

are when it comes to this health care reform effort. A survey was done recently, and the question was asked, Do you support an individual mandate, which is the requirement that people purchase insurance coverage? In answer to that, there was some ambivalence. People weren't so sure. Then they asked the question this way, they said, What if we give you a public option, would you support an individual mandate? And a clear majority said, Absolutely, we would.

Now let's think about that for a minute. What they were saying was, Don't force us to go purchase insurance coverage if we have to buy it from the same old cast of characters that's been jerking us around for decades. But if you give us a real option, then it absolutely makes common sense to require that.

So once again Americans have demonstrated they understand this problem. They understand why we need to have a public option in the mix, and that's what we're going to push forward with in this legislation.

FIX GOVERNMENT-RUN HEALTH CARE BEFORE ENACTING ANY NEW REFORMS

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, as we discuss the issue of health care, one thing that's brought up often is, Why not let the government run health care? After all, we already have Medicaid, Medicaid, TRICARE and the VA.

Here is a true story: a gentleman in his eighties needs a motorized wheelchair, so he gets a medical exam. A few dozen pages of paperwork are filled out, and 3 or 4 months go by, waiting for the wheelchair to arrive. Unfortunately, during that time, the medical exam expired after 60 days and has to be repeated. Again, more billing, a couple dozen pages of that, and he gets his \$25,000 wheelchair. Unfortunately, by that time, he is in hospice care and can barely use it. And here is the other tragedy: it goes into storage. It can't be used. It cannot be returned, and it's a big waste of money in many ways.

It's not atypical for issues with Medicare and Medicaid. They, quite frankly, will pay for this sort of expense but will not pay for the care it takes to prevent these sorts of problems. Before we take on more health care and \$1 trillion more spending, shouldn't we fix those things we are already responsible for? I think that would save a lot of money, make a lot of sense, and save a lot of lives.

WE NEED HEALTH CARE IN AMERICA

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

Mr. COHEN. Mr. Speaker, on Monday in my office in Memphis, I had citizens

come visit me. Two parents had children with spina bifida. They explained the love they had for their child, but the expenses it is causing them because our system of Medicaid is not sufficient in Tennessee to really give them the benefits they need, and how much it costs them.

Another person came to my office to tell me that I had saved her life. Well, I hadn't saved her life, but she would have been cut off of TennCare, our Medicaid system. And but for 10 days when we got them back on, she wouldn't have got the transplant that did save her life.

Do we need health care in America? I think those stories and stories like them say we do. I was gratified last night doing a teletown hall meeting in my district where 83 percent of the respondents said they supported President Obama's health care plan. The Ninth Congressional District of Tennessee gets it. I hope America gets it.

□ 1015

MASSIVE MEDICARE CUTS IN THE BAUCUS HEALTH CARE REFORM BILL

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

Mr. KIRK. Mr. Speaker, Senator BAUCUS's health care bill is out, and the nonpartisan Congressional Budget Office has reported it has 15 major surprises in it. Massive cuts to Medicare.

You can see here that the bill cuts \$133 billion out of Medicare Advantage, forcing 3 million seniors out of their choices; \$128 billion is going to be cut for Medicare for hospitals; home health is cut, part D; skilled nursing is cut; hospice is cut; medical imaging, wheelchairs are cut.

So we now see how this is so-called paid for, on the back of senior health care.

I urge seniors to read this Baucus bill and learn about its massive Medicare cuts.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 808 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 808

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to cer-

tain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

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

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule provides for consideration of the conference report to accompany H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. The rule waives all points of order against the conference report and against its consideration. The rule provides that the previous question shall be considered as ordered without any intervening motion except 1 hour of debate and, if applicable, one motion to recommit.

The bill was introduced on June 2, 2009, by Chairman IKE SKELTON and referred to the Committee on Armed Services. The committee marked up the bill on June 16, 2009, and ordered it favorably reported, as amended, by voice vote June 16, 2009.

The Committee on Rules reported a structured rule making in order 69 amendments, which then passed the floor 222-202. And today we have the conference report that we have now concurred with the Senate.

Despite any differences about our ongoing missions in Afghanistan or Iraq, we all agree that funds that have already been approved as part of the annual spending plans should not be held up for any reason, not with our troops in harm's way.

The bill authorizes \$550.2 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy and also authorizes \$130 billion for overseas contingency operations for fiscal year 2010.

For our service men and women, it authorizes a pay raise of 3.4 percent for the military, expands TRICARE health coverage for Reserve members, bars fee increases on TRICARE inpatient care

for 1 year, and provides \$2.2 billion for housing programs to improve the quality of life for our servicepersons' families.

On Afghanistan, the bill responds to concerns raised by Members of both parties and requires an assessment of progress in Afghanistan and Pakistan toward security and stability. It also bans permanent bases in Afghanistan and provides funds to train and equip the Afghan National Security Forces, the ANSF.

There is also language in the bill that requires a reporting system to register and track all the U.S. defense items that are provided to Afghanistan and Pakistan, to help combat waste and fraud. This is especially important in light of recent news stories showing that millions of dollars destined for Pakistan to battle militants in al Qaeda have been diverted to either the domestic economy or "for other purposes." In fact, between 2002 and 2008, while al Qaeda regrouped, only \$500 million of the \$6.6 billion in American aid actually made it to the Pakistani military, according to two Army generals quoted in an Associated Press story from earlier this week. I will insert that story into the RECORD.

BILLIONS IN U.S. AID NEVER REACHED
PAKISTAN ARMY
(By Kathy Gannon)

ISLAMABAD, PAKISTAN.—The United States has long suspected that much of the billions of dollars it has sent Pakistan to battle militants has been diverted to the domestic economy and other causes, such as fighting India.

Now the scope and longevity of the misuse is becoming clear: Between 2002 and 2008, while al-Qaida regrouped, only \$500 million of the \$6.6 billion in American aid actually made it to the Pakistani military, two army generals tell The Associated Press.

The account of the generals, who asked to remain anonymous because military rules forbid them from speaking publicly, was backed up by other retired and active generals, former bureaucrats and government ministers.

At the time of the siphoning, Pervez Musharraf, a Washington ally, served as both chief of staff and president, making it easier to divert money intended for the military to bolster his sagging image at home through economic subsidies.

"The army itself got very little," said retired Gen. Mahmud Durrani, who was Pakistan's ambassador to the U.S. under Musharraf. "It went to things like subsidies, which is why everything looked hunky-dory. The military was financing the war on terror out of its own budget."

Generals and ministers say the diversion of the money hurt the military in very real ways:

Helicopters critical to the battle in rugged border regions were not available. At one point in 2007, more than 200 soldiers were trapped by insurgents in the tribal regions without a helicopter lift to rescue them.

The limited night vision equipment given to the army was taken away every three months for inventory and returned three weeks later.

Equipment was broken, and training was lacking. It was not until 2007 that money was given to the Frontier Corps, the front-line force, for training.

The details on misuse of American aid come as Washington again promises Paki-

stan money. Legislation to triple general aid to Pakistan cleared Congress last week. The legislation also authorizes "such sums as are necessary" for military assistance to Pakistan, upon several conditions. The conditions include certification that Pakistan is cooperating in stopping the proliferation of nuclear weapons, that Pakistan is making a sustained commitment to combating terrorist groups and that Pakistan security forces are not subverting the country's political or judicial processes.

The U.S. is also insisting on more accountability for reimbursing money spent. For example, Pakistan is still waiting for \$1.7 billion for which it has billed the United States under a Coalition Support Fund to reimburse allies for money spent on the war on terror.

But the U.S. still can't follow what happens to the money it does out.

"We don't have a mechanism for tracking the money after we have given it to them," Pentagon spokesman Lt. Col. Mark Wright said in a telephone interview.

Musharraf's spokesman, retired Gen. Rashid Qureshi, flatly denied that his former boss had shortchanged the army. He did not address the specific charges. "He has answered these questions. He has answered all the questions," the spokesman said. Musharraf took power in a bloodless coup in 1999 and resigned in August 2008.

The misuse of funding helps to explain how al-Qaida, dismantled in Afghanistan in 2001, was able to regroup, grow and take on the weak Pakistani army. Even today, the army complains of inadequate equipment to battle Taliban entrenched in tribal regions.

For its part, Washington did not ask many questions of a leader, Musharraf, whom it considered an ally, according to a U.S. Government Accountability Office report released last year.

Pakistan has received more money from the fund than any other nation. It is also the least expensive war front. The amount the U.S. spends per soldier per month is just \$928, compared with \$76,870 in Afghanistan and \$85,640 in Iraq.

Yet by 2008, the United States had provided Pakistan with \$8.6 billion in military money, and more than \$12 billion in all.

"The army was sending in the bills," said one general who asked not to be identified because it is against military rules to speak publicly. "The army was taking from its coffers to pay for the war effort—the access roads construction, the fuel, everything. . . . This is the reality—the army got peanuts."

Some of the money from the U.S. even went to buying weapons from the United States better suited to fighting India than in the border regions of Afghanistan—armor-piercing tow missiles, sophisticated surveillance equipment, air-to-air missiles, maritime patrol aircraft, anti-ship missiles and F-16 fighter aircraft.

"Pakistan insisted and America agreed. Pakistan said we also have a threat from other sources," Durrani said, referring to India, "and we have to strengthen our overall capacity. "The money was used to buy and support capability against India."

The army also suffered from mismanagement, Durrani said. As an example, he cited Pakistani attempts to buy badly needed attack helicopters.

Pakistan asked for Cobra helicopters because it knows how to maintain them, he said. But the helicopters were old, and to make them battle-ready, the Pentagon sent them to a company that had no experience with Cobras and took two years, he said.

As a result, in 2007, Pakistan had only one working helicopter—a debilitating handicap in the battle against insurgents who hide, train and attack from the hulking mountains that run like a seam along the Afghan-Pakistani border.

The army was also frustrated about not getting more money. Military spokesman Gen. Athar Abbas said the U.S. gave nothing to offset the cost of Pakistan's dead and wounded in the war on terror. He estimated 1,800 Pakistani soldiers had been killed since 2003 and 4,800 more wounded, most of them seriously.

The hospital and rehabilitation costs for the wounded have come to more than \$25 million, Abbas said. Pakistan's military also gives land to the widows of the dead, educates their children and provides health care.

"These costs do not appear anywhere," he said. "There is no U.S. compensation for the casualties, assistance with aid to the grieving families."

Even while money was being siphoned off for other purposes on Pakistan's end, the U.S. imposed little control over or even had specific knowledge of what went where, according to reports by the U.S. Government Accountability Office. The reports covered 2002 through 2008.

The reports found that the Pentagon often ignored its own oversight rules, didn't get adequate documents and doled out money without asking for an explanation.

For more than a year, the Pentagon paid Pakistan's navy \$19,000 a month per vehicle just for repair costs on a fleet of fewer than 20 vehicles. Monthly food bills doubled for no apparent reason, and for a year the Pentagon paid the bills without checking, according to the report.

Daniyal Aziz, a minister in Musharraf's government, said he warned U.S. officials that the money they were giving his government was being misused, but to no avail.

"They both deserved each other, Musharraf and the Americans," he said.

Within this bill is authorization for 30 F-35 Joint Strike Fighter aircraft and the continued development and procurement of the F136 Joint Strike Fighter competitive engine but does not authorize the advance procurement of F-22 aircraft.

It authorizes \$6.7 billion for Mine Resistant Ambush Protected, MRAP, vehicles and fully funds the new MRAP all-terrain variant requirement for Afghanistan. We've seen far too many reports of our troops dying because their vehicles are ripped apart by roadside bombs. We can and will do better to protect them from these risks.

Under the provisions of this bill, the military will increase by 30,000 Army troops, 8,100 marines, 14,650 Air Force personnel, and 2,477 Navy sailors in 2010. It also authorizes an additional 30,000 Army troops in fiscal years 2011 and 2012.

The bill provides support for the plan to increase the size of our civilian workforce so that we can reduce DOD's reliance on contractors for core acquisition functions. This is also a most important point to cut down on fraud and waste. The bill also provides DOD with the needed flexibility to reform the DOD hiring process to reduce the fraud and abuse through enhanced contractor oversight, which is long overdue.

The bill speaks to vessels carrying DOD cargo in high piracy risk areas by requiring that they be equipped with appropriate nonlethal defense measures. And it strengthens the DOD's

ability to face threats and vulnerabilities by improving research and promoting military and civilian cyber workforce development.

It improves accountability and oversight in awarding defense contracts by providing the Defense Department the authority to require return of award and incentive fees. The bill prohibits a company from being awarded future contracts if its action leads to a servicemember's death or severe injury. This, of course, is in response to the number of soldiers who were electrocuted by bad plumbing work.

To address concerns about the treatment of detainees, the bill bans interrogation of detainees by contractors and requires the Department of Defense to give the International Committee of the Red Cross prompt access to detainees held at the Bagram Theater Internment Facility in Afghanistan.

In addition, the bill reforms the Military Commissions Act to clarify rules and improve trial procedures to make military commissions fair and effective, and puts new revisions into place that would forbid the use of statements alleged to have been secured through cruel, inhuman, or degrading treatment.

Finally, the bill provides the accused with the enhanced ability to select his own counsel and to make hearsay evidence harder to use in court. It improves procedures for the handling of classified information while also permitting military commissions to continue existing cases for 90 days or until revisions have been made to supporting court manuals and handbooks.

The bill matches the administration's request for \$9.3 billion for missile defense programs and provides the resources necessary to meet threats facing the United States, our deployed forces, and our friends and allies, and provides \$2.2 billion to support the Department of Energy's nonproliferation programs. It strengthens the Stockpile Stewardship Program to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground testing.

Further, the bill provides technical and financial support to local law enforcement and prosecutors that they can more aggressively try violent crimes which are motivated by the victim's race, color, religion, national origin, gender, sexual orientation, gender identity, or disability; expands the ability of Federal prosecutors to try similar types of cases in Federal court if State or local officials are unable or unwilling to prosecute these cases; and criminalizes attacks against U.S. servicemembers because of their service to their country.

I want to address one last point. The bill includes new hate crimes legislation that will prohibit offenses based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person. This kind of far-

reaching protection is important for America, and I am proud to support it.

There are still far too many incidences of violence in and around our schools and churches. During the last 10 years, 69 persons have been killed or injured at church and another 122 children have died in or around their school. The numbers are devastating. One has only to look at the beating death of Chicago teenager Derrion Albert outside his high school, an honor student, to see how devastating it is to see violence in our schools. I hope this bill can help bring an end to that sorrow.

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

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend, the distinguished chairwoman, Ms. SLAUGHTER, for the time, and I yield myself such time as I may consume.

Today the House will consider the bipartisan conference report for the 2010 National Defense Authorization legislation. With this important legislation, I think we are sending the message to our men and women in uniform that we support them and that we deeply appreciate their service.

The conference report authorizes over \$550 billion for the activities of the Department of Defense. It also provides approximately \$130 billion to support our combat operations in Afghanistan, in Iraq, and other fronts of the war on international terrorism.

I wish to commend both the Armed Services Committee chairman, Mr. SKELTON, and the ranking member, Mr. MCKEON, both good friends and admired colleagues, for their commitment that they have demonstrated in this legislation to put partisanship aside in order to get this important legislation to the President.

While I support the conference report, I know it is not perfect. No human endeavor is. But I believe that the conference report will strengthen our national security and help modernize our military. It will provide servicemembers and their families with improved health care, support, and quality-of-life programs. I'm pleased that it includes the House-passed 3.4 percent pay raise for our troops instead of the lower request that had come from the President.

Furthering our commitment to our troops, the bill extends TRICARE eligibility to Reserve members so they can receive full TRICARE coverage 180 days before they go on active duty and will prevent increases in copayments for inpatient care at civilian hospitals under TRICARE. The bill provides over \$2 billion for family housing programs to expand and improve the quality of military housing.

The legislation authorizes the expansion of our military by 30,000 Army troops, 8,100 marines, and over 14,000 Air Force personnel and approximately 2,500 members of the Navy.

□ 1030

I would like to thank the members of the conference committee for including

my request for authorization for funding for the finalization of construction of a new permanent headquarters for the United States Southern Command that is located in the congressional district that I am honored to represent. Currently, the Department of Defense is leasing the land for SOUTHCOM from a private individual. The funds authorized in this legislation will be used to complete construction of the new headquarters on land adjacent to the current location and lease it from the State of Florida for the sum of \$1 per year.

This provision is extremely important to my community because SOUTHCOM personnel and supporting services have contributed over \$1.2 billion and over 20,000 jobs to south Florida's economy.

As a supporter of the Matthew Shepard Hate Crimes Prevention Act, I am pleased to see that it was included in the underlying legislation, though I wish that the provision would have been expanded to include also more serious penalties for crimes against members of the armed services and their families. There are people who hate our armed services for what they symbolize, and our armed services, I think, deserve the additional protection from crimes of violence.

There are aspects of this legislation, obviously, with which I disagree, Mr. Speaker. Since the beginning of military aviation, the United States has very wisely invested in our military air superiority. In recent military operations, we've clearly seen that our investments pay off. Our military air superiority saves the lives of our men and women in uniform, and it saves the lives of countless civilians. That's why I am very disappointed that the underlying legislation fails to include funding for the F-22, the world's most advanced fighter plane and one that we may very well need in future operations. Obviously not against ragtag terrorists, but against the superpowers of the future.

I hope and pray that this short-sighted decision will not hurt the long-term safety of our Nation and our men and women in uniform.

I also have deep reservations about the decision to block full funding restoration for missile defense. This unwise decision, in my opinion, comes at a time when the demented despot of North Korea continues to mock global condemnation of his nuclear program and threatens the United States and our friends and allies with destruction.

The Iranian tyranny, while it continues to massacre its people in the streets perhaps today in a less public manner than a few months ago, nevertheless continues to massacre its people. It also threatens to wipe Israel off the face of the map. It's clear to me that the world faces a grave and I believe imminent threat from the dictatorships in North Korea and Iran, and now is not the time to cut missile defense. Unfortunately, because of the request from the executive branch and

acquiescence here on the part of the leadership, it is occurring, and I think it is a mistake.

I would have liked to have seen included in this legislation section 1226 of the Senate version of the bill, which would have required a report to Congress on the Republic of China's—that's free China, Taiwan—defense capabilities. That report would have greatly enhanced the ability of Congress and the administration to assess their obligations to sell defense articles as required under the Taiwan Relations Act, "as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

The peace in that area has been maintained because this Congress, throughout the decades ever since the betrayal of Taiwan, this Congress has insisted on the United States selling, making available for purchase by the Republic of China, the military equipment and technology necessary to deter an armed attack. So I am sorry that that provision that was in the Senate legislation is not included in the final conference report.

Again, despite the aspects of the legislation with which I do not agree, I feel that overall this legislation is necessary and that we pass it. Obviously although it's not perfect, it helps modernize and it supports our military forces. It provides our men and women in uniform with support they need and deserve.

So I would ask my colleagues, as I have done, to look further than the aspects with which one may disagree within the legislation and pass it.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Colorado, a member of the Rules Committee, Mr. POLIS.

Mr. POLIS. Mr. Speaker, I rise today in support of the rule and the bill. I would like to thank Chairwoman SLAUGHTER for the time on the rule as well as House Armed Services Chairman SKELTON and Ranking Member MCKEON for their tireless work on this bill. Their job is not easy.

Our Nation faces a war on two fronts and growing threats to our security here and abroad. As our economy struggles to recover from a meltdown, the resources we have available to devote to these problems are under increasing pressure.

It's time we bring our troops home from both Iraq and Afghanistan. I commend President Obama and his efforts to end our military presence in Iraq and look forward to helping him achieve this goal soon.

I am concerned, however, about the possible increase of troops in Afghanistan. We cannot achieve peace through the occupation of an entire country. The occupation of Afghanistan will not help us defeat the very real threat of al Qaeda. We need to take a new look at our policy, moving towards targeted operations against al Qaeda rather than the occupation of an entire coun-

try. And this can only come about through discussion and debate.

We need an exit strategy for Afghanistan, a plan for peace. This bill promotes such a plan by requiring assessment of goals in Afghanistan with timelines and by increasing numbers in the Afghan National Security Forces to prepare for the transition.

Recognizing, however, that this authorization will inevitably continue war efforts inherited from the previous administration, I take great pause in deciding to support it. But at its heart, this authorization is about more than our policy towards Iraq and Afghanistan.

Mr. Speaker, I strongly support this authorization today because, in doing so, Congress finally—after nearly a decade of debate—has the opportunity to pass historic hate crimes legislation. My home State of Colorado has long had hate crimes legislation on the books, including gays and lesbians, and I am proud to stand before you as a representative of the Second Congressional District and as an original co-sponsor of the Local Law Enforcement Hate Crimes Prevention Act of 2009 which is included in this Defense authorization bill.

Our hate crimes legislation expands Federal jurisdiction to investigate and prosecute hate crimes and provides law enforcement with another means of ensuring that the safety and rights of all Americans are protected. It offers Federal protection for victims of hate crimes targeted because of their race, color, religion, national origin, sexual orientation, gender, gender identity, or disability, as well as protecting men and women who proudly wear the uniform of the United States from hate crimes. It also provides assistance to State and local law enforcement agencies and amends Federal law to aid in the prosecution of bias-motivated crimes.

Hate crimes are not limited to the LGBT community. They occur every day in every State and perpetuate a climate of fear throughout minority communities. What makes these crimes so odious is that they are not just crimes against individuals; they're crimes against entire communities and create environments of fear in entire communities.

There is a difference between burning a cross on the lawn of an African American family and an act of simple arson. This legislation clarifies that our country has zero tolerance for hate crimes.

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

Ms. SLAUGHTER. I yield the gentleman 20 additional seconds.

Mr. POLIS. I rise in support today—despite my opposition to the war—of the 2009 reauthorization bill. And I thank Chairman SKELTON and Ranking Member MCKEON for including the hate crimes bill and bringing this historic legislation to the floor of the House and to the desk of the President of the United States of America.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished leader from Missouri, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong opposition to this rule. This rule, for the first time that I am aware of, allows the Defense authorization bill to become a vehicle where other social legislation is finalized, where the country's laws are changed, where those of us who have always voted for the Defense authorization bill now have a choice of voting for a bill that includes something that we've always voted against. And even if it was something that I was for, I don't think this rule should move forward in a way that changes the law so that we would, in the future, have two classifications of criminals and two classifications of victims.

Criminals should be prosecuted to the fullest extent of the law. Victims should be protected to the fullest extent of the law, and it should not, Mr. Speaker, happen in the Defense authorization bill. To use this bill in this way is a step in the wrong direction, and I am afraid it's the first step in that wrong direction where every bill to defend the country, every bill to find out what our enemies are up to, every bill to fund our troops, every bill to take care of their families will become a vehicle for other social legislation that has nothing to do with defense. That should not be in this bill.

This rule should allow a vote that takes it out of the bill, at the very least, and it sets a very terrible preference, Mr. Speaker.

I urge this rule be rejected so we can move forward with a Defense authorization bill like every Defense authorization bill for at least a decade that dealt with defense and those who defend our country.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentlelady for her courtesy and the time.

Mr. Speaker, I rise in support of the rule for H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

In addition to the bill's robust support of our national defense and national security programs, H.R. 2647 includes several key Federal employee initiatives which will come under my jurisdiction as the chairman of the Federal Workforce, Postal Service, and District of Columbia Subcommittee. I am pleased to report that the bill significantly enhances the Federal Government's recruitment and retention capabilities, as well as further bolstering agency management and worker productivity.

The underlying bill will now allow the Federal Employees Retirement System to provide employees with retirement credit for unused sick time. Under the current system, we have half of our employees that are allowed to get credit for unused sick time, and the

others are encouraged to use their sick time whether they need it or not.

Under this new bill, Federal workers, managers, and agencies will have the flexibility they have long called for. This is a great change in our personnel management system.

Additionally, this legislation fixes a civil service retirement annuity calculation problem for those employees who wish to phase down to part-time at the end of their working careers. Under the existing system, senior employees—many times our most valuable senior employees—are forced to simply retire and not work part-time at the end of their career in order to train their successors, because the calculation would hurt their pension if they work part-time at the end of their career. This change will obviously correct that inequity.

The Office of Personnel Management supports that as a way to retain the skill-set and knowledge of employees who are nearing the end of their careers and who want to work part time to help train future agency leaders.

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

Ms. SLAUGHTER. Mr. Speaker, I will yield 1 minute to the gentleman.

Mr. LYNCH. Also included is a provision that allows D.C. court employees to be compensated for lost retirement credits when those workers were involuntarily transferred to Federal service.

H.R. 2647 will also terminate DOD's disastrous so-called pay-for-performance personnel system.

I would like to extend my gratitude to IKE SKELTON, chairman of the Armed Services Committee, and BUCK McKEON, the ranking member, as well as Members JIM MORAN from Virginia, Mr. CONNOLLY from Virginia, Mr. VAN HOLLEN from Maryland, and Congresswoman ELEANOR HOLMES NORTON from the District of Columbia, and Majority Leader STENY HOYER for their efforts on behalf of the Federal workforce.

Mr. Speaker, I conclude my remarks by thanking Chairwoman SLAUGHTER for the time and restating my support for the rule.

□ 1045

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to my friend, the great Texan, Judge CARTER.

Mr. CARTER. Mr. Speaker, I have the distinct honor and privilege to represent 52,000 fighting American soldiers, men and women. As we stand here on the floor of this House today, 25,000 of my soldiers that I represent from Fort Hood, Texas, are engaged in combat against an enemy of the United States. And we have lost hundreds of soldiers from Fort Hood; and we have had thousands of soldiers, men and women, injured from Fort Hood fighting for freedom and doing their duty and accomplishing their mission.

I have always supported the United States military in every form or fashion, and I have always been a crusader

for the authorization bill that gives those tools that gives my fighting men and women that fight for Fort Hood and fight for Texas and fight for America the opportunity to do their mission, accomplish their goals and maintain freedom.

But I'm in a dilemma today, as are many, many of my colleagues because we seem to be following a code of secrecy that seems to be the new mode in this Congress. When you have something you don't want to talk about out in public, you hide it somewhere. And so we're looking today on the fact that we've added to the bill that's designed to protect the men and women of the United States military and keep them safe, we've added a criminal justice issue having to do with hate crimes.

In 20 years on the bench as a criminal judge, at a felony level in Texas, I've spent an inordinate amount of time protecting the rights of the individual and protecting the rights of the defendant. I believe that we have created a justice system in America that blindly treats everyone equally. There are those who disagree, and I understand that debate.

But that debate should be resolved in a one-on-one confrontation between those who think the justice system treats all fairly and those who do not, and if hate crimes is the solution to that bill, if we thought crimes are what we want in America, then I think we should go forward independently on a hate crimes bill. And I think those who support hate crimes should have the courage to come out from underneath the cover of the United States serviceman and step up and say, this is a problem in America and it needs to be solved, and here's how we solve it.

Let us discuss it as men and women who represent the American people, and let us vote as our constituents would have us vote on the issue before us, hate crimes. Let's not hide that issue behind that American soldier who, at this very moment, is patrolling over in Iraq and putting his life on the line. This is an awful thing to do to the American soldier because it is taking him and having his Representative have to be in a quandary to support the military because someone is plugging in a bill that they might disagree with.

I believe every victim is entitled to be protected by the law. No matter who they are or what they do, they are entitled, as a victim, to be protected under the law and their rights to be part of the criminal justice system. And I believe the sentencing process that we give to our judges and our juries it is very important that they have choices to make and they can take into consideration evidence of why the event occurred, whatever that why may be.

But I think, to stick in here a controversial issue, which goes farther than just what the crime is, but what was that person thinking, or what are we going to presume that person was thinking, and if anybody ever talked to him on this subject, do we presume

that they shall be considered aiding and abetting in this criminal offense. And it has issues that affect the religious freedom of the United States.

These are issues that should be talked about independently. It's time for the United States Congress to address this type of thing and other things openly and forthwith, and not hide them in another bill and force people to vote against their conscience. I'm ashamed of what we're doing here today, Mr. Speaker. I think we can protect these innocents that we're talking about using the fact that our Constitution tells us to and demand that kind of behavior from our justice system without going into thought crimes, hate crimes, and infringement upon States' rights.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, as one of the House conferees of this report, I have no confusion in terms of why I'm here and what we're doing to support the troops. I rise in strong support of this rule and the conference report of H.R. 2647, and I will submit my full statement for the RECORD.

I thank Chairman SKELTON for his continued skillful leadership, for the Speaker appointing me as a conferee, and Mr. OBERSTAR for recommending me. What is the report about? There's no covers here. The report is clear. It's about restoring and enhancing the readiness of our troops and the equipment. It's about taking care of our military personnel, and it also authorizes needed investments to keep our Nation strong.

So let's talk about what that means. Troops, enabling that the Department of Defense would have 213 C-17s so we can support our men and women; that our military families would not have to wait on a 3.4 percent military raise that they've long deserved. But let me focus my final moment on why and what my specialty is and what I think is so important in this bill, talking about port security as national security.

When we consider the provision that is in this bill, port security, infrastructure, development program, it will enable our ports to finally come up to speed where we can be competitive, as well as the economic engine that we reside in.

Now, let's talk about the ports. The role of our ports is not just economics. It's to connect the ports. That's the point. And when you look at 14 commercial ports currently in the United States, two of which are in my area, they are called strategic ports for that very reason. When you look at Operation Enduring Freedom, that was the largest area where we had the sealift tonnage and troops that were moved through the ports to enable us to respond.

So when we talk about this Defense authorization bill, it's quite clear why

we're here today. We're here to talk about our troops, to prepare them and to give them the resources that they so richly deserve. Currently, our ports are struggling without enough money for the Army Corps to do the proper dredging.

I urge my colleagues to support this, and I stand in support of Ms. SLAUGHTER as we move forward on this rule.

Mr. Speaker, as one of the House conferees on this report, I rise in strong support of the rule and the underlying Conference Report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, which provides \$550.2 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy.

I thank Chairman SKELTON for his skillful leadership in shepherding this legislation to the floor. I also wish to express my appreciation to Speaker PELOSI for appointing me as a conferee. And I cannot say how much it means to me to have the confidence of my chairman, Mr. OBERSTAR, who recommended me to the Speaker. Mr. Speaker, I support the conference report for three reasons: (1) it restores and enhances the readiness of our troops, equipment, and defense infrastructure; (2) it takes care of our military personnel and their families; and (3) it authorizes the needed investments to keep our nation strong, safe, and respected in the world.

Let me briefly highlight some of the key provisions. This legislation:

TROOP AND EQUIPMENT READINESS

Increases the size of our overstretched military by 30,000 Army troops, 8,100 Marines, 14,650 Air Force personnel, and 2,477 Navy sailors as requested by the President and Commander-in-Chief;

Provides \$6.9 billion to address equipment shortfalls in the National Guard and Reserves;

Provides \$4.7 billion for training opportunities for the Army;

Adds \$350 million for Army trainee barracks construction and \$200 million to support National Guard and Reserve military construction projects;

Requires DoD to maintain a strategic airlift fleet of 316 aircraft, an increase of 24 over previous requirement, which should help bring us closer to the goal of maintaining the full complement—at least 213—of C-17's, the incomparable and irreplaceable air transport that is assembled in my congressional district.

HELP FOR MILITARY FAMILIES

Provides a 3.4 percent military pay raise;

Prohibits fee increases on TRICARE inpatient care for 1 year;

Provides \$2.2 billion for family housing programs;

Adds \$276 million to support the Housing Assistance Program that helps service members forced to sell their homes at a significant loss;

Provides travel and transportation for three designated persons, including non-family members, to visit hospitalized service members.

IRAQ, AFGHANISTAN, AND PAKISTAN

Bans permanent bases in Iraq and prohibits U.S. control of Iraqi oil;

Requires report on responsible redeployment of U.S. forces from Iraq;

Bans permanent bases in Afghanistan;

Requires reports to assess progress toward security and stability in Afghanistan and in Pakistan;

Requires a system to register and track all U.S. defense articles provided to Afghanistan and Pakistan;

Directs GAO to provide separate reports assessing the strategic plans for Iraq and Afghanistan.

PORT SECURITY AND NATIONAL SECURITY

Mr. Speaker, in my remaining time let me discuss an additional reason why I support the conference report. Working together constructively, the conferees were able to reach agreement and included in the Conference Report provisions establishing a port infrastructure development program. Let me explain why this is a significant, constructive, and necessary enhancement to the bill. The subject is very important but I will be brief.

ECONOMIC SIGNIFICANCE OF AMERICAN PORTS

Our Nation's ports are vital to the economic health and prosperity of our Nation. According to the International Trade Administration, last year U.S. exports of goods and services grew by 12 percent to \$1.84 trillion, while imports increased by 7.4 percent to \$2.52 trillion. Exports accounted for 13.1 percent of U.S. Gross Domestic Product in 2008. To put that in historical context, in 2003, exports were 9.5 percent of GDP; in 1969 they were only 5.3 percent.

The Port of Long Beach and Los Angeles is the busiest container port in the United States. This port complex is the fifth busiest port in the world, moving \$260 billion in total trade and handling 14.33 million 20-foot containers in 2009. This represents approximately 40 percent of all the containers entering the United States. More than 886,000 jobs in California are directly or indirectly related to the international trade activities at the ports.

According to the U.S. Coast Guard, there are 360 commercial ports that provide approximately 3,200 cargo and passenger handling facilities. The importance of our ports is only going to continue to grow. The Department of Transportation estimates that by 2035, the volume of freight shipped on the U.S. transportation system will increase more than 48 percent—and much of this freight enters the U.S. through our ports.

NATIONAL SECURITY CONSIDERATIONS

While it is undeniable that the international trade handled by the Nation's ports is a major engine driving our economy, public and commercial ports serve another critical function that is vital to our national security. Mr. Speaker, it is an understatement to say that in times of war, "the role of ports is to connect the forts."

During wartime and national emergencies, the Defense Department designates two dozen ports to support the mobilization, deployment, and resupply of U.S. forces during major conflicts. Commercial port facilities routinely ship military cargo and many U.S. ports host major naval installations. Indeed, 14 commercial ports—including the Port of Long Beach and Los Angeles—are deemed so critical to the defense and security of the Nation that they have been designated as "strategic ports." The others are: Tacoma, Wash.; Oakland, Calif.; San Diego, Calif.; Corpus Christi, Texas; Beaumont, Texas; Jacksonville, Fla.; Savannah, Ga.; Charleston, S.C.; Wilmington, N.C.; Morehead City, N.C.; Hampton Roads Area Ports, Va.; Philadelphia, Pa. and the New York/New Jersey Port Complex.

U.S. public and commercial ports have been indispensable in the deployment of troops and

material for Operations Enduring Freedom and Iraqi Freedom since the conflicts began there in early 2001. The Military Sealift Command, MSC, and the Military Traffic Management Command, MTMC, use public ports to preposition mobility forces and assets and provide global surface deployment command, together with control and distribution operations, to meet national security objectives in peace and war.

According to the Department of Defense, the total sealift tonnage moved in the first 6 months of Operation Iraqi Freedom and the deployment and redeployment of approximately 240,000 troops and their equipment was part of the largest troop rotation since World War II. Sealift tonnage passing through the Nation's ports accounted for approximately 84 percent of the total Operation Iraqi Freedom cargo shipped during this period.

THE CRITICAL ROLE OF PORT INFRASTRUCTURE TO NATIONAL SECURITY

Commercial ports are a linchpin of the economy and a critical component of our national defense. But Mr. Speaker, there is a problem. It is simple and it is stark: Our ports are increasingly less capable of fulfilling their vital functions because we have not invested sufficient resources to maintain and modernize them. Port infrastructure is rapidly falling into a dangerous state of disrepair.

For too long we have neglected to make the critical investments necessary to ensure the United States remains the world leader in goods movement. Consequently, today in Long Beach and other ports around the country we find growing congestion, dangerous roads and safety hazards, increasing levels of pollution and other environmental problems in our communities, especially those near freight corridors like the Alameda Corridor in my home district.

The situation is not much better when it comes to the dredging of our ports and harbors. Global competition has led to the deployment of larger vessels capable of carrying increased tonnage but requiring deeper ports and harbors. That means frequent and better dredging.

However, according to the Army Corps of Engineers only 160 dredging contracts were awarded last year to dredge 146,747,977 cubic yards of sediment. This is not nearly enough. According to the Department of Transportation, in several strategic ports dredging must be increased as much as 45 to 50 feet to accommodate the larger commercial vessels dominating the shipping industry.

Instead of using funds to maintain and dredge our harbors, we have used more than half the funds collected for that purpose by the Harbor Maintenance Fund to support the budget deficit instead of eliminating the port infrastructure deficit. Currently, the HMT Fund has a surplus of approximately \$4,600,000,000. In fiscal year 2009, more than \$1.6 billion was collected by only \$710 million, 43.7 percent, was appropriated for dredging operations.

Mr. Speaker, when it comes to port infrastructure the current states of affairs is simply intolerable. We are placing our commercial enterprises at a competitive disadvantage in the global economy. Worse, we are putting our national security at risk.

That is why I have been working to correct this problem since I have been in the Congress. Recently, I introduced three bills:

1. H.R. 3447, "Harbor Maintenance Trust Fund Reform Act," which would provide a reliable and guaranteed source of funding for harbor dredging;

2. H.R. 3446, the "Clean Low-Emission Authorization Nationwide (CLEAN) Ports Act of 2009," which will lead to a reduction in pollution levels plaguing port communities by establishing a grant program to assist port authorities to acquire fuel efficient and low-emission vehicles, equipment and systems; and

3. H.R. 2355, the "Making Opportunity via Efficient and More Effective National Transportation Act of 2009" ("Movement Act"), which provides funding for infrastructure projects that will improve the movement of goods, mitigate environmental damage caused by the movement of goods, and enhance the security of transported goods.

I will discuss these proposals in more detail at another time. But it suffices for now to say that what each of my bills has in common with the provision we have included in the Conference Report is that they all recognize the critical importance of making the necessary investments in port infrastructure to ensure that ports are capable of moving goods efficiently, absorbing new capacity, remaining competitive, and fulfilling its national defense function.

CONCLUSION

In conclusion, Mr. Speaker, I support the Conference Report because it restores and enhances the readiness of our troops, equipment, and defense infrastructure. It takes care of our military personnel and their families. And it authorizes the needed investments to keep our Nation strong, safe, and respected in the world. That is why I was proud to have been selected as a member of the Conference and to have signed the Conference Report. I urge my colleagues to join me in supporting the rule and in voting for the bill on final passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 7 minutes to my friend, the great leader from Indiana, Mr. PENCE.

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

Mr. PENCE. Mr. Speaker, I rise in opposition to this rule and in opposition to the hate crimes provisions and the balance of the National Defense Authorization Act for Fiscal Year 2010.

Throughout my nearly 9 years in Congress, I've been down range with our troops every year, in Afghanistan and Iraq. I've also supported every Defense authorization bill that has come before this body, and so I rise with a heavy heart today to say that I will break that personal tradition in opposing this bill.

Now, no one doubts that the National Defense Authorization Act for Fiscal Year 2010 is an important piece of legislation whose essential elements will provide for our troops the critical resources they need to accomplish their mission. However, the majority in this Congress has cynically included hate crimes provisions in this legislation that threaten the very freedoms of speech and religion that draw our soldiers into the uniform of this Nation.

Men and women throughout our history have put on the uniform for a va-

riety of reasons, some out of a sense of patriotism, some out of a sense of love for their families, love for their country, a sense of duty; but in every single case, I would offer that, from the American Revolution forward, every American who has put on the uniform of this country has done so to defend freedom. Therefore, the very idea that we would erode the freedoms for which our soldiers wear the uniform in a bill that is designed to provide resources those soldiers need to get the job done and come home safe is unconscionable.

It is simply inappropriate to use the Defense bill as a vehicle for divisive liberal social policies wholly unrelated to our country's national security. Here, the Democrats in the majority, with the assent of this administration, are piling liberal social priorities on to the backs of our soldiers. This is disturbing, I suspect, to millions of Americans and counterproductive to the legislative process.

But on to the substance of hate crimes. I find myself in strong agreement this day with Thomas Jefferson who said, and I quote, "Legislative powers of government reach actions only, not opinions." And he actually connected that very principle with the foundation and rationale for the First Amendment. The hate crimes provisions in this legislation, as before, are antithetical to those First Amendment traditions and unnecessary. Violent attacks on people are already illegal, regardless of the motive behind them. And there's no evidence that the underlying violent crimes at issue here are not being fully and aggressively prosecuted under current law.

Therefore, in a practical sense, hate crimes serve no purpose. But they instead penalize people for thoughts, beliefs and attitude and send us down that very slope that Thomas Jefferson warned against. Now, some of these thoughts and beliefs and attitudes, racism, sexism, bias against people because of their sexual preferences, I find abhorrent. I disdain discrimination. I disdain bigotry. But these hate crimes provisions, including those that will be added to Federal law today, are broad enough to encompass legitimate beliefs, and protecting the rights of freedom and speech and religion must be first and foremost and paramount on the floor of this chamber.

To put it quite simply, adding hate crimes provisions in this Defense bill puts us on a slippery slope of deeming particular groups as more important than others under our system of justice. Singling out particular groups of victims erodes our longstanding legal principle of equal protection under the law as well. The First Amendment of the Constitution provides that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. America was founded on the notion that the government should not interfere with the religious practices or expressions of our people.

But there is a real possibility that these provisions in this Defense bill having to do with hate crimes and sexual preference could have that effect. These provisions, as written, could result in a chilling effect against religious leaders in this country. As has been previously stated by Judge CARTER of Texas, under section two of title 18 of the U.S. Code today, an individual may be held criminally liable who aids, abets, counsels, commands or induces or procures in the commission of a Federal crime.

Therefore, to put a fine point on it, any pastor, preacher, priest, rabbi, or imam who may give a sermon out of their moral traditions about sexual practices could presumably, under this legislation, be found to have aided, abetted or induced in the commission of a Federal crime. This will have a chilling effect on religious expression from the pulpits, in our temples, in our mosques and in our churches; and it must be undone.

So let me say, as I close, the provisions added to this legislation threaten religious freedom by criminalizing thought. It is simply wrong to further criminalize thought and chill religious expressions of Americans. But let me also say, as I said before, a Defense authorization bill ought to be about the national defense. And here we have, in this majority, in an effort, presumably, any effort to move liberal social policies at home, a willingness to pile unrelated liberal priorities on the backs of an effort to advance our national security. And that's unconscionable.

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Let's remember what our soldiers are fighting for. Let's remember why they put on the uniform. They wear the uniform to defend freedom. So let's take a stand for freedom today and let's take a stand for a legislative process that has genuine integrity to purpose.

I urge my colleagues to vote against the rule, and I sadly urge my colleagues to vote against the Defense authorization bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Thank you to the gentlelady from New York. I rise today to strongly support the rule and the underlying bill, the conference report on the National Defense Authorization Act. I'm grateful to Chairwoman SLAUGHTER for the time to speak, and Chairman SKELTON and the ranking member for crafting a bill that protects our national security in a fiscally responsible way.

This morning, I would like to focus on section 1077, which allows the Department of Veterans Affairs to provide veterans with service dogs that can facilitate treatment of their physical and mental disabilities.

I first introduced the bipartisan Wounded Warrior K-9 Corps Act in July, and I'm proud to have worked out this language in this bill to help keep

America's promise to our disabled veterans. The men and women who have served this country and are injured deserve our full and complete support when they return home, and that means doing everything we can to improve their quality of life after their service.

I have seen these programs where they provide service dogs in action. I have witnessed the growth of disabled veterans after working with a guide dog or an animal that can assist them with physical therapy, their mental health, and even their job. These programs succeed, and they're another important way we can strongly stand behind our veterans and their families.

I'd like to thank Senator AL FRANKEN of Minnesota and ED WHITFIELD of Kentucky, who were my indispensable partners in this bipartisan effort. I'd like to also acknowledge David Kildee of the House Armed Services Committee staff, and the Armed Services Committee staff, whose assistance proved crucial in this effort.

Finally, this effort would not be possible without Irwin Stovroff, former World War II POW and someone who's a personal friend and my constituent. He is a guardian angel to many disabled veterans and wounded warriors who depend on him for their service dogs and their quality of life.

I urge my colleagues to support this measure, the conference report, and the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding. I do not plan to support the rule or the underlying legislation. I have some of the concerns that were raised earlier about adding items that don't belong in a Defense bill. We simply shouldn't do that.

But I do rise in support of a provision contained in the Defense authorization conference report that will hopefully shed some light on the process by which earmarks are competitively awarded by the Department of Defense.

Section 1062 of the report represents a compromise between language in the Senate's version of the bill and an amendment dealing with earmarks that I was able to successfully offer in the House bill.

The practice of earmarking, as we all know, has come under significant scrutiny in the media with the advent of the PMA Group scandal when it was revealed earlier this year. Yet, since that time, Congress has taken very little action to actually deal with the root cause of this problem.

The Defense authorization bill, the Defense appropriation bill each contain hundreds of—in one case more than a thousand—individual earmarks, many of which—in fact, in the Defense appropriation bill, more than half of the earmarks are going to for-profit entities. We simply cannot continue to do that.

No Member of Congress should have the ability to provide a sole-source or no-bid contract to their campaign contractors. Until we address the root of that problem, we're going to have problems like this.

A while ago, I worked with the Department of Defense—or, in fact, I've been working with them for several months now—to try to see where these earmarks are going and to see what process they have by which they are competitively bid. I should note that I'm skeptical that this language will do very much good because the Department of Defense tells us now that they follow a process by which earmarks are competitively bid; yet, I provided the Department with a subset of roughly 160 earmarks in the FY 2008 legislation and asked for information regarding the competitive practices used to award these earmarks.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional 20 seconds.

Mr. FLAKE. After an initial review, though apparently consistent with competitive requirements, it was found that, with uncanny alignment, these earmarks actually went to their intended recipients.

So we have much more work here to do, and I hope in the coming months we can fix this problem completely. Members of Congress shouldn't have the ability to award no-bid contracts to their campaign contributors.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I rise in strong support of the conference report on the National Defense Authorization Act. This bill is what Americans have been waiting for. There's a military pay raise of 3.4 percent to say thank you to our troops. We prohibit fee increases on TRICARE patients for 1 year, something many of my constituents have worried about; increases the size of the military and relieves the burden on so many of our troops. It provides money for the National Guard and for Reserve construction projects, saying thank you to the National Guard and recognizing their hard work. It prevents permanent bases in Afghanistan and Iraq.

I'm also pleased that my amendment to repeal the National Security Personnel System has been included in the conference report. The Department of Defense employees will be returned to the previous system, the one that 80 percent of them liked and approved because it was a fairer system.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 2 minutes to my distinguished friend from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I rise in opposition to both this rule and the underlying conference report. The American people need to understand the sea change that's taking place with this

rule and this conference report. It's the first time we have allowed social policy and the budget to drive our defense posture instead of our defense posture driving the budget. We have men today that are fighting and dying in Afghanistan, and they have no plan.

Now, the law doesn't require that the administration have a plan. Common sense does. Fairness does. But what the law did require was on this report they have a shipbuilding plan so America knows what we're doing with their ships, how they're building, and that they certify that this budget, this authorization bill will meet. And this administration just refused to do it.

The law also requires that they have an aviation plan that just makes sense. But the law requires them to give us a plan to say what they're going to do with our planes and the certification that this conference report does it. They just refuse to do it.

When they sent the report over, they issued a gag order to members in the Pentagon where they couldn't even talk to Congress to tell them where they were putting dollars and which programs they were cutting, and that was just wrong. And then they have labeled their social agenda and overlaid it into a Defense authorization bill.

Mr. Speaker, the American people deserve better, and I hope we will defeat this rule and defeat the underlying conference report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Ms. SLAUGHTER. I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentlewoman and I thank her for her hard work on this and every other piece of legislation that this body votes on.

Mr. Speaker, I rise today in support of the conference report of the National Defense Authorization Act. I'm pleased to see that the conference report includes an important provision which would require a study on providing Federal retirement benefits to former Air America employees.

From 1950 to 1976, Air America was a government corporation owned and operated by the CIA that supported America's missions during the cold war. The corporation conducted flight operations in various countries, including China, Korea, and Vietnam, on behalf of the Department of Defense and the CIA.

The CIA conducted Air America operations in secret and did not acknowledge that Air America was a government corporation. Therefore, those Air America employees have never received their government retirement benefits.

This noncontroversial Air America provision included in section 1057 of the

conference report simply requires a report from the Director of National Intelligence on the visibility of correcting this oversight and retroactively giving these employees Civil Service Retirement System benefits. It is only right. It is only fair. Air America employees served their country with distinction, often at great risk to themselves. They earned these benefits.

This, in addition to so many other parts of this bill, make it well worth voting for, and I urge my colleagues to support this legislation.

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself such time as I may consume.

Over the last few months, the American people have written and called their Members of Congress or they've made their opinions known at town hall meetings to ask their Congressmen whether they will pledge to read bills before they vote on them. The reason is that the people really were outraged, often finding out the majority leadership forced Congress to vote on a number of sweeping and very expensive bills without giving Members time to understand or really even to read the bills.

For example, we were forced to vote on the final so-called "stimulus" bill, on the omnibus appropriations bill, and on cap-and-trade with less than 24 hours to read the bills; in some instances, much less than 24 hours. And that's no way to run this House. Our constituents are rightly upset.

A recent survey found that 83 percent of Americans believe legislation should be posted online in final form and available for everyone to read before Congress votes on legislation.

You would think, Mr. Speaker, this would not be an issue, as the distinguished Speaker is on record as saying, "Members should have at least 24 hours to examine bills and conference reports before floor consideration." It's even on her Web site; yet, time and time again, the distinguished Speaker and majority leadership have refused to live up to their pledge. That is why a bipartisan group of 182 Members have signed a discharge petition to consider a bill that would require that all legislation and conference reports be made available to Members of Congress and the general public for 72 hours before they be brought to the House floor for a vote.

That's why today I will be asking for a "no" vote on the previous question so that we can amend this rule and allow the House to consider that legislation, H. Res. 544, a bipartisan bill by my colleagues, Representatives BAIRD and CULBERSON.

I know that Members are concerned that this motion may jeopardize the Department of Defense Authorization Act. But I want to make clear, the motion I am making provides for separate consideration of the Baird-Culberson bill within 3 days. So we can pass the Defense authorization bill today and

then, once we are done, consider H. Res. 544.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and the extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I have an amendment to the rule at the desk.

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

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

At the end of the resolution, add the following:

"SEC. 2. Upon the adoption of the conference report the House shall be considered to have adopted the concurrent resolution (H. Con. Res. 196) making corrections in the enrollment of the bill H.R. 2647."

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

AMENDMENT TO H. RES. 808

OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, insert the following new section:

SEC. 3. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and

a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and the resolution and ask for a "yes" vote.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and the resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on the amendment and the resolution will be followed by 5-minute votes on the amendment to H. Res. 808, if ordered; adoption of H. Res. 808; motion to suspend the rules on H. Res. 650, H.J. Res. 26, and H.R. 3590.

The vote was taken by electronic device, and there were—yeas 237, nays 187, not voting 8, as follows:

[Roll No. 764]

YEAS—237

Abercrombie	Grijalva	Nadler (NY)
Ackerman	Gutierrez	Napolitano
Adler (NJ)	Hall (NY)	Neal (MA)
Altmire	Halvorson	Nye
Andrews	Hare	Obey
Arcuri	Harman	Oliver
Baca	Hastings (FL)	Ortiz
Baird	Heinrich	Pallone
Baldwin	Herseth Sandlin	Pascarell
Barrow	Higgins	Pastor (AZ)
Bean	Hill	Payne
Becerra	Himes	Perlmutter
Berkley	Hinchey	Perriello
Berman	Hinojosa	Peters
Berry	Hirono	Peterson
Bishop (GA)	Hodes	Pingree (ME)
Bishop (NY)	Holden	Polis (CO)
Blumenauer	Holt	Pomeroy
Boccheri	Honda	Price (NC)
Boswell	Hoyer	Quigley
Boucher	Inslee	Rahall
Boyd	Israel	Rangel
Brady (PA)	Jackson (IL)	Reyes
Braley (IA)	Jackson-Lee	Richardson
Brown, Corrine	(TX)	Ross
Butterfield	Johnson (GA)	Rothman (NJ)
Capps	Johnson, E. B.	Royal-Allard
Capuano	Kagen	Ruppersberger
Cardoza	Kanjorski	Rush
Carnahan	Kennedy	Ryan (OH)
Carson (IN)	Kildee	Salazar
Castor (FL)	Kilpatrick (MI)	Sánchez, Linda
Chandler	Kilroy	T.
Chu	Kind	Sanchez, Loretta
Clarke	Kirkpatrick (AZ)	Sarbanes
Clay	Kissell	Schakowsky
Cleaver	Klein (FL)	Schauwer
Clyburn	Kosmas	Schiff
Cohen	Langevin	Schrader
Connolly (VA)	Larsen (WA)	Ellsworth
Conyers	Larson (CT)	Emerson
Cooper	Lee (CA)	Fallin
Costa	Levin	Flake
Costello	Lewis (GA)	Fleming
Courtney	Lipinski	Forbes
Crowley	Loeback	Fortenberry
Cuellar	Lofgren, Zoe	
Cummings	Lowe	
Dahlkemper	Luján	
Davis (AL)	Lynch	
Davis (CA)	Maffei	
Davis (IL)	Markey (CO)	
Davis (TN)	Markey (MA)	
DeFazio	Marshall	
DeGette	Massa	
Delahunt	Matheson	
DeLauro	Matsui	
Dicks	McCarthy (NY)	
Dingell	McCormack	
Doggett	McDermott	
Doyle	McGovern	
Driehaus	McMahon	
Edwards (MD)	McNerney	
Edwards (TX)	Meek (FL)	
Ellison	Meeks (NY)	
Engel	Melancon	
Eshoo	Michaud	
Etheridge	Miller (NC)	
Farr	Miller, George	
Fattah	Minnick	
Filner	Mitchell	
Frank (MA)	Mollohan	
Fudge	Moore (KS)	
Giffords	Moore (WI)	
Gonzalez	Moran (VA)	
Gordon (TN)	Murphy (CT)	
Grayson	Murphy (NY)	
Green, Al	Murphy, Patrick	
Green, Gene	Murtha	

Welch
Wexler

Wilson (OH)
Woolsey

Wu
Yarmuth

RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—aye 234, noes 188, not voting 10, as follows:

[Roll No. 765]

AYES—234

NAYS—187

Aderholt	Foster	Miller, Gary
Akin	Fox	Moran (KS)
Alexander	Franks (AZ)	Murphy, Tim
Austria	Frelinghuysen	Myrick
Bachmann	Gallegly	Nunes
Bachus	Garrett (NJ)	Olson
Barrett (SC)	Gerlach	Paul
Bartlett	Gingrey (GA)	Paulsen
Barton (TX)	Gohmert	Pence
Biggart	Goodlatte	Petri
Bilbray	Granger	Pitts
Bilirakis	Graves	Platts
Bishop (UT)	Griffith	Poe (TX)
Blackburn	Guthrie	Posey
Blunt	Hall (TX)	Price (GA)
Boehner	Harper	Putnam
Bonner	Hastings (WA)	Radanovich
Bono Mack	Heller	Rehberg
Boozman	Hensarling	Reichert
Boren	Herger	Roe (TN)
Boustany	Hoekstra	Rogers (AL)
Brady (TX)	Hunter	Rogers (KY)
Bright	Inglis	Rogers (MI)
Broun (GA)	Issa	Rohrabacher
Brown (SC)	Jenkins	Rooney
Brown-Waite,	Johnson (IL)	Ros-Lehtinen
Ginny	Jones	Roskam
Buchanan	Jordan (OH)	Royce
Burgess	King (IA)	Ryan (WI)
Burton (IN)	King (NY)	Scalise
Buyer	Kingston	Schmidt
Calvert	Kirk	Schock
Camp	Kline (MN)	Sensenbrenner
Campbell	Kratovil	Sessions
Cantor	Kucinich	Shadegg
Cao	Lamborn	Shimkus
Capito	Lance	Shuster
Carter	Latham	Simpson
Cassidy	LaTourette	Smith (NE)
Castle	Latta	Smith (NJ)
Chaffetz	Lee (NY)	Smith (TX)
Childers	Lewis (CA)	Souder
Coble	Linder	Stearns
Coffman (CO)	LoBiondo	Sullivan
Cole	Lucas	Taylor
Conaway	Luetkemeyer	Teague
Crenshaw	Lummis	Terry
Culberson	Lungren, Daniel	Thompson (PA)
Davis (KY)	E.	Thornberry
Deal (GA)	Mack	Tiahrt
Dent	Manzullo	Tiberi
Diaz-Balart, L.	Marchant	Turner
Diaz-Balart, M.	McCarthy (CA)	Upton
Donnelly (IN)	McCaul	Walden
Dreier	McClintock	Wamp
Duncan	McCotter	Westmoreland
Ehlers	McHenry	Whitfield
Ellsworth	McIntyre	Wilson (SC)
Emerson	McKeon	Wittman
Fallin	McMorris	Wolf
Flake	Rodgers	Young (AK)
Fleming	Mica	Young (FL)
Forbes	Miller (FL)	
Fortenberry	Miller (MI)	

NOT VOTING—8

□ 1146

Messrs. BOREN, CASTLE, KUCINICH and Ms. GRANGER changed their vote from “yea” to “nay.”

Mr. PASCARELL changed his vote from “nay” to “yea.”

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

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Abercrombie	Gutierrez	Neal (MA)
Ackerman	Hall (NY)	Nye
Adler (NJ)	Halvorson	Obey
Altmire	Hare	Oliver
Andrews	Harman	Ortiz
Arcuri	Hastings (FL)	Pallone
Baca	Heinrich	Pascarell
Baldwin	Herseth Sandlin	Pastor (AZ)
Barrow	Higgins	Payne
Bean	Hill	Perlmutter
Becerra	Himes	Perriello
Berkley	Hinchey	Peters
Berman	Hinojosa	Peterson
Berry	Hirono	Pingree (ME)
Bishop (GA)	Hodes	Polis (CO)
Bishop (NY)	Holden	Pomeroy
Blumenauer	Holt	Price (NC)
Boccheri	Honda	Quigley
Boswell	Hoyer	Rahall
Boucher	Inslee	Rangel
Boyd	Israel	Reyes
Brady (PA)	Jackson (IL)	Richardson
Braley (IA)	Jackson-Lee	Ross
Brown, Corrine	(TX)	Rothman (NJ)
Butterfield	Johnson (IL)	Royal-Allard
Capuano	Johnson, E. B.	Ruppersberger
Cardoza	Kagen	Rush
Carnahan	Kanjorski	Ryan (OH)
Carson (IN)	Kennedy	Salazar
Castor (FL)	Kildee	Sánchez, Linda
Chandler	Kilpatrick (MI)	T.
Chu	Kilroy	Sanchez, Loretta
Clarke	Kind	Sarbanes
Clay	Kirkpatrick (AZ)	Schakowsky
Cleaver	Kissell	Schauwer
Clyburn	Klein (FL)	Schiff
Cohen	Kosmas	Schrader
Connolly (VA)	Langevin	Schwartz
Conyers	Larsen (WA)	Scott (GA)
Cooper	Larson (CT)	Scott (VA)
Costa	Lee (CA)	Serrano
Costello	Levin	Sestak
Courtney	Lewis (GA)	Shea-Porter
Crowley	Lipinski	Sherman
Cuellar	Loeback	Sires
Cummings	Lofgren, Zoe	Skelton
Dahlkemper	Lowe	Lowey
Davis (AL)	Luján	Smith (WA)
Davis (CA)	Lynch	Snyder
Davis (IL)	Maffei	Space
Davis (TN)	Markey (CO)	Speier
DeFazio	Markey (MA)	Spratt
DeGette	Marshall	Stark
Delahunt	Massa	Stupak
DeLauro	Matheson	Sutton
Dicks	Matsui	Tanner
Dingell	McCarthy (NY)	Thompson (CA)
Doggett	McCormack	Thompson (MS)
Doyle	McDermott	Tierney
Driehaus	McGovern	Titus
Edwards (MD)	McMahon	Tonko
Edwards (TX)	McNerney	Towns
Ellison	Meek (FL)	Van Hollen
Engel	Meeks (NY)	Velázquez
Eshoo	Melancon	Visclosky
Etheridge	Michaud	Walz
Farr	Miller (NC)	Wasserman
Fattah	Miller, George	Schultz
Filner	Minnick	Waters
Frank (MA)	Mitchell	Watson
Fudge	Mollohan	Watt
Giffords	Moore (KS)	Waxman
Gonzalez	Moore (WI)	Weiner
Gordon (TN)	Moran (VA)	Welch
Grayson	Murphy (CT)	Wexler
Green, Al	Murphy (NY)	Wilson (OH)
Green, Gene	Murphy, Patrick	Woolsey
	Murtha	Wu
		Yarmuth

NOES—188

Aderholt	Alexander	Bachmann
Akin	Austria	Bachus

Baird Gallegly
 Barrett (SC) Garrett (NJ)
 Bartlett Gerlach
 Barton (TX) Gingrey (GA)
 Biggert Gohmert
 Bilbray Goodlatte
 Bilirakis Granger
 Bishop (UT) Graves
 Blackburn Griffith
 Blunt Guthrie
 Boehner Hall (TX)
 Bonner Harper
 Bono Mack Hastings (WA)
 Boozman Heller
 Boren Hensarling
 Boustany Herger
 Brady (TX) Hoekstra
 Bright Hunter
 Brown (GA) Inglis
 Brown (SC) Issa
 Brown-Waite, Jenkins
 Ginny Jones
 Buchanan Jordan (OH)
 Burgess King (IA)
 Burton (IN) King (NY)
 Buyer Kingston
 Calvert Kirk
 Camp Kline (MN)
 Campbell Kratochvil
 Cantor Kucinich
 Cao Lamborn
 Capito Lance
 Carter Sessions
 Cassidy LaTourette
 Castle Latta
 Chaffetz Lee (NY)
 Childers Lewis (CA)
 Coble Linder
 Coffman (CO) LoBiondo
 Cole Lucas
 Conaway Luetkemeyer
 Crenshaw Lummis
 Culberson Lungren, Daniel
 Davis (KY) E.
 Deal (GA) Mack
 Dent Manzullo
 Diaz-Balart, L. Marchant
 Diaz-Balart, M. McCarthy (CA)
 Donnelly (IN) McCaul
 Dreier McClintock
 Duncan McCotter
 Ehlers McHenry
 Ellsworth McIntyre
 Emerson McKeon
 Fallin McMorris
 Flake Rodgers
 Fleming Melancon
 Forbes Mica
 Fortenberry Miller (FL)
 Foxx Miller (MI)
 Franks (AZ) Miller, Gary
 Frelinghuysen Moran (KS)

NOT VOTING—10

Capps Kaptur
 Carney Maloney
 Johnson (GA) Neugebauer
 Johnson, Sam Oberstar

□ 1153

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE CONTRIBUTION OF COUNTRY MUSIC TO AMERICAN LIFE AND CULTURE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 650, 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 gentleman from Colorado (Mr. POLIS) that the House suspend the

rules and agree to the resolution, H. Res. 650.

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. 766]

YEAS—421

Abercrombie Costa
 Ackerman Costello
 Aderholt Courtney
 Adler (NJ) Crenshaw
 Akin Crowley
 Alexander Cuellar
 Altmiere Culberson
 Andrews Cummings
 Arcuri Dahlkemper
 Austria Davis (AL)
 Baca Davis (CA)
 Bachmann Davis (IL)
 Bachus Davis (KY)
 Baird Davis (TN)
 Baldwin Deal (GA)
 Barrett (SC) DeFazio
 Barrow DeGette
 Bartlett Delahunt
 Barton (TX) DeLauro
 Bean Dent
 Becerra Diaz-Balart, L.
 Berkley Diaz-Balart, M.
 Berman Dicks
 Berry Dingell
 Biggert Doggett
 Bilbray Donnelly (IN)
 Doyle
 Bilirakis Bishop (GA)
 Bishop (NY) Driehaus
 Bishop (UT) Duncan
 Blackburn Edwards (MD)
 Blumenauer Edwards (TX)
 Blunt Ehlers
 Boccieri Ellison
 Boehner Ellsworth
 Bonner Emerson
 Bono Mack Engel
 Boozman Eshoo
 Boren Etheridge
 Boswell Fallin
 Boucher Farr
 Boustany Fattah
 Boyd Filner
 Brady (PA) Flake
 Brady (TX) Fleming
 Braley (IA) Forbes
 Bright Fortenberry
 Brown (GA) Poster
 Brown (SC) Foxx
 Brown, Corrine Frank (MA)
 Brown-Waite, Franks (AZ)
 Ginny Frelinghuysen
 Buchanan Fudge
 Burgess Gallegly
 Burton (IN) Garrett (NJ)
 Butterfield Gerlach
 Buyer Giffords
 Calvert Gingrey (GA)
 Camp Gohmert
 Campbell Gonzalez
 Cantor Goodlatte
 Cao Gordon (TN)
 Capito Granger
 Capps Graves
 Capuano Grayson
 Cardoza Green, Al
 Carnahan Green, Gene
 Carson (IN) Griffith
 Carter Grijalva
 Cassidy Guthrie
 Castle Gutierrez
 Castor (FL) Hall (NY)
 Chaffetz Hall (TX)
 Chandler Halvorson
 Childers Hare
 Chu Harman
 Clarke Harper
 Clay Hastings (FL)
 Cleaver Hastings (WA)
 Clyburn Heinrich
 Coble Heller
 Coffman (CO) Hensarling
 Cohen Herger
 Cole Herseth Sandlin
 Conaway Higgins
 Connolly (VA) Hill
 Conyers Himes
 Cooper Hinchey

McNerney Radanovich
 Meek (FL) Rahall
 Meeks (NY) Rangel
 Melancon Rehberg
 Mica Reichert
 Michaud Reyes
 Miller (FL) Richardson
 Miller (MI) Rodriguez
 Miller (NC) Roe (TN)
 Miller, Gary Rogers (AL)
 Miller, George Rogers (KY)
 Minnick Rogers (MI)
 Mitchell Rohrabacher
 Mollohan Rooney
 Moore (KS) Ros-Lehtinen
 Moore (WI) Roskam
 Moran (KS) Ross
 Murphy (CT) Rothman (NJ)
 Murphy (NY) Roybal-Allard
 Murphy, Patrick Royce
 Murphy, Tim Ruppertsberger
 Murtha Rush
 Myrick Ryan (OH)
 Nadler (NY) Ryan (WI)
 Napolitano Salazar
 Neal (MA) Sánchez, Linda
 T.
 Nunes Sanchez, Loretta
 Nye Sarbanes
 Obey Van Hollen
 Olson Scalise
 Olver Schakowsky
 Ortiz Schauer
 Pallone Schiff
 Pascrell Schmidt
 Pastor (AZ) Schock
 Paul Schrader
 Paulsen Scott (GA)
 Payne Scott (VA)
 Pence Sensenbrenner
 Perlmutter Serrano
 Perriello Sessions
 Peters Sestak
 Peterson Shadegg
 Petri Shea-Porter
 Pingree (ME) Sherman
 Pitts Shimkus
 Platts Shuler
 Poe (TX) Shuster
 Polis (CO) Simpson
 Pomeroy Sires
 Posey Skelton
 Price (GA) Slaughter
 Price (NC) Smith (NE)
 Putnam Smith (NJ)
 Quigley Smith (TX)

NOT VOTING—11

Carney Klein (FL)
 Honda Maloney
 Johnson, Sam Moran (VA)
 Kaptur Neugebauer

□ 1201

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROCLAIMING CASIMIR PULASKI TO BE AN HONORARY CITIZEN OF THE UNITED STATES POSTHUMOUSLY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the joint resolution, H.J. Res. 26, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the joint resolution, H.J. Res. 26.

This will be a 5-minute vote.