

Most other national news outlets ignored or downplayed the ACORN scandal. Days passed before the network news programs covered the story, and only one out of five Sunday news show hosts asked the President about ACORN last week.

The national media should report the facts instead of ignoring stories that don't fit their liberal agendas.

HUMAN RIGHTS SITUATION IN VIETNAM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. I rise today to call attention to the human rights situation in Vietnam, particularly because today Vietnam will be taking over the Presidency of the United Nations Security Council. I find this development shocking and appalling and unacceptable, especially when we look at Vietnam's human rights record.

Just this past Sunday, the police in Vietnam assaulted over 130 monks and removed them from the Bat Nha Monastery before destroying it. Recently, eight dissidents were imprisoned by the Vietnamese Government for practicing their rights to freedom of speech and expression.

Today, Secretary of State Clinton is planning to meet with the Foreign Minister of Vietnam. I would urge Secretary Clinton to address these ongoing human rights violations in Vietnam and to strongly urge the Government of Vietnam to uphold their promises to respect the rights of their citizens.

The United States must recommit itself to making human rights a diplomatic priority.

□ 1015

NETANYAHU U.N. SPEECH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, last week at the United Nations, Israeli Prime Minister Benjamin Netanyahu gave a powerful address, challenging those who would deny the Holocaust. Speaking from the podium, he held up the documents recording the Nazis' plan for the eradication of the Jews. He held up the original blueprints of the Auschwitz concentration camp, signed by Heinrich Himmler, the infamous head of the Gestapo. He called out those nations who sat by idly as President Ahmadinejad put forth vague insinuations that the Holocaust was just a phony pretext for the establishment of Israel. Ahmadinejad at other times has called the Holocaust "a lie based on an unprovable and mythic claim," and he's called Israel "a cancerous tumor that must cease to exist."

I applaud our diplomats and those of many other freedom-loving nations for

showing no tolerance for his hate speech by walking out during the Iranian president's tirade. Any nation that denies one of the most horrific and barbaric acts of hatred and murder cannot be trusted to peacefully develop nuclear capabilities.

MOTION TO INSTRUCT CONFEREES ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. PRICE of North Carolina. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

Mr. ROGERS of Kentucky. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Rogers of Kentucky moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2892 be instructed as follows:

(1) Recede to subsection (a) of section 567 of the Senate amendment (the Detainee Photographic Records Protection Act).

(2) Insist on subsections (b) and (c) of section 552 of the House bill (regarding the inclusion of individuals detained at Naval Station Guantanamo Bay, Cuba on the No Fly list and the prohibition on the provision of immigration benefits for such individuals).

(3) Recede to the Senate position on subsections (a) and (d) of section 552 of the House bill (regarding certain threat assessments and the transfer of individuals detained at Naval Station Guantanamo Bay, Cuba to the United States).

(4) That they shall not record their approval of the final conference agreement (as such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from North Carolina (Mr. PRICE) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

The motion to instruct conferees is very simple. Madam Speaker. It would prohibit the transfer of Gitmo prisoners to the United States. It ensures the detainee pictures are never made public, and it mandates the conference report is made public at least 72 hours before being considered on the floor. It's that simple. And that's exactly

what the Homeland Security appropriation bill is all about, protecting the American people from all threats, including the warped intentions of terrorists and radical extremists.

Let me state my sincere gratitude to Subcommittee Chairman DAVID PRICE for listening to the views of the minority during all of these proceedings, during our preconference deliberations especially over the last few weeks. I truly appreciate his bipartisanship and consideration of our concerns.

Madam Speaker, this motion strengthens the House bill's current restrictions on Guantanamo Bay detainees by ensuring their names have been put on the No Fly List and by clearly prohibiting their transfer to the United States for whatever reason. For 9 months, the Obama administration has insisted the detention facility at Guantanamo Bay be shuttered within the year. But what have we seen during that time in preparation for that? Absolutely nothing, no plan, no idea of how to proceed, no instructions to the Congress, no instructions to the public about where these prisoners would be moved to.

Now we read in the press that the administration is thinking of releasing up to 75 of the detainees there. Where will they go? Europe, Fiji, maybe somewhere closer. Maybe in Michigan, maybe in Kansas, maybe somewhere else in the U.S. Who knows. Certainly the Members in those districts in the U.S. don't know. So this motion prohibits the granting of any immigration benefit for any reason to these detainees. Without such a benefit, there is no legal way to bring these terrorists to American soil and in our constituents' backyards. That means these terrorists cannot be granted the same constitutional rights as American citizens. After all, these detainees are enemy combatants caught on the battlefield. They are not common criminals, and they should not be granted legal standing in our criminal courts by bringing them onto U.S. soil.

From my point of view, we can't waiver on this issue, nor can we be weak. There is no reason these terrorists, who pose a serious and documented threat to this Nation, cannot be brought to justice right where they are in Cuba at Guantanamo Bay. If we want to try them, there is the place. I certainly think that that is where the American people stand on this issue as well. They don't want these terrorists in their hometowns, inciting fellow prisoners in our prisons, abusing our legal system and terrorizing their communities.

In addition, Madam Speaker, this motion insists upon the Senate's language prohibiting the release of detainee pictures, language unanimously adopted in the Senate, supported by this Chamber in June and endorsed by President Obama himself by way of his letter to the Senate on July 29. In that letter, I think the President said it best himself: "Nothing would be gained

by the release of the detainee photos other than allowing our enemies to paint our troops with a broad, damning, and inaccurate brush." I frankly couldn't agree more.

And finally, Madam Speaker, this motion also requires the conference report to be made public at least 72 hours before being brought to the floor for consideration. We want to read the bill before we vote.

So Madam Speaker, the ongoing terrorist investigations ranging from Denver to New York to Dallas over the last few weeks and the persistent attacks by radical extremists upon our citizens, our soldiers and our interests overseas remind us of why there is absolutely no reason to bring a terrorist to American soil or to release images that endanger this great country and its Armed Forces.

I urge support of the motion.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Speaker, I rise in opposition to the motion to instruct offered by the gentleman from Kentucky and yield myself as much time as I may consume.

Madam Speaker, I want to begin by echoing the words of the ranking member. We have, indeed, enjoyed fruitful cooperation in formulating this bill and bringing it to this point. Mr. ROGERS is a distinguished ranking member. He was the founding chairman of this subcommittee, and I think on both sides, we take pride in the process that we've developed that involves full consultation and, of course, not always perfect agreement, but a respect for each other's views and a product that can rightfully be called the fruit of our common labor.

Having said that, I do want to oppose this motion to instruct. I don't oppose it in its entirety. It has some positive features, but I want to concentrate in my brief remarks this morning on what leads me to ask for a "no" vote. This mainly has to do with some parts of items two and three of this motion.

The motion to instruct would basically prevent us from bringing anyone held in Guantanamo Bay to the United States for the purpose of prosecution. This provision is more restrictive than the House-passed bill, which allowed persons detained at the naval station at Guantanamo Bay to be brought to the U.S. for prosecution.

Accepting a more narrow provision goes against basic American principles, as well as basic American interests. People are to be given due process and access to a fair trial in this country, and it is certainly in this country's interest to bring these people to trial, to dispose of their cases. I must say, this motion also goes against a perfecting amendment that the distinguished ranking member himself voluntarily accepted—in fact, eagerly accepted—in our full committee markup.

So I have to ask, what would have made the other side change its mind all of a sudden? It appears that even when they get "yes" for an answer, it's hard

to accept "yes" for an answer. Without allowing these detainees to come to the United States for prosecution, we're basically saying that our judicial and law enforcement officials are unable to handle these criminals here in the United States, and that our country's core values and interests do not apply in these cases. That's just wrong.

The U.S. has successfully tried dangerous terrorists before—in fact, many times, executing some, putting others behind bars to fade into obscurity. The perpetrators of the 1993 World Trade Center and Murrah Federal Building bombings are perfect examples.

Treating these individuals as though they are so dangerous that we cannot possibly put them on trial or punish them or lock them up and throw away the key, the way we deal with our most savage criminals here in the United States, gives these detainees an exalted status. Why do we want to do that? An exalted status is far from what they deserve.

We can handle this, Madam Speaker. We're up to this challenge, and the last thing we ought to be doing is elevating these Guantanamo prisoners in the eyes of the world. The amendment that was accepted in committee, to permit us to bring these people into the United States for the purpose of prosecution, most certainly should remain.

Finally, Madam Speaker, let me just say a word about the process by which this bill is being brought to the floor. We, of course, want to make certain that Members have ample time to study and understand bills before we vote on them. At the same time, I have to say, this bill has been a long time in the making. There has been a long period of discussion and debate and deliberation, and Members of this body should be assured that a full range of interested parties have been involved in crafting this bill in a bipartisan fashion since we received the budget in May.

Even before receiving the budget, we held 15 days of hearings on a wide variety of topics, including responses to natural disasters, technology and efficiency improvements, immigration enforcement, and border security. We had testimony from DHS as well as GAO and other non-Department sources. So it's a thoroughly vetted bill, and the issues in this bill have been thoroughly examined. They've been given their proper due diligence. There are no surprises, and we are, indeed, ready to go to conference.

With that, I reserve the balance of my time.

□ 1030

Mr. ROGERS of Kentucky. Madam Speaker, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Speaker, I yield such time as he may consume to the distinguished chairman of our full committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentleman for the time.

Madam Speaker, from time to time, people in this House know that I quote my old favorite philosopher, Archie the Cockroach, and Archie said, or maybe it was Will Rogers—I've forgotten exactly which—but one of them noted that there is nothing more pitiful than the sight of a flock of politicians in full flight. They can look as panicked as a loon trying to take off from choppy lake water. And if you've ever watched one of those, it takes them a long time, they make a lot of ruckus, and they look like an unjointed turkey in the process. That's the way the Congress has looked, in my judgment, with respect to this Guantanamo Bay issue.

Now, this country has a problem. After September 11 we picked up a lot of bad and dangerous characters and shipped a lot of them to Guantanamo. We also picked up, on the basis of bad information, some who didn't belong there. From what I can tell, it would appear like virtually every single person there now deserves to be there.

But the problem is that the previous administration had no process by which to separate the merely criminal or the merely misguided from the truly evil. And as a result, thanks in part to the unrelated chaos of Abu Ghraib, the United States, which has rightly prided itself on being the principal advocate of due process and human rights in the world, has come to be seen by some these days as a pretty major apologist for torture and imprisonment without review or remedy. I don't think that's what America really stands for.

President Obama has tried to deal with the fact that Guantanamo has become a major liability to this country in the court of world opinion and in some cases has become a recruiting ground for the very forces that we wish to contain.

In the Presidential campaign, to their credit, both candidates called for closing Guantanamo because they recognized the damage being done to our influence and our security. President Obama won that election and announced his intention to close the facility.

Admittedly, the administration did not demonstrate a high degree of skill in implementing that decision. They had a credible goal, but they clearly had not thought through how to get there. That's why this committee insisted in the 2009 supplemental that the administration present its analysis to the Congress before people who were imprisoned in Guantanamo could be shipped elsewhere and before any detainees could be brought to the U.S. or transferred to another country.

Very frankly, the administration has received very little help from Capitol Hill in thinking through this problem. A number of Members have had legitimate concerns, but they could not come up with any reasonable set of criteria by which transfers could be effected.

Now, this motion would have this body declare that no prisoners can be

transferred anywhere in this country even for prosecution, which they so richly deserve. That means the detainees would have to be transferred to other countries or that Guantanamo would have to remain open as a permanent stain on our reputation for due process.

I think we can do better than that.

Has this country, this country that has even tried the worst criminals in the history of the world at Nuremberg, has this country experienced such a pitiful decline of modern thoughtful political leadership that we now have no capacity except to say lock them up forever, no questions asked, and no due process provided under any circumstances? We may want to lock them up. I'm sure we do. But we can do better in the way we do it.

In America we do not provide due process for the benefit of criminals; we provide it for our own safety's sake.

I don't know how many Members are familiar with the play "A Man for All Seasons" about Sir Thomas More, who was martyred by King Henry VIII. When More's son-in-law, Richard Roper, in that famous play, said that he would cut down every law in England to get at the devil, More replied, "And where would you hide then, the laws all being flat? Yes, I give the devil benefit of law, for my own safety's sake."

That's why it's important that we have a process that will allow us to lock up and throw away the key on everyone in Guantanamo who deserves it; but we cannot tell the world that just because this process is difficult, we are simply going to take the easy road and step over the valleys that make this Nation great.

I refuse to believe, as the gentleman from North Carolina has already indicated, I refuse to believe that our law enforcement officials, our prison officials, and our Justice Department officials are not skilled enough and thoughtful enough to imprison these thugs in high-security facilities at minimal or no danger to our citizens and our communities. Our prisons keep us safe from the likes of Charles Manson; David Berkowitz, the "Son of Sam" killer; the World Trade Center bombers; and the Kenyan Embassy bombers, whom I detest because they killed several friends of mine. What we want to propose in conference will be built on the faith that we do have that capacity.

Now, we can either let somebody else deal with our problems, or we can let them fester because we don't want to deal with them and make hard choices ourselves. That's unacceptable, and I think it's time that we face up to that.

What will emerge from conference, I suspect, will be language that any reasonable person will be able to say is a good-faith, effective process by which we can keep Americans safe and still continue to stand for the due process principles that we have always stood for.

I know these people are enemy combatants and they don't deserve it. But we don't make our decisions on the basis of what we think of defendants. We make our decisions on the basis of what we think of ourselves. And that's what makes us the greatest country in the world. And I do not want, as this motion would have us do, to depart from that high standard today.

Again, I thank the gentleman for the time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, this motion prohibits the granting of any benefits to the detainees at Guantanamo to be brought here for criminal prosecution.

As Mr. OBEY has just said, these are enemy combatants caught, captured on a battlefield. They are not criminal defendants; they are prisoners in a war. Prisoners in a war.

They can and have been tried by the military tribunals at Guantanamo. My understanding is that there were five military tribunal proceedings ongoing until this administration halted those proceedings, trying to figure out what they want to do next.

But my point is these are not criminal defendants; these are enemy combatants captured on a battlefield. They are prisoners of war and should be treated as such, as they have been at Guantanamo. Do not bring them to the U.S. for any purpose. Why would you bring an enemy captured prisoner of war to your country, give them the Miranda warnings, and proceed to a trial as you would an American citizen? It's beyond any question, I think.

These detainees, many of them, those who posed a minimal security threat, have been shuttled off to other foreign countries, leaving hundreds of suspected terrorists, hardened killers that are unwelcome by any place on Earth to be potentially bound for American soil.

Madam Speaker, we need to take a very serious step back and closely examine what we are thinking of doing.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS of Kentucky. I yield myself an additional 2 minutes.

This motion clarifies and says they would not be brought here for any, any, purpose, including prosecution.

Now, if you have any doubts about the kind of people we are talking about, read the resumes of these detainees. Read them, and you will have no doubt that these are enemy combatants sworn to kill you and every American they can find. And you want to bring them to the U.S.? It's insane, Madam Speaker. It's insane.

Madam Speaker, I yield 5 minutes to a very distinguished former trial judge in the State of Texas for 21 years, Judge CARTER.

Mr. CARTER. Madam Speaker, this debate goes on, and I hearken back to how did this all start. It started with enemies of the United States killing American citizens on American soil. By

the grace of God, they didn't kill the number they were hoping to kill because they were hoping to bring down those towers in New York completely full of people, and potentially hundreds of thousands of people could have died. But because of the braveness of the police force and the fire department and others, we were able to evacuate those buildings and the casualty toll was not in the hundreds of thousands or the tens of thousands. But, still, every single American life lost there we care about.

I think most people thought we're going to war, world war. That's what I thought. That's what the people I was with in Taos, New Mexico, at the time thought. And we wanted to do something about it. The American soldiers in two fields of battle have done something about it. They continue to do something about it today. And through the work of our intelligence people and the American soldier and the American Marine Corps, we have brought many of these terrorists to captivity. They are enemy combatants captured on the battlefield.

We're not talking about people who have rights to Miranda warnings. My Lord, how can you fight a war if you're going to have to have Miranda warnings every time you come in contact with an enemy soldier? It makes no sense. Neither our Founding Fathers nor the Supreme Court, I would say, ever envisioned us giving Miranda warnings on the battlefield.

But I believe and I think Americans believe that these people mean us harm and by their very presence on the sacred soil of the United States they bring harm to this country. Because I would argue, as we all know, the recruiting of radical Islam is going on in our prisons right now. Witness just recently some arrests that were made inside this country and how those American citizens got to be influenced by radical Islam. Much of it comes out of the prison systems. And we are going to put people that are being held properly in Guantanamo, we're going to bring them to our soil, give them the rights of an American defendant and put them in the prison system of this country where they can continue—even if they are in solitary confinement, their very presence can make them a hero of the recruiters inside the prison.

□ 1045

Gangs are bad enough in the prisons without us creating gangs that are part of an international plot to destroy the United States of America. These people have no business being on the sacred soil of the United States. They certainly don't have the rights that are being argued for here. They are in the right place, where they belong. The military justice system is fair and they will get a fair trial, and I would argue that they belong in Guantanamo and they should stay in Guantanamo.

Yes, I agree with my colleagues on the other side of the aisle that we have

maximum security prisons that we could put them in. There is one that was featured in "60 Minutes" awhile back in Colorado where we put the worst of the worst; but did anybody listen to how much it costs us to put the worst of the worst in those maximum security prisons?

We are spending enough money around here without going out and spending that kind of money on prisoners where we already have them in a secure facility, where they are being humanely treated, and where they are able to meet with their lawyers and they are able to prepare for the defense of their case. There is no reason on God's green Earth to bring them over here and spend hundreds of thousands of dollars incarcerating each and every one of them in a Federal maximum security prison. It makes no sense in light of the fact that we are practically bankrupting our country with spending in the last 8 months.

So I think Mr. ROGERS has a very good bill here. I think what he is asking in this motion to instruct the conferees is common sense that the American people understand. Now, we get in this political world up here and common sense seems to go out the window. But I think if you stop the average American on the street, they will tell you that these people intend to kill us and as far as we are concerned, we don't care where they stay, but we don't want them in our neighborhood.

I certainly don't want them in Texas, and I would argue that each Member who represents their district in this august body does not want them in their neighborhood. I have a Federal prison that is within 30 miles of my home, and I promise you, my friends and neighbors do not want one of these detainees in that Federal prison because they are evil and they will corrupt those who are already there.

Madam Speaker, we spend most of our time in the courtroom giving people their constitutional rights as criminal defendants. And I have spent, in a criminal case, at least 50 percent of the time spent on every criminal case, my job was to protect those people's rights and make sure that they got every one of them. I did the very best I could. But at some point in time, in a criminal trial, upon the finding of guilt, those rights convert over to the State and to the people to make decisions on punishment.

I would argue these people don't start with those rights, and the American people have in mind what they think should happen to these people that would kill more American citizens on American soil.

Don't we have the courage of our Greater Generation forefathers to stand up to evil when it addresses our country and do something about that evil? Why would we want to coddle people who have a proven track record of being part of the network that attacked the United States of America?

Madam Speaker, I would argue this is an excellent instruction to the con-

ferees, and I believe Mr. ROGERS and what he has stated here has expressed the will of the American people.

To address just one of the other issues about photographs, I think that pretty well has been decided.

But, you know, one more thing, as we bring these people here and we put them into the American justice system, which I treasure, the American justice system, but in turn the defense lawyers will be able to use the discovery process to find out about covert operations of the United States intelligence. We have already put our intelligence folks in bad places by our bad behavior around this place many times before. But to put our intelligence people in the courtroom with everybody to see, and out those people, if you will, would be absolutely a travesty of justice.

So this is a good thing to do, and I support Mr. ROGERS in his effort, and I would hope that everybody who cares about this country will support this motion.

Mr. PRICE of North Carolina. Madam Speaker, I am still trying to process the notion that we have in our high-security prisons a population that is just waiting to be corrupted.

We are all aware of the kind of people who are in these high-security prisons. They are already corrupted and they are dangerous, and we have proven our capacity to deal with them. I don't think that it behooves this body to cast such doubt on our capacities, the capacities of the judicial and penal systems of this country. We are up to this, Madam Speaker, and yet the motion before us would say that we cannot bring these people into this country for prosecution when it is clearly in our interest to do so. It is in our interest to close Guantanamo within a reasonable period of time and to bring these people before the bar of justice.

I would like to yield 30 seconds to our full committee chairman.

Mr. OBEY. I thank the gentleman.

I find it quite humorous to think that we are doing these Guantanamo prisoners a favor by exposing them to the "gentle niceties" of the prison population in our high-security prisons. In fact, I would suspect that those prisoners at Guantanamo, if they knew what kind of people they would be finding, would much prefer to stay in Guantanamo than wind up in some of those high-security

Mr. PRICE of North Carolina. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. Madam Speaker, I thank the gentleman for this time.

Every so often an issue comes before Congress where I honestly have to admit I scratch my head and say, Do I fully understand what we are talking about here? Because it makes no sense to me.

On every appropriations bill that we see come before the full committee,

there was this notion that we couldn't bring folks from Guantanamo here to be prosecuted. Now, I know how dangerous some of these folks may be. I know how dangerous some of these folks are. I was in New York in my city on September 11. I was not here. Many people forget that was primary day in New York. Many people forget that one of the accomplishments, if you will, of the terrorists was to suspend, in the middle of the day, an election that was taking place in New York. They didn't just attack the symbol of our military power. They didn't just attack the symbol of our financial power. They were not just geared towards attacking, and did not get a chance to do it, to attack the symbol of our legislative power, but they disrupted an election, which is perhaps at the center of our strength, our electoral process.

I was there. I saw the pain. I know that they killed a lot of people, but they didn't defeat us. Let's be clear about that. They killed a lot of Americans, but they didn't defeat us, and they will never defeat us unless we begin to run away from who we are as a people and as a Nation. Unless we begin to throw away and turn our back on the Constitution, on what makes us a unique country, then they have a chance to win.

My friend, and we say this on the floor, but he truly is my friend from Kentucky, says, Why would we want to do that? Why would we want to bring them here? Because we are the United States of America. Because we are a great democracy that is not afraid to bring people to justice when they deserve to come to justice. Because we have nothing to hide.

Ironically, on another issue that I discussed with my friend at length over the years, we want nothing to do with Cuba except to use them to hold people there for trial. Why not bring them to New York where they committed their act, the scene of their crime? Why not let the world know in the middle of our pain, in the midst of all of our anguish over September 11, we are big enough and democratic enough to bring people to trial here within our territory. We have nothing to fear.

As far as whether or not there will be Miranda rights involved and whether the people have rights, why not? What is so difficult to understand about that? There is a contradiction in a country that continuously tells the world we are better, and we are; we are more democratic, and we are; we have a better justice system, and we do, and at the same time says but not for these individuals.

Now, if I was making the argument on behalf of the individuals in Guantanamo, we know how many were detained and eventually released because we have, throughout the last few years, nothing to charge them with. It might be that we have to release some and send them back to their countries, but this fear that somehow they are going

to be watching the streets of Washington, D.C., and eating at local restaurants and planting bombs everywhere, these folks will probably be the most guarded people in the history of the world. But we will do ourselves a great disservice if we continue to say that they cannot be brought to the United States for justice.

Why should they be near our community residents was one of the questions asked. I see it differently. Why not see our system in full bloom? Why not allow the world to see and understand that we are not afraid to bring people here to pay for their crimes, to go before our justice system.

Now, here is another question. So we bring them to justice in Guantanamo. We find them guilty in Guantanamo. Are we going to incarcerate them in Guantanamo? Are we going to keep them in a foreign country for crimes they committed against our country or are we going to bring them to a prison here? If we bring them to a prison here, after convicted, those who are convicted, why not try them here to begin with?

Again, this whole notion that these people have no rights, the terrorists win if we suggest that everybody that comes before us has no rights. That's why I oppose this motion.

Mr. ROGERS of Kentucky. May I inquire of the time remaining.

The SPEAKER pro tempore. The gentleman from Kentucky has 14 minutes. The gentleman from North Carolina has 9½ minutes remaining.

Mr. ROGERS of Kentucky. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, I would like to express my greatest appreciation to the chairman of the subcommittee and the ranking member for the job they have done on this bill, which will be perfected by this motion to instruct.

Clearly, the work that involves our dealing with these detainees at Guantanamo Bay is very important work. We have been waiting for a long time now for a complete report from the administration giving us an indication as to how they would implement this campaign promise. We find ourselves in a circumstance today where it is apparent that a pretty sizable number of detainees are in plan for release somewhere, perhaps not the continental United States, but foreign countries and otherwise.

It is almost impossible to discuss, in this environment, the most serious concern about these detainees, for much of the information involved is highly classified information. But, needless to say, this is a group of very dangerous people, and a lot of circumstances have changed since the bill has come out of committee and we finally have it here on the floor for consideration by the conference.

Perfecting this package as we go forward by passing this motion to in-

struct would bring us very close to being in mesh with what is being proposed in the other body. It would appear that the leadership of our committee in the other body feels pretty strongly that we should not be spending funds that would allow these detainees to come to the United States.

This motion to instruct, I believe, will cause our conference to be a much more comfortable conference when we go there. I would urge the Members strongly to support Mr. ROGERS' motion to instruct.

□ 1100

Mr. PRICE of North Carolina. Madam Speaker, I have no further speakers.

Mr. ROGERS of Kentucky. We have no further speakers, Madam Speaker, and I would be prepared to yield to the gentleman for a close.

Mr. PRICE of North Carolina. Madam Speaker, I reiterate my request to our Members to vote against this motion to recommit. The motion is long and complex and by no means totally objectionable. But we have highlighted here today a feature of the Guantanamo provisions which not only is objectionable, but fundamentally runs counter to our country's interest—our country's interest in closing Guantanamo in a timely fashion and bringing the detainees there to trial.

It also, in a strange way, seems to question our country's capacity, the capacity of our judicial system and our penal system, to handle hardened criminals, whereas I think that our capacity to handle even the most dangerous criminals is beyond question. And I believe this motion also risks elevating these criminals in the eyes of the world, suggesting that we can not handle them through our normal processes of justice. For all these reasons, I believe this motion to instruct is unwise, and I urge a "no" vote.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume. In closing, this is a very simple motion to instruct the conferees on Homeland Security. One, prohibit the transfer of Gitmo prisoners to the U.S., period. Two, insist on the Senate language prohibiting the release of detainee photographs. And three, require that this bill be available at least 72 hours before the bill is brought to the floor so that Members may have a chance to read and consider before they vote on the conference report. That's simple.

These people in Gitmo, if you read their resumes, and study their history, they are not criminal defendants in the sense that most people understand that phrase to be in the U.S. These are hardened killers captured on the battlefield, and they are prisoners of war subject to a military tribunal hearing at Gitmo, which was proceeding until stopped by this administration. They are not criminal defendants. They are hardened criminals on the battlefield captured in the process of trying to kill American soldiers. Pure and simple.

Now, this motion to instruct is in line with Chairman INOUE in the Senate, who has similar prohibitions in his bill for the Defense appropriations bill. This mirrors what the Senate leadership wants the policy of the country to be. And so I would hope all Members would vote for this motion to instruct conferees and keep our position in line with the Senate in prohibiting prisoners at Gitmo from being brought to the U.S., period.

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

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct conferees will be followed by 5-minute votes on suspending the rules and agreeing to H. Res. 517 and H. Res. 487.

The vote was taken by electronic device, and there were—yeas 258, nays 163, not voting 11, as follows:

[Roll No. 746]

YEAS—258

Aderholt	Carnahan	Goodlatte
Akin	Carter	Gordon (TN)
Alexander	Cassidy	Granger
Altmire	Castle	Graves
Arcuri	Chaffetz	Grayson
Austria	Chandler	Griffith
Bachmann	Childers	Guthrie
Bachus	Coble	Hall (NY)
Barrow	Coffman (CO)	Hall (TX)
Bartlett	Cole	Halvorson
Barton (TX)	Conaway	Harper
Bean	Costa	Hastings (WA)
Biggert	Costello	Heinrich
Billbray	Crenshaw	Heller
Bilirakis	Cuellar	Hensarling
Bishop (GA)	Culberson	Herger
Bishop (NY)	Dahlkemper	Herseth Sandlin
Bishop (UT)	Davis (AL)	Higgins
Blackburn	Davis (KY)	Hill
Blunt	Davis (TN)	Himes
Bocchieri	Deal (GA)	Hodes
Boehner	DeFazio	Hoekstra
Bonner	Dent	Holden
Bono Mack	Diaz-Balart, L.	Hunter
Boozman	Diaz-Balart, M.	Inglis
Boren	Donnelly (IN)	Inslee
Boucher	Dreier	Issa
Boustany	Duncan	Jenkins
Boyd	Ehlers	Johnson (IL)
Brady (TX)	Ellsworth	Johnson, Sam
Bright	Emerson	Jones
Broun (GA)	Fallin	Jordan (OH)
Brown (SC)	Flake	Kanjorski
Brown-Waite,	Fleming	Kaptur
Ginny	Forbes	King (IA)
Buchanan	Fortenberry	King (NY)
Burgess	Foster	Kingston
Burton (IN)	Fox	Kirk
Buyer	Franks (AZ)	Kirkpatrick (AZ)
Calvert	Frelinghuysen	Kissell
Camp	Gallely	Klein (FL)
Campbell	Garrett (NJ)	Kline (MN)
Cantor	Gerlach	Kosmas
Cao	Giffords	Kratovil
Capito	Gingrey (GA)	Lamborn
Cardoza	Gohmert	Lance

Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell

NAYS—163

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva

Mollohan
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nunes
Nye
Olson
Paulsen
Pence
Perlmutter
Perriello
Peterson
Peterson
Souder
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Rush
Ryan (WI)
Sanchez, Loretta
Scalise

Schauer
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

Paul
Payne
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Slaughter
Snyder
Speier
Spratt
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weimer
Welch
Wexler
Woolsey
Wu

NOT VOTING—11
Adler (NJ)
Barrett (SC)
Capuano
Carney
Maloney
McCarthy (CA)
Neugebauer
Schmidt
Shadegg
Stark
Whitfield
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1140

Messrs. GONZALEZ, CLEAVER, BLUMENAUER, DICKS, HINOJOSA, DAVIS of Illinois, BRADY of Pennsylvania, LEWIS of Georgia, GUTIERREZ, WEINER, OLIVER, PAYNE, ENGEL, HARE, VAN HOLLEN, HOLT, SESTAK, Ms. WOOLSEY, Ms. LINDA T. SANCHEZ of California, Mrs. MCCARTHY of New York, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Ms. SLAUGHTER, Ms. EDWARDS of Maryland, Ms. ESHOO, Messrs. DOGGETT and LARSEN of Washington changed their vote from “yea” to “nay.”

Messrs. HERGER, YARMUTH, BILIRAKIS, MOORE of Kansas, WILSON of Ohio and TANNER changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mr. SHADEGG. Madam Speaker, on rollcall No. 746, had I been present, I would have voted “yea.”

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Without objection, 5-minute voting will continue.

There was no objection.

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The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 517, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 517.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 747]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseht Sandlin
Higgins
Hill
Himes
Hinchesy
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslie
Israel
Issa
Jackson (IL)
Jackson-Lee
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon