holden
Hunter
Myrick
Norton
Paul
Peterson (PA)
Rangel
Sessions
Smith (TX)
Souder
Stark
Van Hollen
Wamp
Weldon (FL)
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 0030

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. LARSON of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to address this distinguished House and yield to the distinguished gentleman from Wisconsin (Mr. OBEY), who has done a terrific job tonight in hoping to bring comity and understanding to this great, august body.

Mr. OBEY. Mr. Chairman, I would like, if I could, in a calm atmosphere to simply walk Members of the House through some of the facts so that they understand exactly what it takes for the staff to prepare earmarks for consideration by the Congress.

Yesterday, we were told in the Appropriations Committee by our Republican friends, at least by some of them, they would ask me, what is the hurry? Why can't you slow down these bills until you can attach the earmarks? Today, our colleague from Georgia, Mr. PRICE, said on the floor, these bills are already 1 month late, implying that the Republicans last year were able to move the bills to the floor faster.

That is right. They did.

I want Members to understand why if we started tonight it would take a good 3 to 4 weeks to prepare all of the earmarks that Members are requesting. Let me explain why.

Our staff doesn't just have to wade through these requests. Some of these requests that we receive propose to place earmarks on programs such as the National Institutes of Health, for instance, which have never before been earmarked, earmarks which the Members on both side of the aisle strongly oppose. So we have to work with those Members to reshape those earmarks.

Some requests come in, but they are duplicative. You may have four or five Members propose the same earmark, but they describe it differently, and the staff has to wade through and reconcile them so they understand it is really the same item.

Some earmarks that are requested fail to make clear which programs the requested funds are supposed to come from, so we have to plug in with Members to get answers to that.

Some requests ask that funds that are earmarked within a specific program be used for purposes which are not authorized by the underlying authorization, so again we have to go back to those Members and review those projects and rework them so that they are eligible.

That is why it is an immense job for the staff to review, especially when we have 32,000 requests.

There is another reason why we have lagged on earmarks, and that is because we chose to do substance over worrying about pork. What we did, after almost 5 years of virtually no oversight by this Congress, we chose to intensify oversight and devote our staff time and Member time to that, rather than people's boodle. As a result, we held 224 hearings, as opposed to 117 last year under the Republican regime.

That is why we have come to the House with the proposition to make certain that we do have transparency, that we will have names attached to every earmark whenever they appear in the process, and we are following a process which has been engaged in by the majority party on the major domestic appropriation bills of each year, and the majority party engaged in this same process for 7 out of the last 12 years. The only difference is, they didn't provide 30 days' notice before those bills went to conference with those earmarks, and our process would.

I know it is late in the evening and I know that Members like to score partisan points, but the fact is, Members, especially those who are not on the Appropriations Committee, are owed the courtesy of at least understanding what it is that the staff has to go through in order to prepare earmarks for everybody.

Now, I don't have a Republican list of earmarks.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(On request of Mr. BOEHNER, and by unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I thank the gentleman for his courtesy.

Mr. Chairman, let me simply say, I don't have any idea what earmarks our Republican friends would want to see included in, for instance, the Labor-Health-Education bill.

But the fact is, there is one other protection that we want to have in our process: Unlike the past, when some Appropriation subcommittees simply said Democrats, you look at yours, Republicans look at yours, and then do whatever you want, what we are going to try to do is to make certain that you get to see ours and we get to see yours so that we have that safety valve built into the system. That will protect the taxpayer and that will protect the reputation of this institution, and I think Members know it.

Mr. Chairman, I would urge Members to remember that our job tonight, after all, is to try to pass a Homeland Security bill, which has traditionally been virtually without earmarks.

Mr. Chairman, I thank the gentleman for the time and I thank the gentleman for his courtesy.

Mr. BOEHNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, some of my colleagues probably are wondering why at 20 minutes to 1 we are still in the House Chamber debating this issue. I think all of us understand that there is a difference over the amount of money being appropriated in this bill and what is being allocated to all of the appropriation bills.

If we go back and review the bidding on the spending levels over the course of this year, we spent an additional $6 billion in the CR back in February. We spent an additional $17 billion over and above the President's request for the supplemental spending bill for Iraq, Katrina, and a whole host of other issues that many Members did not support.

When we look at the appropriation bills for the fiscal year 2008 beginning in October, we see that we are going to spend an additional $20 billion. So if you add those numbers up, you can see that we are spending tens of billions of dollars, well above what the President requested for not only this current fiscal year, but the next fiscal year.

If that isn't bad enough, let's also remember that this Congress in this first 5 months has already authorized some $105 billion of new spending in their proposals that have been brought to this floor and passed. So for many of us, at some point we have to say, enough is enough when it comes to spending.

The second issue involves the transparency and accountability with regard to earmarks. Last year I went through hell and high water to put into effect an earmark reform proposal that dealt with appropriation bills, that dealt with authorization bills and dealt with tax bills. It required full disclosure, it required names to be attached, and it allowed Members of this House, both on the floor of this House with an appropriation bill or authorization bill or tax bill, or a conference report with regard to an appropriation bill, tax bill or authorization bill, to move under a point of order or to strike that amount of money.

There are 435 of us in this Chamber who are well-equipped to deal with bringing the accountability into this process that all of us want. The Democrat majority in January, when they adopted their rules, gutted the earmark reform proposal that we put into effect last year, while at the same time saying that they were making it stronger.

The fact is, Members do not have access to these earmarks in these bills. We have all heard the stories tonight about what the chairman expects to do after we pass the appropriation bills, with these slush funds included in them, secret slush funds, which will later be allocated based on the decision of one person, one of the 535 of us. It is not right, and the gentleman from Wisconsin knows it is not right.

Now, the gentleman from Wisconsin says we haven't had time to do this. I can tell the gentleman from Wisconsin over the last 3½ months we have, as he has often said, posed for holy pictures over the fight over funding our troops in Iraq and Afghanistan and around the world. We had plenty of time to look at those earmarks, but we didn't do it because we were busy posing for holy pictures.

I can tell the gentleman that to bring a bill forward with no earmarks in it with a promise that we will all see them later is not good enough. I think the Members on our side of the aisle want real disclosure, want real transparency, and I think what the American people want most is real accountability.

Now, let me get to the last issue. For 6 years the gentleman from Wisconsin had the 10 o'clock rule. When we were doing appropriation bills, the majority on our side was not allowed to work after 10 o'clock.

Now, I happen to agree with the gentleman from Wisconsin, because I think working after 10 o'clock is not in the best interests of our Nation. For the nine out of 10 times that we have tried to work after 10 o'clock at night, my colleague from Wisconsin refused to operate after 10 o'clock and threatened all of us that if we worked after 10 o'clock, we would have all of these procedural motions, motions to rise, and we would not be here.

Now, I told the gentleman, I agree with the gentleman from Wisconsin. I go to bed at 10 o'clock. I don't think good work happens after 10 o'clock at night. So what I told the majority earlier today is that we weren't going to work after 10 o'clock at night because we were going to impose the Obey rule on the institution.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I would be happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman.

Let me point out there is one critical difference between last year and tonight: Last year, you agreed that we would shut down at 10 o'clock because we agreed to put time limits on all of the amendments so we could finish the bills.

I cooperated procedurally so that you could move every single bill through the House, even though I disagreed with some of them.

The key was that we each got something. You got to finish the bills, and we agreed that because we were setting time limits on amendments, that, therefore, there would be no need to work in the evening. You haven't been willing to agree to time limits.

Mr. BOEHNER. Mr. Chairman, reclaiming my time, Mr. OBEY, I will say this: I will be happy to abide by the 10 o'clock rule if you will give real transparency and real accountability to the American people on earmark reform.

Mr. Chairman, I yield back the balance of my time.

MOTION TO RISE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I move that the Committee do now rise.

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

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 213, not voting 37, as follows:

[Roll No. 463]

AYES—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Cole (OK)
Crenshaw
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
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—213

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)

Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Castor
Chandler
Christensen
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—37

Bordallo
Boucher
Capuano
Carson
Carter
Clay
Coble
Conaway
Davis, Jo Ann
Dingell
Doyle
Edwards
Faleomavaega
Fortuño
Gutierrez
Harman
Hastert
Holden
Hunter
Lantos
Lowey
Murphy, Patrick
Myrick
Norton
Paul
Peterson (PA)
Rangel
Schakowsky
Sessions
Shimkus
Smith (TX)
Stark
Taylor
Towns
Waxman
Weldon (FL)
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. LARSON of Connecticut) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 0100

Mrs. MALONEY of New York changed her vote from ''aye'' to ''no.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. EMANUEL. Mr. Chairman, I move to strike the last word.

The minority leader brought up two essential points which were basically, at that point, why we were here at a quarter to 1 in the morning. The first point dealt with the issues of fiscal responsibility and spending, and the second issue dealt with earmarks and the procedure or transparency and the questions that the minority had.

On the first issue of fiscal responsibility, he said that they were tired of the amount of spending that was going on and how basically flagrant spending had happened under Democrats.

After 6 years and $4 trillion of new debt run by a Republican President and Republican Congress and Republican Senate, I do appreciate your conversion on the road to Damascus as it relates to fiscal responsibility and spending. And I do believe that after we've seen the highest increase in the Nation's debt in the shortest period of time under a Republican Congress and a Republican President, adding $4 trillion to the Nation's debt, that you have decided enough is enough when it comes to a piece of legislation on homeland security, 5 years after the strike on 9/11. I think it's ironic that it's on this bill that you have decided the spending issue you want to debate.

Now, the minority leader did offer, and he has said as recently as a couple weeks ago, when we have certain debates on the war in Iraq, protecting America, to always be conscious that people from around the world are watching this debate. So I do believe as it relates to homeland security, as we try to protect our borders, as we try to protect our ports, and as we try to protect our cargo, I'm sure the terrorists around the world are quaking in their boots on the motions to rise. You've given them nothing but fear as that issue emerges. That is your right.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. EMANUEL. Mr. Chairman, and since it's often noted on the politics of what has happened in the last election, which is the issue of earmarks, as it relates to the motion to rise, you are long on process and short on policy.

What does this bill actually do? And it's ironic that it's the Republican Congress that basically has enacted, for lack of a better term, a filibuster in name that prevents us from considering 3,000 new border agents.

It's ironic that it is the Republicans in the minority who have dealt with, for the first time we're dealing with adding funding for nuclear material detection, you're preventing that to be voted on.

It's the Republican minority who is dealing with, as it relates to our port security, adding 100 percent new equipment and radiation detection to deal with radiation coming into the port which we know from all the intelligence is an attempt by those who are trying to hurt and harm America, and there's also an increase in our cargo protection.

We've increased funding for our police and fire equipment and fire departments; grants to study and make sure urban areas know how to deal with an emergency; transit grants in case terrorists try to strike our areas in major urban areas; fire grants; communications equipment for police and firefighters; port security funding; explosive detection system; air cargo explosive screening; customs and border agents, adding, as I said, 3,000 new agents for the border, 250 additional customs agents; law enforcement efforts for customs officers; fence requirements all for our border, all this to make sure that our borders, our cargo system, and our ports are secured.

Anytime you want to have that discussion, as long as you want to have that discussion, we are ready to have that discussion of what it takes to secure America, but after 5 years of the strike on America, I find it somewhat poetic that this would be the bill that on procedural grounds you would decide to bring the Congress to a halt.

And I do appreciate since there are no earmarks in this legislation, you seem to be making an argument about earmarks on this issue that fully funds our efforts to secure America.

To the minority leader's second point on earmarks, the question is, and it's a legitimate question for us to debate, have we lived up to our rhetoric?

The CHAIRMAN. The time of the gentleman has expired.

Mr. EMANUEL. I request an additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. MCHENRY. I object.

The CHAIRMAN. Objection is heard.

Mr. GOHMERT. Mr. Chairman, I move to strike the requisite number of words.

With regard to the remarks just made, Mr. Chairman, I think what is happening here from the Republican side is not an objection to funds for national security; it's the secret funds for Democratic security we're concerned about.

So we've also heard discussion from the chairman of the committee about a circus. We heard the term ''circus'' numerous times, and that's what got my attention. It got me to thinking about a circus. Most of us have been to circuses. Let me tell you about a circus.

A circus, it's not the most expensive circus, but it's one where you have some trained dogs, maybe they're yellow, maybe they're blue, but you have some trained dogs who get in a line and run in a circle, jump through hoops when the ringmaster tells them; they sit when the ringmaster tells them. These blue, yellow dogs, whatever color dogs, they stand on their hind legs and dance when the ringmaster tells them. They do what the ringmaster says, and it's against their instincts for their own security, it's against their instincts for their own well-being and

their family's well-being, but it's all to please the ringmaster. Now, that is a circus.

Now, regarding earmarks, we did have earmark reform last year, and when I heard all of the promises from the other side about there was going to be even greater earmark reform, I thought, you know, that really could be a good thing. But the old saying around Washington is that no matter how cynical you get, it's never enough to catch up, and I'm beginning to see there's something to that because all those promises about taking our earmark reform and going much further went out the window.

As the minority leader said, we had earmark reform. We went directly after the airdropped earmarks so there could be no airdropped earmarks that would not be out of the shadows. Out of the shadows, we're told illegal immigrants need to be brought out of the shadows; they're out on the street marching. The only thing that seems to be in the shadows is these secret earmarks, and that is what we're about.

Now, it would have been a great improvement if we could have moved further, but the truth is there were dozens of us in the Republican side last year that went to our leadership and said, we're not voting for appropriations unless you give us some earmark reform, and what we got was reform on airdrop. I wasn't leader of that, but I was sure proud to be part of it. We had MIKE PENCE, JEB HENSARLING, we had JEFF FLAKE leading the charge on those things, and because a few dozen, and I tell this, Mr. Chairman, through the chairman and hope that people across the aisle, whatever color dogs they may present themselves to the public to be, will understand that a few dozen people talking to their leadership that they're not voting for a bill until there's some earmark reform gets the leadership's attention. We got it on this side, and the Democrats can get it on their side once they get on their own hind legs when they're not instructed by the ringmaster.

Now, there is a cloud of corruption that has been over this body. We dealt with it early on when we thought there was going to be minimum wage reform, and then we found out there was a secret exception, and then some said that it actually benefited someone or a business in the Speaker's own district, and we never heard the Speaker address that.

Some said, well, there's a problem in the carbon footprint we're creating. Then we find out, well, some are saying there's an excessively large jet, and these kinds of questions arose.

We find that a Democrat's indicted, and only then, even though months and months ago we see an 80-page search warrant affidavit with all kinds of information, it's only after indictment that the majority moves forward.

We also know that there's an investigation ongoing, and the question has been raised is it appropriate for someone under investigation by the Justice Department to actually control the Justice Department's budget. There are all these kinds of things.

We have had a chairman of a committee who had an earmark question, and then it's never been a denial that he threatened somebody that raised an issue. Did we bring that earmark into the sunlight? No. We not only didn't bring it into the sunlight, the person that tried to do that was threatened. And when he brought up the threat and the violation of ethics rules, then that was tabled.

Mr. FARR. Mr. Chairman, I move to strike the last word.

I rise as a member of the Appropriations Committee subcommittee. I want to give you a little bit of background of how this whole thing started.

Homeland Security was an agency created after 9/11, and as admitted by many Members on the other side of the aisle, the agency itself was the biggest bureaucracy created. As you remember, it just took employees from all different agencies, including Department of Agriculture, and put it into one agency called Homeland Security. And we created an appropriations committee and essentially just funded it with what it asked, without all the first instance.

And I remember Mr. ROGERS, who was the first chairman of that committee, bringing to the Appropriations Committee the bill last year and indicating this is a huge bureaucracy. It has almost 200,000 people in it, very hard to wrap your hands around it, just sort of hold your nose and vote for it. There were no earmarks in the bill, as there aren't any earmarks here tonight, and we adopted it.

What happened with the new chairmanship with Mr. PRICE is that first thing he did was ask, we better look at what this is all about. Homeland security for what? Security, what are we fighting? So we invited in all these experts to sort of give us an overview of what is risk, what is fear, what should we be looking at, and it was very sensible.

What they suggested is that you're talking about people that are going to respond to incidents, and in an incident like Katrina, an incident like a disaster, like a terrorist act, you're going to need to prepare responders, people in the Intelligence Community, people on the ground in local communities. And in essence what they said is that homeland security is really hometown security, and you need to have your towns prepared for this, and you need to do it on a risk management basis; just don't throw money at everything.

And Chairman PRICE went on CODELs seeing what disasters were like, going to Katrina, going to New Orleans and later along the border, where we put a lot of money, and what we learned in the committee, ironically, was that the only terrorist that was ever apprehended or found evidence of was not on the border that we've all been looking at, which is the Mexican-U.S. border, but, in fact, on the Canadian border where we were doing very little, if anything, on homeland security. The committee found that very interesting and put a lot of money and assets and said let's start securing the northern border as well as the southern border.

The chairman took a bipartisan CODEL along the whole border from Tucson to San Diego, every inch of it, flew it, saw all the assets we have. My God, you'd think that we had the entire war in Iraq being fought on the Mexican border. We have everything from aircraft of all kinds, helicopters, we have ATVs, we have dogs, we have horses, people on horseback. We are covering that border like you can't believe.

□ 0115

In San Diego, we even found a Border Patrol out on the boats in San Diego Harbor. It was everything. We saw fences, all kinds of fences, vehicle fences, human fences, and areas that it's just unbelievable, as far as the eye can see. This border is longer than the distance between Washington and San Francisco.

What we found is that we had better do this thing wisely. Let's listen and let's use some smart risk management.

It all comes down to this bill tonight. What this bill is all about is, this is the best Homeland Security bill this country has ever had. We are spending all this time just on procedural delays.

It's ironic that you are going to be hoisted on your own petard, because this process that Mr. OBEY and the leadership has put in the process requires each one of you, when you ask for something that's called an earmark, some people call it pork, it's essentially that thing that you think is important. You have to disclose why you are asking for it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will address remarks to the Chair.

Mr. FARR. Mr. Chairman, we had to fill out forms that were never, never ever in the history of the U.S. Congress asked for more disclosure and everything.

The committee rightfully has stated that this is not the bill to attack earmarks, because there haven't been earmarks in this bill. So if you want to continue to delay this, rather than getting to the point of adopting an appropriations bill to allow the Department of Homeland Security to do its job, then let's get on with it.

I think this has been a night of ridiculous waste of time on something that is very, very important on a bill that is very important, the first appropriations bill we have had here, one that must pass if, indeed, we are going to have homeland, hometown security.

Mr. ROSKAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take you back, because I know as you are sitting

there today you have an independent recollection of what it was like to come here in your first term. Many of us in this Chamber came just in January, took the oath of office, and now what we find is that every week is a new week, all new process we are learning.

So we come in, those of us who are not appropriators, we come into our conference, and we hear this is the appropriations week. Wow, sit down with our staff, staff gets us up to speed, and we hear about earmarks, heard about them a lot in the campaign, and start to get the staff briefing on what are the tools that we have in earmarks.

I heard a lot about them. If you talked to people in Illinois' Sixth Congressional District tonight, and they are awake, and you asked them about earmarks, you would get their attention. They would focus. It was a symbol of an abuse of the process.

So when you sit down as a freshman and your staff comes in, they say, Congressman, this is what you do. You can offer amendments. You can argue with these things. You can challenge them on the floor. As iron sharpens iron, so one makes another better.

So that process, that winnowing process, is what this is all about. That's what every Member has the right to do, except now, because now what ends up happening is our staff tells us, oh, no, but there is this new process, Congressman.

What you get to do is you get to write a letter. Oh, yes, you get to write a letter to the chairman of the committee; and the chairman of the committee is going to open up that letter, and he's going to make a decision about the merits of you, an independent elected Member of Congress. That is who you get to talk to.

You don't get to argue on the House floor. You don't get to light up 435 people. You don't get to talk to millions of people. You get to write one letter. That's where you get to go.

You know, if you think about that, that's absurd. There are all kinds of great things in this bill. No doubt about it. My prior colleague from the State of Illinois articulated many good things in this bill. It's my hope that we can come together and drive towards those things.

But to act as if the earmark process is insignificant is really patronizing. It's patting people on the head and saying, off with you, be lively, you get to write your letter to the chairman, and the chairman will make a declaration on whether it's a good idea or a bad idea.

Well, one of our colleagues on the Internet recently said this. He said, to his constituents, he said, I will remain no one's Congressman but yours. Doesn't that sound great? I mean, that's great stuff, that's rich. You know, that is rich in the Chamber of Commerce meetings; that's rich in front of the Rotary groups; that's rich in front of the coffee groups. And you go door to door, I'm going to be your Congressman.

But you know what? You end up ceding that responsibility. You end up ceding that opportunity to one person, and that's only if you are lucky enough that he reads your mail.

Well, I say ''no'' to that.

Mr. Chairman, I yield back the balance of my time.

MOTION TO RISE OFFERED BY MR. ROSKAM

Mr. ROSKAM. Mr. Chairman, I move that the Committee do now rise.

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

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 214, not voting 34, as follows:

[Roll No. 464]

AYES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
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
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Christensen
Clarke
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—34

Baird
Bordallo
Boucher
Carson
Clay
Conaway
Conyers
Davis, Jo Ann
Dingell
Doyle
Edwards
Faleomavaega
Fortuño
Gutierrez
Harman
Hastert
Holden
Hooley
Hunter
Jones (NC)
Lantos
Miller, George
Moran (VA)
Myrick
Norton
Paul
Peterson (PA)
Rangel
Sessions
Shimkus
Smith (TX)
Stark
Weldon (FL)
Westmoreland

□ 0138

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. ARCURI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a freshman, I find myself at somewhat of a disadvantage in terms of listening to people speak from both sides of the aisle talking about the history of this institution and the way that things have been done over the past several Congresses and over the past several years. And I find that to be somewhat of a disadvantage.

But I also find it to be somewhat of an advantage. And I find it to be an advantage in that you get an ability to look at things from a different perspective, from a new perspective, from a perspective not jaded by how things were done in the past, but looking at it on how things should be done.

And one of the things that I can't help but notice as a former district attorney, when I used to try cases and I would listen to opening statements, you can always get a sense of how good your own case was by listening to the opening statement of the other side. And when they talked about everything, when they talked about the facts, you knew they had a good case. But when they talked about everything but the facts, you knew they didn't have much of a case.

That's what we hear happening tonight. We're not hearing anything about this bill. We're not hearing discussion of the facts. We're hearing everything but what this bill is about.

Earlier this week we had, in Rules Committee, a very good debate on this bill. And one of the points that was brought up on this bill was an issue that I think was very important, and that was the requirement that this bill would have to require ICE to reach out to local institutions, whether it were State, local or Federal, where people were being held that could be deported, and that would be on a monthly basis, to make a determination whether or not those people should be deported.

And Ranking Member ROGERS raised a very good issue during that debate, and he and I had some discussion on it. And he said, well, I believe that what we should be doing is spending more of our priority on the people who are not incarcerated, and I think this bill spends too much time worrying about the people who are incarcerated. My response to which was, as a former DA, the last thing we want to do is let somebody who is right under our nose get away from us. We need to stay focused on the people that are incarcerated. They are right there. They are under our nose, and we need to stay focused on it.

That's what this bill does. But the point, the real important point of that debate was, it was a substantive debate. It was a debate based on the issues. It was a debate based upon the content of the bill itself, not about everything else, not about what happened in the past, not about how things were done or what is going on. It was based upon the substance of the bill. And I think that's what this debate should be focused on.

I think it is a good bill. I think this debate is a good debate when it stays focused on the substance of the bill. And that's what I believe, as a former DA, this bill is a good bill because it deals with important issues that make our communities safer places.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the remarks of the gentleman from New York, and I do agree with him that it would be best, certainly, if the debate could center around the substance of the bill, the legislation.

That's why we're here tonight; the fact that we will have 12 appropriation bills coming up, and we can't focus on much of the substance of that legislation because it won't be included in that legislation. We'll have to wait. We'll have to write to the committee and ask for a request or request for a response back.

You know, a lot of us receive letters from Boy Scouts who are writing for their Citizenship in the Nation merit badge. I'm wondering if we'll qualify for the same thing by writing to the committee.

I think we're entitled to a little more than that as Members of Congress. I think we're entitled to actually debate this on the floor.

The other gentleman from New York who talked a bit earlier said that we're standing with the American people. I would suggest, you may want to go in and log on and see how this is being debated in the blogosphere or in the newspapers tomorrow.

Let me just read a bit of one editorial in tomorrow's Roll Call, for example, and see how they're playing it. Roll Call is not exactly a bastion of the right.

It mentions here, it says, ''So, on Monday, he,'' meaning the chairman of the Appropriations Committee, ''announced a new policy: Earmarks will be fully disclosed prior to the August recess after House voting, but before House-Senate conference, and may be challenged by writing a letter to the Appropriations Committee. After considering defenses from their sponsors, the chairman of the Appropriations Committee will decide whether to put earmarks into conference reports. There will still be no votes on the issue.''

The chairman of the Appropriations Committee ''reiterated this system was necessitated by time constraints that made it impossible to vet 32,000 earmark requests before upcoming votes on appropriations bills. Asked if he would revert to a policy of full and early disclosure next year, he said that he wanted to but couldn't rule out the possibility that specific circumstances would arise.''

This is what they say. ''This simply isn't good enough. The chairman of the Appropriations Committee should not only be disclosing all earmarks before House voting, but all earmarked requests. Earmarks should be open to public vetting, full debate and floor challenge.''

I have the utmost respect for the chairman of the Appropriations Committee. He calls himself a reformer, and I believe that. I've had the opportunity to debate him over the past several years on these earmarks, and I know that he is troubled by them, as well he should be. And I know that he struggles with a way to deal with them.

I simply believe, and I think people across the country feel that we're better served with real transparency. And real transparency is not keeping these earmarks secret until the point at which you have no ability to challenge them on the floor, when you can simply write a letter and ask for a response.

□ 0145

We are legislators; we are not potted plants here. We are here for a purpose. We are here to legislate. And to be relegated to just writing a letter and asking for a response is simply not sufficient.

So I simply would say, Mr. Chairman, if the majority party thinks that they are with people across the country, I would beg to differ and I would ask them to reconsider that and wonder if people across the country really want a process where earmarks are kept secret until people in this body whose job it is to legislate don't have an opportunity to legislate.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

And I know he is serious on this issue, and I respect his integrity on this issue and I also respect his consistency. But let me ask the gentleman one question.

Our job is to try to develop a process. It is not a pro forma process of review but one that is actually effective.

The gentleman has offered a lot of motions in the past 2 years to strike earmarks. Could I ask him how many of them have been successful?

Mr. FLAKE. Not one. I came to the floor 39 times and was beaten like a rented mule every time.

Mr. OBEY. Mr. Chairman, if the gentleman would yield further, that is not the gentleman's fault. He has genuinely tried to ferret out what he thought to be troublesome earmarks and occasionally some of mine.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. FLAKE was allowed to proceed for 2 additional minutes.)

Mr. FLAKE. Mr. Chairman, I thank the gentleman for his courtesy.

One thing that I didn't have when I came before, I never had the ability to know whose earmark I was challenging. Many of those 39 times I came

to the floor, debated, even asked for a vote, and still had no clue, after the vote was called and it was lost, whose earmark that was. That wouldn't happen today, and I commend the Democrats for doing this, because of the rules put in place for disclosure. That is great. That is good transparency. But with that transparency, we have to have accountability.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. FLAKE. I would.

Mr. OBEY. Mr. Chairman, I agree we need accountability. And I want to simply say I don't regard your failure to pass any of your amendments as a personal failure on your part.

Mr. Chairman, I think the gentleman has done his dead level best. The problem is that the system is not conducive to producing real results because, as the gentleman himself has said on this House floor, Members look at these motions and they say, I am not going to vote for the Flake amendment because I have got earmarks hanging out there and I don't want to have my endangered. The result has been that nothing has happened. That is why we have had some of the problems we have had. We could have an honest disagreement about what will be the best system, but I would hope that the gentleman would recognize, even though he might disagree with it, it is an honest effort to develop a system which is far more forthcoming than the one we have had in the past.

And I would simply point out that while the majority leader indicated that he had adopted transparency proposals last year, they conveniently arranged them so that they didn't apply to any of the appropriation bills that they passed last year. That is not the gentleman's fault. But it is the responsibility of the minority leader.

I thank the gentleman for the time.

The CHAIRMAN. The gentleman's time has expired.

MOTION TO RISE OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I move that the Committee do now rise.

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

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 312, noes 82, answered ''present'' 1, not voting 42, as follows:

[Roll No. 465]

AYES—312

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carter
Castle
Castor
Chabot
Christensen
Cole (OK)
Conyers
Costa
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Fallin
Farr
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Honda
Hoyer
Inglis (SC)
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Payne
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schmidt
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Waxman
Weiner
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—82

Abercrombie
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Butterfield
Capuano
Carney
Chandler
Clarke
Cleaver
Clyburn
Cooper
Costello
Crowley
Delahunt
Etheridge
Fattah
Filner
Gonzalez
Green, Gene
Grijalva
Hall (NY)
Hastings (FL)
Holt
Inslee
Israel
Jones (OH)
Kind
Kucinich
Lampson
Larsen (WA)
Lewis (GA)
Lipinski
Lynch
Maloney (NY)
McCarthy (NY)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mitchell
Mollohan
Moore (WI)
Nadler
Neal (MA)
Olver
Pascrell
Pastor
Perlmutter
Rahall
Rodriguez
Ross
Ruppersberger
Salazar
Schakowsky
Schiff
Schwartz
Scott (GA)
Sestak
Shea-Porter
Sherman
Slaughter
Stupak
Sutton
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Welch (VT)
Woolsey
Wu

ANSWERED ''PRESENT''—1

Cohen

NOT VOTING—42

Baird
Bordallo
Boucher
Carson
Clay
Coble
Conaway
Culberson
Davis, Jo Ann
Dingell
Doyle
Edwards
Ellison
Faleomavaega
Fortuño
Gutierrez
Harman
Hastert
Holden
Hooley
Hulshof
Hunter
Johnson, Sam
Jones (NC)
Kilpatrick
Lantos
Meehan
Moran (VA)
Myrick
Norton
Paul
Peterson (PA)
Pickering
Radanovich
Rangel
Sessions
Shimkus
Smith (TX)
Stark
Udall (CO)
Weldon (FL)
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 0207

Ms. SLAUGHTER changed her vote from ''aye'' to ''no.''

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. FRANK, Chairman 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. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. PRICE of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 2638.

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

There was no objection.