

minute and to revise and extend his remarks.)

Mr. TONKO. Madam Speaker, on Tuesday, Speaker PELOSI announced an important new addition to the health insurance reform package. Young adults will be able to remain on their parents' health insurance plans until their 27th birthday.

Young adults make up one-third of the entire uninsured population, numbering 13.7 million. Only 53 percent of young adults are even eligible for employer-based insurance, and 51 percent do not have health coverage through their jobs.

Young adults have the highest rate of injury-related emergency department visits and 15 percent have a chronic health condition. Half are overweight or obese, 9 percent have been diagnosed with depression or a related condition, and the highest prevalence of human papilloma virus, which has been linked to cervical cancer, is among women age 20-24. Young adults experience six preventable deaths each day due to lack of health insurance.

This is clearly an age group that needs health insurance. But young adults are among those least likely to have access to coverage. Allowing them to remain as a dependent on their parents' health insurance plans will bring quality health insurance within reach for millions of young adults.

THE SCORE: AMERICAN FLAG 1— FLAG POLICE 0

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

Mr. POE of Texas. Madam Speaker, the Oak Parks Apartments in Albany, Oregon, this week decided to ban American flags. The apartment manager said American flags might offend somebody in the community, so she issued a dictate: fly Old Glory, and you get evicted. American flag sticker on your car in the parking lot? Not allowed. No Stars and Stripes flying from a motorcycle or a car.

So the American patriots living there fought back. They said anyone offended by their American flags would have to just get over it. They started flying flags everywhere. One mom put an American flag poster in her son's window. He is fighting in Iraq, wearing the flag on his shoulder. One lady just walked around the complex every day waving the flag.

These people did not give in. They were offended by the flag police. You see, the Constitution protects their right to display the flag as free speech. And yesterday the apartment manager backed off. Flying Old Glory is okay again, even if it offends the politically correct apartment owner.

So, congratulations to these American patriots. The score: American flag 1—flag police, zero.

And that's just the way it is.

□ 1030

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 829 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 829

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. The conference report shall be considered as read. All points of order against the conference report and against its consideration are waived. 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 gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Florida (Mr. DIAZ-BALART), and all time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 829.

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

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Madam Speaker, House Resolution 829 provides for consideration of the conference report to accompany H.R. 2892, the Department of Homeland Security Appropriations Act of 2010. The rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. And finally, the rule provides that the previous question shall be considered as ordered without intervention of any motion, except 1 hour of debate and one motion to recommit, if applicable.

This conference report appropriates over \$42 billion in funds necessary to protect the American people and enhance our national security. Through terrorist threat mitigation, natural disaster response, and immigration enforcement, this appropriations bill provides the funding to fulfill the many essential responsibilities of a range of important governmental agencies, from the Coast Guard to FEMA to Customs and Border Protection to the Transportation Security Administration.

Particularly critical in this legislation are the partnerships established with State and local communities to prepare for and protect against a range of emergency situations, including natural disasters and acts of terrorism and violence. The funding provided for emergency response resources demonstrates the need for collaboration among Federal, State, and local governments in providing for effective security. It's worth noting a few of the major initiatives contained in this conference report.

This legislation helps secure our borders by providing over \$10 billion for Customs and Border Protection, including funding for over 20,000 Border Patrol agents, which represents an increase of 6,000 agents since 2006. In addition, this report extends authorization of the E-Verify program for 3 years, under which employers are able to check the legal status of their workers. This legislation provides the funding to operate and improve the existing E-Verify program.

Ensuring the safety and security of our Nation's infrastructure is a critical part of this legislation. This conference report provides the necessary funding to the Transportation Security Administration and the Coast Guard to protect our Nation's vast transportation network, including airports, seaports, subways, trains, and buses. With this funding, the TSA will be able to improve explosive detection equipment at airports, and the Coast Guard will be able to replace aging ships and aircraft, which is much needed, modernizing a force that is essential to our national security.

Madam Speaker, I have always praised the Federal Emergency Management program for the fine work they do in helping distressed communities. In my home State of Florida, we are frequently plagued with natural disasters, including hurricanes and flooding. These disasters profoundly impact Florida's residents, particularly when so many individuals and families experience severe damage to their homes and communities.

I'm pleased with the funding levels indicated in this report for the firefighter grants, flood map modernization, predisaster mitigation, and emergency food and shelter programs. I know that the men and women at FEMA work hard and are dedicated to relieving the plight of Americans faced with the hardships of natural disasters.

At the same time, I've never been shy about making my voice heard on matters important to my constituents and all residents of Florida and our Nation that experience disasters. I have been outspoken on the need for FEMA to improve temporary housing.

I'm also pleased to have included language in this bill requiring the Florida Long Term Recovery Office, located in Orlando, to remain open. And a footnote there, Representatives ALAN GRAYSON and SUZANNE KOSMAS are deserving of a lot of consideration from

us for that action that I, along with ROBERT WEXLER and others, began quite some time before they came to Congress. In order to enhance communication and relief operations, this is necessary in the event of a natural disaster.

Madam Speaker, I do want to address the provisions in this report relating to the detainees at Guantanamo Bay. I know that this body has been very focused on this matter, as rightly we should be, as President Obama has committed his administration to close the detention facility at Guantanamo by January of 2010. This conference report prohibits current detainees from being transferred to the United States, except to be prosecuted, and then only after Congress receives a detailed plan on the risks involved, the legal rationale for their transfer, and a notification from the Governor of the affected State.

This is all well and good, but the language in this bill, while a good step forward, is not going to solve the problem of what to do with the hundreds of individuals we have detained, and those in the future that we may have to detain, whether they are detained at Guantanamo or Bagram Air Base in Afghanistan or any other facility where they may be detained by the United States.

The debate over Guantanamo, in my opinion, is missing the larger picture, and that is a need to reform our entire detention policy. As I have maintained, the problem is policy, not the place. Without a system of justice to deal with suspected terrorists, wherever they are held, we are left with a broken system that has been a significant recruiting tool for al Qaeda and other groups which threaten our Nation's security. We need to deny them that image of America.

We need a judicial process that accomplishes at least three things: Number 1, protects our national security by holding and prosecuting those who have committed crimes or who pose an imperative threat to our country; number 2, upholds international standards of human rights; and 3, strengthens our Nation's image as a country that upholds the rule of law and does not resort to arbitrary justice, even while under threat.

This appropriations season has, so far, brought forth a number of bills, almost all with language relating to Guantanamo and a whole lot of that "not in my backyard" stuff. At some point soon, we're going to need to move beyond trying to legislate this matter into appropriations bills and, instead, deal with what is necessary, and that is, new policies and guidelines to bring our national security needs in line with our historic national values.

I'm pleased to have introduced H.R. 3728, the Detainment Reform Act, which will move us forward on this matter, and I urge my colleagues and the President and his administration to give some vent to supporting this ef-

fort, revising it, or doing what is necessary in order for this bill or others to establish the policy that's needed for detaining individuals who would be imperative threats or conduct themselves in a criminal manner against this Nation.

Madam Speaker, ultimately, the conference report before us today provides the necessary funding for the Federal, State, and local agencies, programs and efforts that will protect our Nation.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I'd like to thank my good friend and fellow co-chairman of the Florida Congressional Delegation, Mr. HASTINGS, for the time. I yield myself such time as I may consume.

Madam Speaker, several years ago I had the distinct privilege to bring to this floor, first, the rule bringing the legislation to the floor that created the Department of Homeland Security, and then the first rule for a Department of Homeland Security appropriations bill. Since then, the Department of Homeland Security has begun to mature. It has improved the process for which it was created, the oversight of and coordination of many departments related to the safety of the Nation.

As we know, the department was created in the wake of the attacks of September 11, 2001, to help mobilize and to organize the government to the best of its ability to secure the homeland from further terrorist attacks, to protect the Nation's borders, and to prepare for natural disasters. And thanks to our new concerted approach, I think we've made key investments to secure the United States from further terrorist attacks.

□ 1045

But clearly we must not let our guard down.

Just a few weeks ago, we heard about a disrupted terrorist attack in New York City. The Attorney General of the United States has called the plot, "one of the most serious in the United States since September 11, 2001." That is why I am pleased that the underlying legislation provides the Department with the tools and resources that it needs in order to continue to help to protect the Nation from other terrorist attacks. We must not lose our focus. We must continue our efforts to protect the United States from deadly attacks.

This legislation will provide much-needed funding to help secure our borders, with \$800 million for Southwest border investments, over \$3 billion for the Border Patrol, including over 20,000 Border agents, an increase of more than 50 percent since 2006.

The State that I am honored to represent, Florida, has seen, as my dear friend has pointed out, its share of natural disasters, from Hurricane Andrew in 1992 to the series of very disastrous back-to-back hurricanes in the middle

of this decade. That is why having a prepared and professional staff at FEMA, ready to coordinate disaster preparedness, response, recovery and mitigation efforts, is of vital importance to Florida.

I am pleased the conference report will provide FEMA and the new FEMA administrator—we Floridians are very proud of him, Craig Fugate—the resources needed to help in the aftermath of any natural disaster, whether it's a hurricane in Florida, an earthquake in California, or the flooding in the Midwest.

The terrorist attacks of September 11 heightened concerns regarding aviation security. In response, Congress passed the Aviation and Transportation Security Act of 2001. That legislation established a Federal screener workforce and required the screening of all checked baggage using explosive detection systems, EDS. EDS machines can quickly determine if a baggage contains a potential threat. If a weapon or explosive is detected, the machines alert security officers so they can manage the baggage appropriately.

Funding and reimbursement for EDS installation, however, continues to be a serious concern. Miami International Airport, which is in my congressional district, has incurred over \$78 million in in-line EDS terminal modification costs and continues to seek reimbursement for the Federal share of those costs. I am pleased that this conference report provides \$778 million in discretionary funding to purchase and install EDS at airports. Those funds will help reimburse Miami International Airport and other airports in their efforts to complete EDS installations.

Our Nation's maritime industry contributes approximately \$750 billion to the gross domestic product each year. Florida has some of the largest ports in the country. The Port of Miami serves as the primary maritime gateway to Latin America and the Caribbean. It is a strategic hub for international commerce throughout the hemisphere, and obviously it is the cruise ship capital of the world.

Since 9/11, the Port of Miami has faced unprecedented security costs due to the expense of complying with Federal security mandates. While ports across the Nation are facing similar challenges, the problem at the Port of Miami is particularly serious. Annual operating security costs at the Port of Miami have increased from just over \$4 million in 2001 to over \$20 million today.

The legislation we are bringing to the floor provides \$300 million in grants to assist ports in enhancing their security measures to prevent, detect, and respond to possible terrorist attacks.

So I wish to thank Chairman PRICE and Ranking Member ROGERS for their clearly bipartisan work on this conference report that makes critical investments in the priorities facing the Department of Homeland Security, including securing our transportation

systems, strong border security, a well-prepared and able FEMA, and so much more.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased and privileged at this time to yield 5 minutes to the distinguished gentlewoman from New York, the distinguished Chair of the Committee on Rules and my good friend, Ms. LOUISE SLAUGHTER.

Ms. SLAUGHTER. I thank my colleague for yielding.

Madam Speaker, there are few things that say more about our country and our trust in the public's right to know than the Freedom of Information Act. It is one of the most powerful statements of openness and transparency that we have. It affords ordinary people the ability to peer behind the curtains of power and see inside the many bureaucracies that define the Federal, State and local governments in this country. It is a symbol for all, that despite anything else that our government does in the name of the people, there should be no secrets.

Over the years, FOIA laws have been used for a wide range of purposes. FOIA helped us to discover the ugly truth about the use of Agent Orange in Vietnam, Laos, and Cambodia during the 1960s. And FOIA was also used to uncover data showing that Ford Pintos were built with serious dual system defects that made them more prone to fire and explosions.

In some ways, FOIA is simply a reminder to the public that there is an avenue to pursue if they believe the government is keeping a secret. At the heart of FOIA is the concept that the people's right to know is more important than the government's desire to keep things secret.

The FOIA laws in this country have enabled reporters and citizens from all spectrums access to information that otherwise might never see the light of day. Signed into law by President Johnson in 1966, the FOIA laws allow for the full or partial disclosure of information and documents with only a narrow list of important exemptions.

And so it was with some dismay when I learned recently that the House and Senate conferees on the Homeland Security appropriations bill had slipped in a provision that gives the government the option of making old photos of detainee abuse exempt from the FOIA laws.

This case has already followed a lengthy path beginning with a lawsuit filed by the ACLU against the Pentagon. Last spring, when it appeared that the lawsuit might go against the government, the administration responded by asking some Members of the House and Senate to insert language into the legislation to make sure that the photos stay secret.

Joining the ACLU against the Pentagon was the American Society of News Editors, the Associated Press, Cable News Network, Inc., the E.W.

Scripps Company, Gannett Co., Inc., the Hearst Corporation, Military Reporters and Editors, the National Press Club, NBC Universal, Inc., The New York Times Company, the Newspaper Association of America, the Newspaper Guild—CWA, the Radio-Television News Directors Association, the Society of Professional Journalists, The Washington Post, and me.

Never mind that the photos in question likely have very little value given that a similar set of photos showing the abuse were released under the Bush administration. Despite some complaints that releasing photos would place service men and women in danger, the fact is there was absolutely no increase in violence or attacks after the previous detainee photos were released. I assume that if we were to release the new photos, the result would be the same. Americans were simply able to find out what was being done in their name.

Many observers argue that releasing the photos was actually a clear break from the abuses of the past and a signal to our allies and to everyone else that the days of this type of detainee mistreatment were over and that the United States is willing to come to terms with past practices. Indeed, we have said so.

In June, I and other House leaders prevailed and the FOIA exemption was dropped from the legislation. However, the conferees, apparently under direct orders, quietly put it back into the bill this month. It's hard for me to express how disappointed I am with that decision. I am sorry because I believed that we had turned a page from the cloud of suspicion and secrecy that marked the previous administration. It runs so counter to our principles and stated desire to reject abuses of the past.

The FOIA laws in this country form a pillar of our First Amendment principles. It is unfortunate, given that this administration promised that openness and transparency would be the norm. We should never do anything to circumvent FOIA, and I believe our country would gain more by coming to terms with the past than we would by covering it up.

I hope the President will follow judicial rulings and consider voluntarily releasing these photos so we can put this chapter in history behind us.

Mr. HASTINGS of Florida. Madam Speaker, I especially appreciate the remarks of the distinguished woman, the Rules Chair, Ms. SLAUGHTER, and echo her sentiments.

I am now pleased to yield 3 minutes to my colleague from the Rules Committee, a good friend, JARED POLIS of Colorado.

Mr. POLIS. I would like to thank my colleague from Florida for the time, as well as Chairman PRICE for his leadership in bringing the fiscal year 2010 Homeland Security appropriations bill to the floor. It reflects the hard work of Chairman PRICE over the past year, and I am grateful that I have the op-

portunity to comment on the committee's efforts here today.

I want to reiterate the gratitude that I first expressed towards Chairman PRICE and his staff during our colloquy earlier this year with Congresswoman ROYBAL-ALLARD regarding alternatives to detention.

This bill is about security and stability. One of the issues that we raised the profile of is alternatives to detention, a less costly way of detaining noncriminal immigrants.

There really is a human rights crisis right in our own midst in this Nation. We are holding over 30,000 noncriminal aliens, people like you and me. They lack documentation, but they have committed no criminal crime. They might have been speeding, been picked up from a speeding ticket; they could have been in the wrong place loitering at the wrong time.

And you and I and every other taxpayer are putting them up to the tune of \$130 a day, average cost \$30,000. Many of them remain in detention for 6 months, 9 months. I had the opportunity to visit a detention facility in Aurora, Colorado. I talked to people who had been there a year and a half, a year and a half away from their families, a year and a half at taxpayer expense.

I would like to applaud the Obama administration for supporting alternatives to detention. Our bill funds alternatives to detention at \$70 million, lowers cost using ankle bracelets, more humane, allowing people to remain with their families, \$30 a day average cost. This provides a glimpse of what we can accomplish if we work together.

It also underlines the critical importance of passing comprehensive immigration reform. If we can pass comprehensive immigration reform, I know that in future versions of the Homeland Security bill we can save money and have a more humane bill and focus the bill on Homeland Security where it should be focused, which is keeping our Nation safe, not as a back door to dealing with the failures of our broken immigration system.

Thank you, Chairman PRICE, for your leadership in bringing the FY 2010 Homeland Security Appropriations bill to the floor. It reflects your hard work over the past year and I am grateful that I had the opportunity to support the committee's efforts to get here today. I want to reiterate the gratitude that I first expressed towards you and your staff during our colloquy with Congresswoman ROYBAL-ALLARD on detention alternatives earlier this year.

This bill is about security and stability. It furthers the need to secure our borders by guaranteeing the stability of our immigration services' contributions. It provides the funding necessary to continue America's leadership in providing a safe home for both Americans and all future Americans.

Thus, \$122 million above 2009 levels is provided to U.S. Citizenship and Immigration Services for its important work. Examples of such important work that will be carried on thanks to this bill are many: \$50 million goes to process refugee applications and asylum

claims so that our Nation may continue to admit those in greatest need; \$11 million expands immigrant integration and outreach to help with pressing need once these immigrants are lawfully admitted; and \$5 million ensures the naturalization of immigrants serving in our armed services.

Funding for detention beds as well as language requiring their maintenance ensures that immigrants will be humanely accommodated while their cases are adjudicated. And more importantly, \$70 million goes to Alternatives to Detention—to expand this program nationwide. This steers us in the right direction—a direction of commonsense, cost-saving, and humane measures. It provides a glimpse into what we can accomplish if we continue to work together toward comprehensive immigration reform.

This bill only asks our immigrants one thing—to embrace our cherished tradition of the rule of law in the pursuit of freedom. As a result, this bill provides 3-year authorization extensions for all the immigrants that make ours a greater nation. From religious workers who strengthen our social fabric, to investors who create much-needed jobs while increasing overall credit availability, to rural-serving doctors, to refugees, all are covered in the FY 2010 Homeland Security bill.

While many provisions in this bill greatly improve our detention policies, there is still much to be done and I look forward to a concrete plan for the closing of our Guantanamo Bay facilities.

I once again thank Chairman PRICE and I look forward to working with you and your staff in the future.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I very much appreciate the contributions during this debate, enlightening our colleagues with regard to the merits of the legislation that we are bringing to the floor today.

You know, one of the, I think, most interesting aspects of the American representative democracy is that we differ from other representative democracies probably because our two parties are, in effect, great coalitions. We have a two-party system by virtue of that; both parties represent different coalitions of thought on numerous issues.

□ 1100

So it's interesting that today, for example, while my friend and the distinguished chairwoman of the Rules Committee expressed an opinion contrary to the position maintained by the President of the United States on an important issue—and I think it's appropriate to do so—I commend the President of the United States for his position with regard to the release of detainee photos.

The legislation before us codifies the President's decision to allow the Secretary of Defense to bar the release of detainee photos. I commend the President because, obviously, his leadership and support on that aspect has been decisive in the inclusion of that provision in this legislation.

So our system is unique. This constant manifestation of our two great coalitions is fascinating to me as a stu-

dent of comparative politics. It is another reason I am so proud of this body—the great sovereign Congress of the United States which represents the most sovereign and the freest people in the world, the American people.

Madam Speaker, over the last few months, the American people have written and called their Members of Congress or they've made their opinions known at meetings throughout the Nation. They've asked their Members of Congress whether they will pledge to read bills before they vote on them. The reason is, I think, that people were outraged after finding out that the majority leadership forced Congress to vote on a number of sweeping and expensive bills without giving Members time to understand or to really even read the bills.

I remember a very glaring example of that when we on the Rules Committee were faced with an entire new bill on this legislation that was known as cap-and-trade, which in effect became a manager's amendment to the legislation at 3 o'clock in the morning, and a few hours after that, we were here voting on it. We were forced to vote on the final so-called "stimulus" bill, on the omnibus appropriations bill and, as I mentioned, on that cap-and-trade bill with less than 24 hours to read them—in some instances, as I mentioned before with regard to cap-and-trade, much, much less than 24 hours. Many people believe that that is no way to run the House, and many constituents are rightly upset.

A recent survey found that over 80 percent of Americans believe that legislation should be posted online and in final form and should be available for everyone to read before Congress votes on legislation. You would think, Madam Speaker, that this would really 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, often, the majority leadership have refused to live up to their pledge.

That is why a bipartisan group of 182 Members of this House has 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 to the general public for 72 hours before they are brought to the House floor for a vote.

So, 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—House Resolution 544, a bipartisan bill by my colleagues and friends, Representatives BAIRD and CULBERSON.

I know that Members are concerned that this motion may jeopardize the Department of Homeland Security's Appropriations conference report, but I would like to make clear that the motion I am making provides for the separate consideration of the Baird-Culberson bill within 3 days so that we

can pass the conference report today funding the Department of Homeland Security. Then, once we are done, we would consider House Resolution 544.

Having said that, I yield back the balance of my time.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Madam Speaker, the men and women of the numerous agencies under the Homeland Security umbrella are dedicated and hardworking public servants who deserve the full support of this body. We have a responsibility to provide them with the funds necessary to perform activities essential to protecting our country—preparing for emergencies, mitigating natural disasters and defending against acts of terrorism and violence.

I commend our colleagues on both sides of the aisle on the Appropriations Committee with reference to discharging their functions. I especially commend Subcommittee Chair PRICE and the work that he and his committee have done. As well, I commend the distinguished chairman of the Homeland Security Committee, BENNIE THOMPSON from Mississippi, and the extraordinary Members who serve with him in that capacity.

As I've discussed before, Madam Speaker, I hope this body will move beyond the debate of whether or not to close Guantanamo and, instead, will work to develop comprehensive detainment policies that uphold Federal law and the United States Constitution, that uphold human rights and international law.

I urge a "yes" vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 829 OFFERED BY MR. DIAZ-BALART

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

SEC. 2. 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.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I

move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on 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. Madam 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 will be followed by 5-minute votes on adoption of House Resolution 829, if ordered; and adoption of House Resolution 800, if ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 173, not voting 16, as follows:

[Roll No. 780]

YEAS—243

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

Scott (VA)	Sutton	Wasserman
Serrano	Tanner	Schultz
Sestak	Taylor	Waters
Shea-Porter	Teague	Watson
Sherman	Thompson (CA)	Watt
Shuler	Thompson (MS)	Waxman
Sires	Tierney	Weiner
Skelton	Titus	Welch
Slaughter	Tonko	Wexler
Smith (WA)	Towns	Wilder (OH)
Snyder	Tsongas	Woolsey
Space	Van Hollen	Wu
Speier	Velázquez	Yarmuth
Spratt	Visclosky	
Stupak	Walz	

NAYS—173

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

NOT VOTING—16

Boyd	McCollum	Ryan (OH)
Cao	Melancon	Scalise
Carney	Mollohan	Schock
Emerson	Platts	Stark
Hall (TX)	Radanovich	
Honda	Rogers (AL)	

□ 1133

Messrs. JOHNSON of Illinois, CONAWAY, and Ms. GRANGER changed their vote from "yea" to "nay."

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

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. Ladies and gentlemen, we had hoped to do an additional appropriation bill, but the subcommittee has not yet reached agreement. As a result, I wanted to let Members know that when we finish the business that is scheduled for today, which includes the water bill that we will be considering later today after the Homeland Security bill, we will then not plan to be here on Friday. I know that disappoints all of you.

It does disappoint me because I'm very focused, and we are working very hard with the Senate to try to get the appropriations bills done individually. I'm not a fan of omnibuses. I don't think anybody here is either. But as a result of being unable to move the Interior appropriation bill, my view was that originally we had scheduled the water bill for tomorrow, but it is our belief that we can consider both of them today which would then not require Members to be here on Friday.

You can lodge your complaints to me later.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 174, not voting 19, as follows:

[Roll No. 781]

YEAS—239

Ackerman	Cleaver	Fattah
Adler (NJ)	Clyburn	Finler
Altmire	Cohen	Foster
Andrews	Connolly (VA)	Frank (MA)
Arcuri	Conyers	Fudge
Baca	Cooper	Giffords
Baldwin	Costa	Gonzalez
Barrow	Costello	Gordon (TN)
Bean	Courtney	Grayson
Becerra	Crowley	Green, Al
Berkley	Cuellar	Green, Gene
Berman	Cummings	Griffith
Berry	Dahlkemper	Grijalva
Bishop (GA)	Davis (AL)	Gutierrez
Bishop (NY)	Davis (CA)	Hall (NY)
Blumenauer	Davis (IL)	Halvorson
Boccheri	Davis (TN)	Hare
Boren	DeFazio	Harman
Boswell	DeGette	Hastings (FL)
Boucher	Delahunt	Heinrich
Brady (PA)	DeLauro	Herseth Sandlin
Braley (IA)	Dicks	Higgins
Brown, Corrine	Dingell	Hill
Butterfield	Doggett	Himes
Capps	Donnelly (IN)	Hinche
Capuano	Doyle	Hinojosa
Cardoza	Driehaus	Hodes
Carahan	Edwards (MD)	Holden
Carson (IN)	Edwards (TX)	Holt
Castor (FL)	Ellison	Hond
Chandler	Ellsworth	Hoyer
Childers	Engel	Inslee
Chu	Eshoo	Israel
Clarke	Etheridge	Jackson (IL)
Clay	Farr	

Jackson-Lee (TX)	Miller (NC)	Schauer
Johnson (GA)	Miller, George	Schiff
Johnson, E. B.	Minnick	Schrader
Kagen	Mitchell	Schwartz
Kanjorski	Moore (KS)	Scott (GA)
Kaptur	Moore (WI)	Scott (VA)
Kennedy	Moran (VA)	Serrano
Kildee	Murphy (CT)	Sestak
Kilpatrick (MI)	Murphy, Patrick	Shea-Porter
Kilroy	Murtha	Sherman
Kind	Nadler (NY)	Shuler
Kirkpatrick (AZ)	Napolitano	Sires
Kissell	Neal (MA)	Skelton
Klein (FL)	Oberstar	Slaughter
Kosmas	Obey	Smith (WA)
Kucinich	Olver	Snyder
Langevin	Ortiz	Space
Larsen (WA)	Pallone	Speier
Larson (CT)	Pascrell	Spratt
Lee (CA)	Pastor (AZ)	Stupak
Levin	Payne	Sutton
Lewis (GA)	Perlmutter	Tanner
Lipinski	Perriello	Taylor
Loeb sack	Peters	Teague
Lofgren, Zoe	Peterson	Thompson (CA)
Lowey	Pingree (ME)	Thompson (MS)
Lujan	Polis (CO)	Tierney
Lynch	Pomeroy	Titus
Maffei	Price (NC)	Tonko
Maloney	Quigley	Tsongas
Markey (CO)	Rahall	Van Hollen
Markey (MA)	Reyes	Velázquez
Marshall	Richardson	Visclosky
Massa	Rodriguez	Walz
Matheson	Ross	Wasserman
Matsui	Rothman (NJ)	Schultz
McCarthy (NY)	Roybal-Allard	Waters
McDermott	Ruppersberger	Watson
McGovern	Rush	Watt
McIntyre	Ryan (OH)	Waxman
McMahon	Salazar	Welch
McNerney	Sánchez, Linda	Wexler
Meek (FL)	T.	Wilson (OH)
Meeks (NY)	Sanchez, Loretta	Woolsey
Michaud	Sarbanes	Wu
	Schakowsky	Yarmuth

NAYS—174

Aderholt	Dreier	Lummis
Akin	Duncan	Lungren, Daniel
Alexander	Ehlers	E.
Austria	Fallin	Mack
Bachmann	Flake	Manzullo
Bachus	Fleming	Marchant
Baird	Forbes	McCarthy (CA)
Barrett (SC)	Fortenberry	McCauley
Bartlett	Fox	McClintock
Barton (TX)	Franks (AZ)	McCotter
Biggart	Frelinghuysen	McHenry
Bilbray	Gallely	McKeon
Bilirakis	Garrett (NJ)	Mica
Bishop (UT)	Gerlach	Miller (FL)
Blackburn	Gingrey (GA)	Miller (MI)
Blunt	Gohmert	Miller, Gary
Boehner	Goodlatte	Moran (KS)
Bonner	Granger	Murphy, Tim
Bono Mack	Graves	Myrick
Boozman	Guthrie	Neugebauer
Boustany	Harper	Nunes
Brady (TX)	Hastings (WA)	Nye
Bright	Heller	Olson
Brown (GA)	Hensarling	Paul
Brown (SC)	Herger	Paulsen
Brown-Waite,	Hoekstra	Pence
Ginny	Hunter	Petri
Buchanan	Inglis	Pitts
Burgess	Issa	Poe (TX)
Burton (IN)	Jenkins	Posey
Buyer	Johnson (IL)	Price (GA)
Calvert	Johnson, Sam	Putnam
Camp	Jones	Rehberg
Campbell	Jordan (OH)	Reichert
Cantor	King (IA)	Roe (TN)
Capito	King (NY)	Rogers (AL)
Carter	Kingston	Rogers (KY)
Cassidy	Kirk	Rogers (MI)
Castle	Kline (MN)	Rohrabacher
Chaffetz	Kratovil	Rooney
Coble	Lamborn	Ros-Lehtinen
Coffman (CO)	Lance	Roskam
Cole	Latham	Royce
Conaway	LaTourette	Ryan (WI)
Crenshaw	Latta	Schmidt
Culberson	Lee (NY)	Schock
Davis (KY)	Lewis (CA)	Sensenbrenner
Deal (GA)	Linder	Sessions
Dent	LoBiondo	Shadeegg
Diaz-Balart, L.	Lucas	Shimkus
Diaz-Balart, M.	Luetkemeyer	Shuster

Simpson	Thompson (PA)	Westmoreland
Smith (NE)	Thornberry	Whitfield
Smith (NJ)	Tiahrt	Wilson (SC)
Smith (TX)	Tiberi	Wittman
Souder	Turner	Wolf
Stearns	Upton	Young (AK)
Sullivan	Walden	Young (FL)
Terry	Wamp	

NOT VOTING—19

Abercrombie	McCollum	Radanovich
Boyd	McMorris	Rangel
Cao	Rodgers	Scalise
Carney	Melancon	Stark
Emerson	Mollohan	Towns
Hall (TX)	Murphy (NY)	Weiner
Hirono	Platts	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1141

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Madam Speaker, on rollcall No. 781, had I been present, I would have voted "yea."

Mr. MURPHY of New York. Madam Speaker, on rollcall No. 781, had I been present, I would have voted "nay."

Mrs. MCMORRIS RODGERS, Madam Speaker, on rollcall No. 781, I was unavoidably detained. Had I been present, I would have voted "nay."

EXPRESSING SYMPATHY FOR THE CITIZENS OF THE PHILIPPINES DEALING WITH TROPICAL STORM KETSANA AND TYPHOON PARMA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 800, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 800, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Madam 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—ayes 415, noes 0, not voting 17, as follows:

[Roll No. 782]

AYES—415

Abercrombie	Baca	Becerra
Ackerman	Bachmann	Berkley
Aderholt	Bachus	Berman
Adler (NJ)	Baird	Berry
Akin	Baldwin	Biggart
Alexander	Barrett (SC)	Bilbray
Altmire	Barrow	Bilirakis
Andrews	Bartlett	Bishop (GA)
Arcuri	Barton (TX)	Bishop (NY)
Austria	Bean	Bishop (UT)