

NAYS—361

Abercrombie Driehaus  
 Ackerman Duncan  
 Aderholt Edwards (MD)  
 Adler (NJ) Edwards (TX)  
 Akin Ellison  
 Alexander Ellsworth  
 Altmire Emerson  
 Arcuri Eshoo  
 Austria Etheridge  
 Baca Fallin  
 Bachmann Farr  
 Bachus Fattah  
 Baird Filner  
 Baldwin Fleming  
 Barrett (SC) Forbes  
 Barrow Fortenberry  
 Bean Foster  
 Becerra Foxx  
 Berkley Frank (MA)  
 Berman Franks (AZ)  
 Berry Frelinghuysen  
 Biggert Fudge  
 Bilbray Gallegly  
 Bilirakis Gerlach  
 Bishop (NY) Giffords  
 Bishop (UT) Gonzalez  
 Blumenauer Goodlatte  
 Blunt Granger  
 Boccieri Graves  
 Boehner Grayson  
 Bonner Green, Al  
 Boozman Green, Gene  
 Boren Griffith  
 Boswell Guthrie  
 Boucher Hall (NY)  
 Boustany Hall (TX)  
 Boyd Halvorson  
 Brady (PA) Hare  
 Brady (TX) Harman  
 Braley (IA) Harper  
 Bright Hastings (FL)  
 Brown (SC) Hastings (WA)  
 Brown, Corrine Heinrich  
 Brown-Waite, Heller  
     Ginny Herger  
 Buchanan Herseth Sandlin  
 Burgess Hill  
 Burton (IN) Himes  
 Buyer Hinchey  
 Calvert Hinojosa  
 Camp Hirono  
 Cantor Hodes  
 Cao Hoekstra  
 Capito Holden  
 Capps Holt  
 Capuano Honda  
 Carnahan Hoyer  
 Carney Hunter  
 Carson (IN) Inglis  
 Carter Issa  
 Castle Jackson (IL)  
 Castor (FL) Jenkins  
 Chandler Johnson (GA)  
 Clarke Johnson, E. B.  
 Clay Johnson, Sam  
 Cleaver Jones  
 Clyburn Jordan (OH)  
 Coble Kagen  
 Coffman (CO) Kanjorski  
 Cohen Kaptur  
 Cole Kennedy  
 Conaway Kildee  
 Connolly (VA) Kilpatrick (MI)  
 Cooper Kilroy  
 Costa Kind  
 Costello King (NY)  
 Courtney Kingston  
 Crenshaw Kirkpatrick (AZ)  
 Crowley Kissell  
 Cuellar Klein (FL)  
 Culberson Klime (MN)  
 Dahlkemper Kosmas  
 Davis (AL) Kratovil  
 Davis (CA) Kucinich  
 Davis (IL) Lamborn  
 Davis (KY) Lance  
 Deal (GA) Langevin  
 DeFazio Larson (CT)  
 DeGette Latham  
 Delahunt LaTourette  
 DeLauro Latta  
 Dent Lee (CA)  
 Diaz-Balart, L. Lee (NY)  
 Diaz-Balart, M. Levin  
 Dingell Lewis (CA)  
 Doggett Lewis (GA)  
 Donnelly (IN) Linder  
 Dreier Lipinski

Roybal-Allard  
 Royce  
 Ryan (WI)  
 Salazar  
 Sanchez, Loretta  
 Scarbates  
 Scalise  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Sessions  
 Shea-Porter  
 Sherman  
 Massa  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McClintock  
 McCollum  
 McCotter  
 McHenry  
 McIntyre  
 McKeon  
 McMahon  
 McMorris  
     Rodgers  
 McNeerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Mica  
 Michaud  
 Miller (FL)  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Minnick  
 Mitchell  
 Moore (KS)  
 Moore (WI)  
 Moran (KS)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Murphy, Patrick  
 Hirono  
 Murtha  
 Myrick  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Nunes  
 Nye  
 Oberstar  
 Obey  
 Olver  
 Ortiz  
 Pallone  
 Pascarell  
 Pastor (AZ)  
 Paulsen  
 Payne  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Petri  
 Pingree (ME)  
 Pitts  
 Poe (TX)  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (NC)  
 Putnam  
 Quigley  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Roe (TN)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Rothman (NJ)

Slaughter  
 Smith (NE)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Space  
 Speier  
 Stearns  
 Stupak  
 Sullivan  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Tiberi  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Turner  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walden  
 Walz  
 Wamp  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wexler  
 Whitfield  
 Wilson (OH)  
 Wilson (SC)  
 Wittman  
 Wolf  
 Woolsey  
 Wu  
 Yarmuth

NOT VOTING—48

Andrews  
 Bishop (GA)  
 Bono Mack  
 Butterfield  
 Cardoza  
 Cassidy  
 Childers  
 Conyers  
 Cummings  
 Davis (TN)  
 Dicks  
 Doyle  
 Ehlers  
 Engel  
 Gordon (TN)  
 Grijalva  
 Gutierrez  
 Higgins  
 Inslee  
 Israel  
 Jackson-Lee  
     (TX)  
 Kirk  
 Larsen (WA)  
 Lowey  
 Mack  
 Marchant  
 McCaul  
 McDermott  
 McGovern  
 McHugh  
 Mollohan  
 Paul  
 Platts  
 Rogers (AL)  
 Ross  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Sanchez, Linda  
     T.  
 Schock  
 Schrader  
 Serrano  
 Sestak  
 Smith (NJ)  
 Stark  
 Sutton  
 Wasserman  
     Schultz  
 Young (FL)

□ 1054

Mrs. DAVIS of California and Mr. FRANK of Massachusetts changed their vote from “yea” to “nay.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 645 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 645

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 63, line 12. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule

XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution; (2) not to exceed one of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Campbell of California or his designee; (3) not to exceed six of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (4) not to exceed three of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of this resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3183, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

SEC. 5. House Resolution 618 is laid on the table.

□ 1100

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against consideration of the rule because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, we are going through an appropriations process. We will do two bills this week. Traditionally, appropriations bills have been open rules. They come to the floor. Members are allowed to offer as many amendments as they wish—striking funding, moving funding around, making a policy point. That has been the tradition of this House.

It is sometimes pointed out that it hasn't always been this way, that the appropriations bills haven't always been open, and that there is no reason why they should be. Yet I would remind the House, Mr. Speaker, that, over the past 20 years, we've gotten into a practice of loading up and larding up these appropriations bills with all kinds of congressionally directed spending.

The chairman of the Appropriations Committee likes to say that, when he chaired the Appropriations Committee in 1992, when the Labor-HHS bill came through, there was not one congressional earmark, not one. That's less than 20 years ago. There was not one congressional earmark. I think, in the past couple of years, there have been upwards of 2,500 earmarks in that bill. In the bill that we'll address today, the energy and water bill, there are literally hundreds of earmarks.

Now, one would like to think that the Appropriations Committee would vet these earmarks, would actually check them out to see if they're meeting Federal purpose, if money is being wasted, if it, maybe, looks bad and looks like it's tied to campaign contributions or whatever, but they don't. They don't have the time or the resources or, perhaps, the inclination to do so, so all we have is this forum here on the floor. When you bring an appropriations bill to the floor under a closed rule or a restricted rule—a structured rule—and deny Members the ability to offer amendments, then you've shut down this place in a way that is simply not right.

For this bill, there were 103 amendments submitted. Now, because you have to pre-file your amendments, a lot of Members will submit more amendments than they intend to offer on the floor just to protect their place. So the majority party knows that we would never have offered 103 amendments on the floor. We won't have time to do it. We have done it in years past, but only

21 of these remained in order—78 Republican amendments were submitted, and only 14 were made in order.

The gentleman from Georgia, to whom I will yield 3 minutes, has been offering a number of amendments, and has not been able to have them made in order.

I yield 3 minutes to the gentleman from Georgia.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Mr. Speaker, as my colleagues on both sides of the aisle know, I just called previously for a motion to adjourn this body. I don't typically do dilatory motions. I think my colleagues on both sides of the aisle know that. What, Mr. Speaker, I am trying to say to those who are now in charge of this body—Speaker PELOSI, Majority Leader HOYER, the chairman of the Rules Committee—is, look, as the gentleman from Arizona has pointed out, you have taken away so many opportunities—not, indeed, all of the opportunities—for the minority to represent their constituencies. Those constituencies are close to 700,000 people in all of our districts across this country, and we don't have this opportunity, particularly on these very important appropriations bills—on these 12 spending bills—which, after all, are probably one of the two most important things that we as Members of the legislative branch are charged constitutionally to do year after year after year.

I commend the majority for wanting to get the work done and for wanting to have all of that done by the end of the fiscal year. It's insanity not to do that, but we can do it in an open way, as the gentleman from Arizona has pointed out. Going back to the fairness that you all called for when you were campaigning so hard in the fall of 2006, you gained the majority, to a large extent, on that kind of a platform and on that kind of a pledge. So this is wrong, and this is why we're making these points.

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

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California on the point of order.

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

Technically, this point of order is about whether or not to consider this rule and, ultimately, the underlying bill. In reality, it is about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation, itself.

I think that is wrong, and I hope my colleagues will vote to consider this important legislation on its merits and not stop it on a procedural motion. Those who oppose the bill can vote against it on final passage. We must consider this rule, and we must pass this legislation today.

I have the right to close, but in the end, I will urge my colleagues to vote "yes" so that we can consider the rule

and get down to doing the business of the American people.

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

Mr. FLAKE. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 6½ minutes remaining.

Mr. FLAKE. Mr. Speaker, I realize that this is an unfunded mandates point of order that has been raised. This is not unfunded mandates we're talking about here. Unfortunately, this is about the only way we can get time to actually talk about this rule at sufficient length.

As to the way that these appropriations bills are being shut down for Members and when the gentlelady said that this bill should be voted on according to its merits, the problem is there were dozens and dozens of meritorious amendments that were submitted to the Rules Committee. The fact that they actually had to be submitted tells us we've got some problems here because, as I mentioned, appropriations bills have traditionally been open, but meritorious amendments have been submitted, and only a few have been allowed.

Now, I happen to have six, I believe, allowed in this bill, and I know full well the game here. I offer limitation amendments on earmarks. The majority party knows full well that earmarking is a bipartisan addiction and that the process of logrolling takes effect and that my amendments are defeated routinely. So they can throw me a bone here and there, and that's fine. I understand that. Still, we need to raise these issues. Let me tell you why.

This was in the Washington Post today, and you can look yesterday in Roll Call or in The Hill from the day before. Virtually every day there is a news story about earmarks having gone awry. This one in particular talks about defense earmarks, that there are some individuals in the lobbying community and in the defense community who have pled guilty to taking earmarks from this body and to spreading them around to several contractors who didn't do the work that they promised to do. Some actually took kickbacks for the earmark money they distributed. These were earmarks that were supposedly vetted by the Appropriations Committee, but we know that the Appropriations Committee doesn't have the time or resources to vet these earmarks.

We're going to be doing a defense appropriations bill in just a couple of weeks. We've allowed one day for that bill to be on the floor, and if history holds, only a couple of amendments will be allowed, particularly amendments to strike earmarks. If on this floor we are not going challenge these earmarks, where are we going to do it?

They're not doing it in the Appropriations Committee. From sad experience, we know that. Over the past several years, the chairman of the Appropriations Committee has said they

don't have the time or the resources to adequately vet these earmarks, so we have two choices. We ought to have two choices. Either strike the earmarks and not bring the bill to the floor with congressional earmarks in there or have proper time to vet them on the floor. Or simply say that we're not going to allow them at all until we get this process fixed. Instead, what we've chosen to do is to cover up the process and to pretend that there is no problem here and to simply limit the number of amendments that can be offered on the floor and hope that nobody notices, that nobody sees.

What happens when nobody sees—last year, for example, we weren't allowed to offer any amendments on the floor. The defense appropriations bill was offered as part of a "minibus", and no amendments were offered at all. Then we get stories like this. Let me just quote one paragraph from this story:

It really puts a fine point on the murky unaccountable web that exists around earmarks, said Steve Ellis of the watchdog group Taxpayers for Common Sense. These earmarks, because there is very little accountability, provide a petri dish for corruption.

Certainly, that is what we've seen over the past several years, but we are not allowing adequate time on the floor to vet what will be likely over 1,000 earmarks or close to it—if there are not 1,000, there will be several hundred—in the defense bill that's going to be coming up.

What is worse is that hundreds of these earmarks that will be in the defense bill will be given to companies whose executives will turn around and will write large campaign contributions to the sponsor of the earmark in the bill. So, essentially, we are earmarking for our campaign contributors.

I think we should all agree that, if there are earmarks in this body, they certainly shouldn't be going to those who can turn around and can then make a campaign contribution directly back to them. To give a Federal appropriation a no-bid contract—and that's what earmarks are, particularly in the defense bill, no-bid contracts—to somebody who can turn around and write a campaign contribution right back to you is wrong.

What makes it doubly wrong is that now, in the House, we are going to tell Members you can't even challenge those earmarks on the floor because we're going to limit you to three or four amendments. Choose them. That's it. That, Mr. Speaker, is wrong. We can't continue to do that. People say that, outside of the Beltway, nobody cares about process. That may be true, but take it from somebody who was in the majority and who is now in the minority: Bad process yields bad results, and it will catch up to you sooner or later. What is worse is that what we're doing,

particularly with earmarks in the defense bill, reflects poorly on this House.

□ 1115

The cloud that hangs over this body rains on Republicans and Democrats alike; and we ought to stand up to the institution and say, We think more of this institution than that to have this cloud out there. So I would plead with everyone, Mr. Speaker, to not proceed with bills like this which don't allow Members to offer amendments on the floor, the amendments that are meritorious, that are not trying to slow down the process. They are simply trying to improve the bill.

With that, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, again I want to urge my colleagues to vote "yes" on this motion to consider so that we can debate and pass this important piece of legislation today.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

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

Ms. MATSUI. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

I yield myself as much time as I may consume.

#### GENERAL LEAVE

Ms. MATSUI. I also ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on House Resolution 645.

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

There was no objection.

Ms. MATSUI. Mr. Speaker, House Resolution 645 provides a structured rule for consideration of H.R. 3183, the Energy and Water Development Appropriations Act for fiscal year 2010. The resolution provides for 1 hour of general debate controlled by the Committee on Appropriations.

Mr. Speaker, I first want to thank Chairman OBEY as well as Mr. PASTOR and Mr. VISCLOSKEY for their work on this bill. They have been tireless advocates for vital funding in this legislation which truly meets the needs of a number of important areas from our water infrastructure to our national energy policies. Specifically, the bill provides \$5.5 billion for the Corps of Engineers, which is \$139 million over 2009 levels. For my constituents, this funding is more than just numbers. It is a matter of survival. My district sits at the confluence of two great rivers, the Sacramento and the American. The Sacramento is considered to have the

highest flood risk of any major metropolitan city in the United States. Almost a half million people, 110,000 structures, the capital of the State of California and up to \$58 billion are at risk of flooding in my district alone. The Federal investments in this legislation for the Corps of Engineers directly benefits not only my constituents but the capital of the eighth largest economy in the world. Vital funding will strengthen levees along the American and Sacramento Rivers, levees which keep my constituents safe every single day.

The bill also makes it possible for the Corps of Engineers to complete a GRR to protect the Natomas community in my district. Additional funds will go toward levee construction in south Sacramento, which will give that community 100-year protection. These are projects I have worked on throughout my career in Congress, and I am eager to see it move forward. Finally, this important appropriations bill will also invest in modifications to the joint Federal project to provide greater efficiency in managing flood storage in the Folsom Reservoir.

From the joint Federal project in Sacramento to the levee work in the Mississippi Delta to the coastal restoration in the southeast, this bill works to protect our communities and commits to a strong investment in our aging infrastructure. The legislation before us today builds on the job-creating work of the American Recovery and Reinvestment Act, which has already started to stem the tide of bad economic news. In April, \$10 million was invested in flood protection infrastructure in Bucks County, Pennsylvania. This project alone will create up to 200 quality American jobs in manufacturing and construction. In my district alone, the Recovery Act has invested \$21 million already in keeping my constituents' homes safe from floods and in keeping people in their jobs. The legislation before us today builds upon this positive record of infrastructure investment as a job-creating strategy. It will employ scientists to perform hydraulic studies, engineers to design levees and construction workers to move the dirt. When we rebuild our infrastructure, we rebuild our economy. The same is true for energy. When we invest in energy independence, we invest in our economic health. I strongly support the significant energy policies that this bill supports. Thanks to the congressional leadership in this House, our country is finally on the right track toward a clean energy future that will create jobs here at home and enhance our competitiveness abroad. Between the American Recovery and Reinvestment Act and the American Clean Energy and Security Act, this Congress has created a new day for our national energy policy.

The legislation contains \$1 billion to reduce our dependence on foreign oil

and keep energy prices low. This funding will go toward research, development, demonstration and deployment of energy technologies which will help our country become more energy independent. When I look to the future of the world economy, other countries are already investing in the clean energy technologies that will power the future. China, for example, doubled its wind power investment in 2008 and has made its intentions clear to become the world's leader in wind energy development. The legislation before us today represents a strong step that this House can take to compete with the Chinese.

This bill also looks toward the future and provides robust funding for both the Department of Energy and the Office of Science. It makes a commitment to support the advancement of innovative technologies by providing \$2.25 billion for energy efficiency and renewable energy. It also recognizes the importance of an efficient, reliable, secure and flexible transmission and distribution grid by increasing funding for electricity delivery and energy reliability to \$208 million, 52 percent above last year's level. Every increase for clean energy in this bill is a bet on the ingenuity of the American people to compete in a global marketplace where clean energy will drive investment for decades into the future. Just as every dollar invested in levees and other infrastructure in this bill is a down payment on the safety and security of communities, like my hometown of Sacramento, safety and security is what the legislation before us today is all about.

I strongly support the rule and the underlying legislation, and I urge my colleagues to do the same. Mr. Speaker, again, I want to thank Mr. OBEY and the committee for their work on this robust bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself as much time as I may consume.

The underlying legislation, the Energy-Water Appropriations Act, provides over \$33.2 billion in funding for critical water projects. It helps to develop a cleaner, more dependable energy sector that is less dependent on unreliable sources of foreign energy. It also supports our national defense system by funding critical weapons and nonproliferation programs. The Water Resources Development Act of 2007, known as WRDA, authorized the deepening of the Miami Harbor to a depth of 50 feet. The underlying legislation follows up on that authorization with \$600,000 for the planning of the dredging project. Reaching a depth of 50 feet by the time that the Panama Canal expansion is completed in 2014 is of both local and national importance. Once the Panama Canal expansion is complete, a new class of supercargo car-

riers will be able to traverse the canal and will be looking for new deepwater ports to unload their cargo. However, there are very few ports in the United States ready to handle those carriers. Once Miami reaches the 50-foot depth mark, it will be the closest U.S. port to the Panama Canal that can handle the carriers and will serve as a vital entry point for international trade in and out of the United States. The ability of the Port of Miami to accommodate those carriers will double the amount of cargo the port is able to handle and will serve to cement Miami's position as the trade capital of the Americas. It will also create numerous high-paying jobs; and it will have an extraordinary impact, obviously, on the local economy.

The Florida Everglades is a great national treasure. The Everglades' combination of abundant moisture, rich soils and subtropical temperatures traditionally supported a vast array of species. Flood control and reclamation efforts in the 1940s and the 1950s manipulated the Everglades' hydrology, redirecting fresh water destined for the Everglades out to sea. Its ecosystem was also harmed by degraded water quality. Pollutants from urban areas and agricultural run-off, including pesticides and excess nutrients, have harmed plant and animal populations. The Comprehensive Everglades Restoration Plan, which I strongly support, will capture fresh water destined for the sea, the lifeblood of the Everglades, and direct it back to the ecosystem to revitalize it. At the same time the project will also improve water supplies, provide flood control for South Florida and protect wildlife. My colleagues in the South Florida delegation and I have worked closely with appropriators to secure funding for this important project. I'm thankful to my colleagues, and I am pleased the Appropriations Committee agreed on the importance of this project by appropriating \$210 million. I would like to thank Chairman PASTOR and Ranking Member FRELINGHUYSEN for their bipartisan work on the important underlying legislation that we're bringing to the floor today.

While I support the underlying legislation, I must oppose the rule by which the majority is bringing this bill to the floor. Last month the majority set a dangerous precedent to limit debate on appropriations bills, debate that, historically, was almost always considered under an open rule, an open process of debate. Today, Mr. Speaker, we are set to consider the eighth of 12 appropriations bills, and every bill considered so far has been considered under a structured rule that severely limits the ability of Members from both sides of the aisle to bring amendments to the floor for debate and for a vote and is not in the usual open procedure which allows every Member to offer their amendments.

During last week's Rules Committee hearing on the State and Foreign Oper-

ations appropriations bill, the ranking member of the Appropriations Committee, Mr. LEWIS, testified that there was still time to undo the majority's new precedent, restricting the ability of Members to offer amendments to appropriation bills. Mr. LEWIS asked the majority to reconsider the use of structured rules on appropriations bills, to return to regular order, to historical order, to the tradition of an open debate process on appropriations bills. He even offered his services to persuade Members to not offer dilatory amendments, which would hamper the ability of Congress to complete its appropriations work on time, something that both the majority and the minority wish to accomplish. Ranking Member DREIER of the Rules Committee and I also offered to help Ranking Member LEWIS rein in any Members who wished to unnecessarily prolong the debate process. I really hoped that the majority on the Rules Committee would heed Mr. LEWIS' thoughtful suggestion and accept his offer to help move the process along if an open debate process was returned to. However, the majority, once again, blocked the overwhelming majority of Members from both sides of the aisle from having a full opportunity to debate the bill and represent the interests of their constituents.

□ 1130

So, Mr. Speaker, the majority has not understood the damage it is causing this House by closing debate unnecessarily on appropriations bills by breaking, in effect, two centuries of precedents. It is sad.

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from New York, a member of the Committee on Rules, Mr. ARCURI.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague, the gentlewoman from California, for the courtesy of yielding to me and for her strong leadership on the Rules Committee.

Mr. Speaker, I rise today in strong support of the rule and H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act. The bill provides much-needed funding to continue our Federal commitment to meeting the infrastructure needs for our Nation. This bill will create jobs and invest in new technologies, scientific research, and conservation efforts.

I also would like to take a moment to lend my strong support to Mr. PASTOR's amendment to H.R. 3183, the manager's amendment. The amendment provides a critical increase in funding for the Northern Border Regional Commission. The 2008 farm bill first authorized the Northern Border Regional Commission as an independent agency to address the shared economic needs and harness the unique assets of the counties along the Nation's northern border from Maine and New England through New York. In

this region, 13.1 percent of the population lives in poverty. The median household income is \$6,500 below the national average. Unemployment is significantly higher than the national average; and the region actually lost population between 1990 and 2000, while the overall population of the United States rose by 13.2 percent.

The region shares many common economic challenges stemming from relative geographic isolation, aging infrastructure, and a loss of natural resource-based industry that has historically been an economic engine. However, at the same time, the region also has a common set of assets, not the least of which is expansive natural beauty and resources, as well as historic and geographic ties.

The commission utilizes the same model that has successfully enabled the Appalachian Regional Commission to facilitate a "bottom-up" approach where local development districts, not-for-profit organizations and others bring project ideas and priorities to the commission from the local level.

The regional commission model helps foster improved collaboration and coordination within the region and among Federal and State agencies, while also serving as a vehicle to leverage additional public and private sector investments. By taking a regional view, the commission can promote projects that confer a broader benefit without States having to compete among themselves for scarce funds for the region.

I thank the committee for their hard work to see that the Northern Border Regional Commission receives the funding necessary to make the commission a reality for this region. I thank my colleagues from the region, Representatives MICHAUD, PINGREE, HODES, SHEA-PORTER, WELCH and my New York colleague, JOHN MCHUGH, for their continued efforts to establish and secure funding for the Northern Border Regional Commission.

I urge my colleagues to support the manager's amendment and vote for the rule and for H.R. 3183.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I appreciate this opportunity to express my dissatisfaction with this rule. This is my 11th year here, my 11th appropriations season, and it is the first time where substantive, real discussions have been prevented. I am extremely disturbed at this rule, as all previous rules this year on appropriations.

In years past, if we had a substantive, meritorious amendment, we were allowed to bring it to the floor without having to go through a totalitarian regime where a small group of people get to place their beliefs at the forefront and prevent discussion. So in the charade of saying that they are just protecting us from dilatory amendments, they are using this power to silence us on substantive amendments.

Let me give you my example about why I stand here today expressing my frustration at the heavy-handedness of the majority. I believe that our country is in jeopardy of not having enough energy to power our economy in the future. If we look at the electricity that needs to be generated in the future, we have to build well over 230 gigabytes of new energy over the next 30 years.

Let me put that in perspective. Most power plants are 500 megawatts. So this is 450 to 460 new power plants. If we want clean, reliable and affordable energy for this country to power our economy, we have to open ourselves to nuclear power. We can't access Yucca Mountain. That has been shut down. But the rest of the world recycles their nuclear waste and power rods. We do not in this country.

I had an amendment that I felt very strongly about that increased for our national laboratories funding specifically to research recycling technologies that can be used at our nuclear power plants to continue to recycle their materials, as they are being recycled. Not only is this energy efficient, but wise and efficient use of these nuclear rods, which also means that we have solved our waste issue, not totally making Yucca Mountain irrelevant, but certainly making it—

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. TERRY. Thank you. But certainly putting us on a path where we can use nuclear power as clean, affordable energy without the necessity of Yucca Mountain being opened today.

For some reason, in our Energy and Commerce Committee, every one of our nuclear amendments was shut down and voted against. And now we have a Rules Committee that is preventing nuclear power amendments.

I don't understand. I am at a complete loss why the majority wants to shut down nuclear power when it is the cleanest power we can have, the most reliable and the most affordable. That is where our future lies. We can replace old coal-fired plants with clean, new nuclear and produce twice the energy. But for some reason, the majority wants to shut this down.

This rule proves that they are shutting down nuclear power, or at least stepping up and making sure that we aren't going to have more nuclear power in the future. So I ask my colleagues who are pro-nuclear and pro-energy to vote "no" on this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Ms. MATSUI. Mr. Speaker, I want to make a point.

This bill makes an investment in nuclear power and makes it clear that nuclear energy is a component of the overall energy mix. The bill provides \$812 million for nuclear, \$20 million above the fiscal year 2009 level, and \$51

million above the President's request. Support is provided for existing activities funded in fiscal year 2009 and ensures this area is included in our funding priorities.

And with that, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Florida for yielding, Mr. Speaker.

I rise in opposition to this rule because 80 percent of the amendments that were brought forward on this bill were not allowed under this rule. And so clearly we are not operating under a transparent process. We are not operating under a process that is allowing the free debate that I think all Americans want us to have on appropriations bills that spend their money.

First, there were some amendments that were brought forward that would have actually directed the Corps of Engineers to base their flood protection decisions on the most safe options to protect our citizens and their property from future storms. That amendment was not allowed under this rule. There was actually an amendment to cut, and I know it is a word that some people don't like over in this building, to cut spending by \$7 billion based on the amount of money that was added in the stimulus bill.

I think many of us, on this side for sure, and I would hope some of my colleagues on the other side, would even acknowledge that the President's stimulus bill was a failed spending bill, \$800 billion of new government spending at a time when our economy is hurting. And now even the Vice President acknowledges they misread the economy.

Everybody I think that has looked at it objectively acknowledges the spending bill was a bad idea. Those of us who voted against it said it would be a bad idea and hurt the economy then. That is why we proposed an alternative. Yet this steamroller to just continue spending money out of control went on, and they passed the bill.

There was an amendment that was proposed that would have cut that \$7 billion in this Department that went through the stimulus bill that clearly isn't working. Instead of controlling the spending and allowing a vote on that, that was ruled out of order under this rule.

All of us that have looked and said, where are the jobs from the spending bill, that stimulus bill, no one can point to the jobs, because we have lost jobs. Since President Obama took office, 2 million more Americans have lost their job. And what is their answer? You would think their answer would be, Maybe some of those Republicans that had some alternative ideas might have been right; we will actually work in a bipartisan way and go talk to them and see what their ideas were because they were good ideas that would have helped small businesses and helped American families get back on

their feet. Instead, these ideas were discarded. Maybe they would go back and look at those ideas again.

Instead, some people in the White House are actually suggesting a second stimulus bill, yet another massive spending bill at a time when the spending is what is hurting our economy. And so we bring an amendment to cut spending, and they rule it out of order in this rule.

Maybe Speaker PELOSI and some of her liberal lieutenants think that the American people aren't watching, and maybe they are high-fiving because they are hoodwinking people into not knowing what is going on here in this House.

But I hate to tell them, the American people are watching, and they don't like what they see. They see massive runaway spending. They see more jobs being lost. They see this energy bill, this cap-and-trade energy tax that would run millions of jobs to countries like China, causing more Americans to be unemployed and raising utility rates on every American family.

The American people are watching this. And they are demanding action from Congress. That is why we are bringing these amendments to cut the spending.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. SCALISE. I want to thank my friend from Florida again. That is why we are bringing these amendments. We are bringing constructive ideas to solve the problems of our country and to propose different approaches, not massive spending, but actually ways to get Americans back employed, ways to help small businesses survive during these tough times, ways to help middle class families who are struggling to get back on their feet. And every time we bring these proposals, the liberal leadership on the other side says, no, we don't want to hear those alternative ideas; we want to just keep spending money like there is no end in sight.

Well, there is an end in sight. And if you look just earlier this week, we reached a hurdle that I don't think is a good hurdle, I don't think anyone should be proud of, but it is a historic hurdle. Earlier this week, our country exceeded \$1 trillion in deficits during the course of a fiscal year. It was already exceeded this week, and we still have months to go in the fiscal year.

So this is going to have a devastating effect on our economy, this massive runaway spending. And yet they bring a rule that closes debate on 80 percent of amendments.

I would urge rejection of this rule.

Ms. MATSUI. Mr. Speaker, I want to make a point.

Infrastructure spending on public safety projects in this bill will save jobs across America.

Infrastructure spending is also smart investment, exactly the kind of smart

investment the American people want this Congress to be making at this difficult point in our history.

The American Society of Civil Engineers estimates levee construction provides a 6-to-1 return on flood damages prevented when compared to initial investment cost. At the same time, our country's levees are crumbling and putting public health at risk.

Now is exactly the time to invest in this critical public good.

With that, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia, Mr. NATHAN DEAL.

Mr. DEAL of Georgia. I thank the gentleman.

Mr. Speaker, I rise today in opposition to the rule.

The reason is that my colleagues and I from Georgia offered an amendment that was not accepted in the Rules Committee. The amendment would have prohibited funds in this act from being made available to be used to update the calculation of the critical yield of the Federal projects within the ACF and the ACT river basins before the development of updated water control plans for the Federal projects within these river basins.

□ 1145

The reason for the amendment was that language was included in the other body's version of this bill which requested that the critical yield updates be accomplished before the water control manuals themselves. The fact is that these control manuals need to be completed first by the Corps before the critical yield studies can be finished. This is an important study and therefore should be done properly.

Although the critical yield updates are a necessary part of the manual updates, they do not provide any understanding of how water is currently being allocated or how the Federal projects may best be managed. The Corps of Engineers must be allowed to determine the critical yield under appropriate conditions, and our amendment would have made sure that they were able to do that.

This language that is inserted in the bill by the other body is not mutual in regard to the ongoing water struggle between our States. It arbitrarily prioritizes this particular study and diverts resources away from the Corps of Engineers that are needed in order to complete the much-needed water control plans.

And for that reason, since the amendment was not allowed by the Rules Committee, I rise in objection to this rule before the body today.

Ms. MATSUI. Mr. Speaker, I reserve.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, Mrs. MATSUI, once again for her courtesy, and I want to thank all of my distinguished colleagues who have participated in this debate on the rule bringing forward to

the floor the appropriations bill, the Energy and Water appropriations bill.

I was particularly impressed by the arguments brought forth by LEE TERRY who explained—and I wasn't aware of it—how, in the authorizing committee, and, quite frankly, then the Appropriations Committee, there have been systematic attempts to limit, close down debate, really, on developing, encouraging in a serious, comprehensive way nuclear power for the Nation.

It reminded me of what I consider an unfortunate aspect of the dogma of the left of the United States. Curious is their opposition to nuclear power. Not necessarily is that the case with the left everywhere. In France, for example, where about 80 percent of electricity is generated from nuclear power, governments of the left and the right. President Mitterand was a strong supporter of nuclear power, as obviously was President Giscard, and then President Chirac, and now President Sarkozy. Left and right in France have seen the critical importance of developing nuclear power and the importance of reprocessing, which was what LEE TERRY was talking about, that ever since the Carter years here we have limited, we have excluded, in effect, that option.

So we're at a point now where we spend so much—we use so much imported oil in this country to generate electricity. That's insane when there is a clean option, nuclear power, which requires reprocessing in order to be really effective, as demonstrated in France. And yet the dogma of the American left on that issue curiously does not make that option possible.

Let me ask, how much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 9½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I just want to add to the gentleman's comments on this important issue of nuclear and its absence, really, in any impactful way in the legislation that comes before the House today.

Our country built its first 100 nuclear reactors in less than 20 years. Today, we know so much more about this particular industry. We are so much more technologically advanced. Without question, we could build a hundred nuclear reactors in the next 20 years, and we would lead the world in this particular energy technology again.

And it's troubling because, like the gentleman, I've been all over the world and all of these other countries look back and say, Why wouldn't the United States, like Japan and like France, take a lead on nuclear again so that they can show leadership on the reduction of carbon and this issue of climate change? That's the logical big step that we could take as a Nation. Yet many of the people who oppose coal in this body also oppose nuclear, and you cannot

possibly achieve their own stated goals without it.

And we could do this. Talking about jobs and a stimulus, that should be step one, is a bold nuclear agenda where we reprocess the spent fuel, turn 80 percent of it back into energy, and lead the world in the energy technology opportunities and industry in the world. The best chance for success is nuclear, yet it's not advanced near enough in this legislation.

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself the remainder of my time.

It is a pillar of thought of the American left's opposition to nuclear power. I think it's evident. And the American left controls the leadership of this Congress, and it's unfortunate, as Mr. WAMP pointed out, because, and as I tried to point out earlier, in other countries left and right agree on the importance of nuclear power. It's clean energy that is available, readily available, and safe to reduce dependence on oil immediately.

Alternative sources are being developed, and they're important. But in terms of the significant substitution of oil with new sources, clean and reliable sources of energy, there is nothing that's available that can be more impacted or more effective than nuclear power. So it's a curiosity.

As a student, I studied comparative politics, comparative law. As a student of the left and the right in many countries, I find it curious as to why it is, because it is evidently a pillar of thought of the American left—opposition to nuclear power—but it's a fact.

I will be asking for a "no" on the previous question, Mr. Speaker, so we can amend this rule so we can allow an open process. There is no question that the rules the majority bring forth today will help to cement the dangerous precedent that it set last month. It will further damage bipartisanship and comity in this body.

I urge my colleagues to vote "no" on the previous question so we can uphold our tradition of allowing free and open debate on appropriations bills. If we do not do so, I believe the majority will come to regret their decision to close down the deliberative process of the House on appropriations bills.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and 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.

Ms. MATSUI. Mr. Speaker, I yield myself the remainder of my time.

The rule before us today is a fair rule that allows us to highlight a significant appropriations bill. After seven hearings, the Appropriations Subcommittee on Energy and Water craft-

ed an important bill that brings our spending priorities in line with America's vision for a brighter tomorrow.

The bill before us invests in new technologies, scientific research and conservation efforts. It increases funding for the Army Corps of Engineers and the Bureau of Reclamation allowing them to continue their mission to improve our water infrastructure.

The bill continues to invest in the development of a new smart grid to ensure electricity delivery and energy reliability, and it makes a commitment to renewable energy and scientific research. The bill also continues ongoing nuclear nonproliferation efforts and rejects funding for the development of a new nuclear weapon.

Mr. Speaker, 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. 645 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike the resolved clause and all that follows and insert the following:

*Resolved*, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto for final passage without intervening motion except one motion to recommit with or without instructions.

(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) de-

scribes 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. MATSUI. 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.

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 will be followed by 5-minute votes on:

adoption of H. Res. 645, if ordered; and

motions to suspend the rules on H.R. 1044, H.R. 934, and H.R. 762.

The vote was taken by electronic device, and there were—yeas 237, nays 177, not voting 18, as follows:

[Roll No. 538]

YEAS—237

Abercrombie Green, Gene  
Ackerman Griffith  
Adler (NJ) Grijalva  
Altmire Gutierrez  
Andrews Hall (NY)  
Arcuri Halvorson  
Baca Hare  
Baird Harman  
Baldwin Hastings (FL)  
Barrow Heinrich  
Bean Herseth Sandlin  
Becerra Himes  
Berkley Hinchey  
Berman Hirono  
Berry Hodes  
Bishop (GA) Hoekstra  
Bishop (NY) Holden  
Blumenauer Holt  
Bocieri Honda  
Boren Hoyer  
Boswell Insee  
Boucher Israel  
Boyd Jackson (IL)  
Brady (PA) Jackson-Lee  
Braley (IA) (TX)  
Bright Johnson (GA)  
Brown, Corrine Johnson, E. B.  
Butterfield Kagen  
Capps Kanjorski  
Capuano Kaptur  
Cardoza Kennedy  
Carnahan Kildee  
Carney Kilpatrick (MI)  
Carson (IN) Kilroy  
Castor (FL) Kind  
Chandler Kirkpatrick (AZ)  
Childers Kissell  
Clarke Klein (FL)  
Clay Kosmas  
Cleaver Kratovil  
Clyburn Kucinich  
Cohen Langevin  
Connolly (VA) Larsen (WA)  
Cooper Larson (CT)  
Costa Lee (CA)  
Costello Lewis (GA)  
Courtney Lipinski  
Crowley Loeb sack  
Cuellar Lofgren, Zoe  
Cummings Lowey  
Dahlkemper Lujan  
Davis (AL) Maffei  
Davis (CA) Maloney  
Davis (IL) Markey (CO)  
Davis (TN) Markey (MA)  
DeFazio Marshall  
DeGette Massa  
Delahunt Matheson  
DeLauro Matsui  
Dicks McCarthy (NY)  
Dingell McCollum  
Doggett McDermott  
Donnelly (IN) McMahon  
Doyle McNerney  
Driehaus Meek (FL)  
Edwards (MD) Meeks (NY)  
Edwards (TX) Michaud  
Ellison Miller (NC)  
Ellsworth Miller, George  
Eshoo Mitchell  
Etheridge Mollohan  
Farr Moore (KS)  
Fattah Moore (WI)  
Filner Moran (VA)  
Foster Murphy (CT)  
Frank (MA) Murphy (NY)  
Fudge Murphy, Patrick  
Giffords Murtha  
Gonzalez Nadler (NY)  
Grayson Napolitano

NAYS—177

Aderholt Biggert  
Akin Bilbray  
Alexander Bilirakis  
Austria Bishop (UT)  
Bachmann Blackburn  
Barrett (SC) Brown (GA)  
Blunt Brown (SC)  
Bartlett Boehner  
Barton (TX) Bonner

Buchanan Inglis  
Burgess Jenkins  
Burton (IN) Johnson (IL)  
Buyer Johnson, Sam  
Calvert Jones  
Camp Jordan (OH)  
Campbell King (IA)  
Cantor King (NY)  
Cao Kingston  
Capito Kirk  
Carter Kline (MN)  
Castle Lamborn  
Chaffetz Lance  
Coble Latham  
Coffman (CO) LaTourrette  
Cole Latta  
Conaway Lee (NY)  
Crenshaw Lewis (CA)  
Culberson Linder  
Davis (KY) LoBiondo  
Deal (GA) Lucas  
Dent Luetkemeyer  
Diaz-Balart, L. Lummis  
Diaz-Balart, M. Lungren, Daniel  
Dreier E.  
Duncan Mack  
Ehlers Manzullo  
Emerson Marchant  
Fallin McCarthy (CA)  
Flake McCaul  
Fleming McClintock  
Forbes McCotter  
Fortenberry McHenry  
Foxy McHugh  
Franks (AZ) McKeon  
Frelinghuysen McMorris  
Gallegly Rodgers  
Garrett (NJ) Melancon  
Gingrey (GA) Mica  
Gohmert Miller (FL)  
Goodlatte Miller (MI)  
Granger Miller, Gary  
Graves Minnick  
Guthrie Moran (KS)  
Hall (TX) Murphy, Tim  
Harper Myrick  
Hastings (WA) Neugebauer  
Heller Nunes  
Hensarling Nye  
Herger Olson  
Hill Paul  
Hunter Paulsen

NOT VOTING—18

Bachus Green, Al  
Cassidy Higgins  
Conyers Hinojosa  
Engel Issa  
Gerlach Levin  
Gordon (TN) Lynch

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1220

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

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

Stated for:  
Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably delayed and missed the vote on Motion on Ordering the Previous Question on the Rule for H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 (H. Res. 645).

Had I been present I would have voted “yea” on this vote.

Mr. MCINTYRE. Mr. Speaker, on rollcall No. 538, I was unavoidably detained. Had I been present, I would have voted “yea.”

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. Mr. 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 238, nays 185, not voting 9, as follows:

[Roll No. 539]

YEAS—238

Abercrombie Gutierrez  
Ackerman Hall (NY)  
Adler (NJ) Halvorson  
Altmire Hare  
Andrews Harman  
Arcuri Hastings (FL)  
Baca Heinrich  
Baird Herseth Sandlin  
Baldwin Higgins  
Barrow Himes  
Bean Hinchey  
Becerra Hinojosa  
Berkley Hirono  
Berman Hodes  
Berry Holden  
Bishop (GA) Holt  
Bishop (NY) Honda  
Blumenauer Hoyer  
Boyd Bocieri  
Boren Israel  
Boswell Jackson (IL)  
Boucher Jackson-Lee  
Boyd (TX)  
Brady (PA) Johnson (GA)  
Braley (IA) Johnson, E. B.  
Brown, Corrine Kagen  
Butterfield Kanjorski  
Capps Kaptur  
Capuano Kennedy  
Cardoza Kildee  
Carnahan Kilpatrick (MI)  
Carney Kilroy  
Carson (IN) Kind  
Castor (FL) Kirkpatrick (AZ)  
Chandler Kissell  
Childers Klein (FL)  
Clay Kosmas  
Cleaver Kucinich  
Clyburn Langevin  
Cohen Larsen (WA)  
Connolly (VA) Larson (CT)  
Cooper Lee (CA)  
Costello Lewis (GA)  
Courtney Lipinski  
Crowley Loeb sack  
Cuellar Lofgren, Zoe  
Cummings Lowey  
Dahlkemper Lujan  
Davis (AL) Maffei  
Davis (CA) Maloney  
Davis (IL) Markey (CO)  
Davis (TN) Markey (MA)  
DeFazio Marshall  
DeGette Massa  
Delahunt Matheson  
DeLauro Matsui  
Dicks McCarthy (NY)  
Dingell McCollum  
Doggett McDermott  
Donnelly (IN) McMahon  
Doyle McNerney  
Driehaus Meek (FL)  
Edwards (MD) Meeks (NY)  
Edwards (TX) Michaud  
Ellison Miller (NC)  
Ellsworth Miller, George  
Eshoo Mitchell  
Etheridge Mollohan  
Farr Moore (KS)  
Fattah Moore (WI)  
Filner Moran (VA)  
Foster Murphy (CT)  
Frank (MA) Murphy (NY)  
Fudge Murphy, Patrick  
Giffords Murtha  
Gonzalez Nadler (NY)  
Grayson Napolitano

NAYS—185

Biggert Boozman  
Bilbray Boustany  
Bilirakis Brady (TX)  
Bishop (UT) Bright  
Blackburn Broun (GA)  
Bachmann Blunt  
Bachus Brown (SC)  
Barrett (SC) Boehner  
Bartlett Bonner  
Barton (TX) Bono Mack

Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan



Burgess Inglis Pence  
 Burton (IN) Issa Petri  
 Buyer Jenkins Pitts  
 Calvert Johnson (IL) Platts  
 Camp Johnson, Sam Poe (TX)  
 Campbell Jones Posey  
 Cantor Jordan (OH) Price (GA)  
 Cao King (IA) Putnam  
 Capito King (NY) Radanovich  
 Carter Kingston Rehberg  
 Castle Kirk Reichert  
 Chaffetz Kline (MN) Roe (TN)  
 Coble Kratovil Rogers (AL)  
 Coffman (CO) Lamborn Rogers (KY)  
 Cole Lance Rogers (MI)  
 Conaway Latham Rohrabacher  
 Crenshaw LaTourette Rooney  
 Culberson Latta Ros-Lehtinen  
 Davis (KY) Lee (NY) Roskam  
 Deal (GA) Lewis (CA) Royce  
 Dent Linder Ryan (WI)  
 Diaz-Balart, L. LoBiondo Scalise  
 Diaz-Balart, M. Lucas Schmidt  
 Dreier Luetkemeyer Schock  
 Duncan Lummis Sensenbrenner  
 Ehlers Lungren, Daniel Sessions  
 Ellsworth E. Shadegg  
 Emerson Mack Shimkus  
 Fallin Manzullo Shuler  
 Flake Marchant Shuster  
 Fleming McCarthy (CA) Simpson  
 Forbes McCaul Smith (NE)  
 Fortenberry McClintock Smith (NJ)  
 Foxx McCotter Smith (TX)  
 Franks (AZ) McHenry Snyder  
 Frelinghuysen McHugh Souder  
 Gallegly McKeon Stearns  
 Garrett (NJ) McMorris Sullivan  
 Gerlach Rodgers Terry  
 Gingrey (GA) Melancon Thompson (PA)  
 Gohmert Mica Thornberry  
 Goodlatte Miller (FL) Tiahrt  
 Granger Miller (MI) Tiberi  
 Graves Miller, Gary Turner  
 Guthrie Moran (KS) Upton  
 Hall (TX) Murphy (NY) Walden  
 Harper Murphy, Tim Wamp  
 Hastings (WA) Myrick Westmoreland  
 Heller Neugebauer Whitfield  
 Hensarling Nunes Wilson (SC)  
 Hergert Nye Wittman  
 Hill Olson Wolf  
 Hoekstra Paul Young (AK)  
 Hunter Paulsen

NOT VOTING—9

Cassidy Engel Schrader  
 Conyers Gordon (TN) Sestak  
 Cuellar Levin Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1228

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.

PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL ENHANCEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1044, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.  
 The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1044, as amended.

This is a 5-minute vote.  
 The vote was taken by electronic device, and there were—yeas 3, not voting 14, as follows:

[Roll No. 540]  
 YEAS—415  
 Abercrombie Davis (KY)  
 Ackerman Davis (TN)  
 Aderholt Deal (GA)  
 Adler (NJ) DeFazio  
 Akin DeGette  
 Alexander Delahunt  
 Altmire DeLauro  
 Andrews Dent  
 Arcuri Diaz-Balart, L.  
 Austria Diaz-Balart, M.  
 Baca Dicks  
 Bachmann Dingell  
 Bachus Doggett  
 Baird Donnelly (IN)  
 Baldwin Doyle  
 Barrett (SC) Dreier  
 Barrow Driehaus  
 Bartlett Duncan  
 Barton (TX) Edwards (MD)  
 Bean Edwards (TX)  
 Becerra Ehlers  
 Berkley Ellison  
 Berman Ellsworth  
 Berry Emerson  
 Biggert Eshoo  
 Bilbray Etheridge  
 Bilirakis Fallin  
 Bishop (GA) Farr  
 Bishop (NY) Fattah  
 Bishop (UT) Filner  
 Blackburn Fleming  
 Blumenauer Forbes  
 Blunt Fortenberry  
 Boccieri Foster  
 Boehner Foy  
 Bonner Frank (MA)  
 Bono Mack Franks (AZ)  
 Boozman Frelinghuysen  
 Boren Fudge  
 Boswell Gallegly  
 Boucher Garrett (NJ)  
 Boustany Gerlach  
 Boyd Giffords  
 Brady (PA) Gingrey (GA)  
 Brady (TX) Gohmert  
 Braley (IA) Gonzalez  
 Bright Goodlatte  
 Brown (SC) Granger  
 Brown, Corrine Graves  
 Brown-Waite, Ginny Grayson  
 Buchanan Green, Gene  
 Burgess Griffith  
 Burton (IN) Grijalva  
 Butterfield Guthrie  
 Buyer Gutierrez  
 Calvert Hall (NY)  
 Camp Hall (TX)  
 Campbell Halvorson  
 Cantor Hare  
 Cao Harman  
 Capito Harper  
 Capuano Hastings (FL)  
 Cardoza Hastings (WA)  
 Carnahan Heinrich  
 Carney Heller  
 Carson (IN) Hensarling  
 Carter Hergert  
 Castle Herseth Sandlin  
 Castor (FL) Higgins  
 Chaffetz Hill  
 Chandler Himes  
 Childers Hinchey  
 Clarke Hinojosa  
 Clay Hirono  
 Cleaver Hodes  
 Clyburn Hoekstra  
 Coble Holden  
 Coffman (CO) Holt  
 Cohen Honda  
 Cole Hoyer  
 Conaway Hunter  
 Connolly (VA) Inglis  
 Cooper Israel  
 Costa Issa  
 Costello Jackson (IL)  
 Courtney Jackson-Lee  
 Crenshaw (TX)  
 Crowley Jenkins  
 Cuellar Johnson (GA)  
 Culberson Johnson (IL)  
 Cummings Johnson, Sam  
 Dahlkemper Jones  
 Davis (AL) Jordan (OH)  
 Davis (CA) Kagen  
 Davis (IL) Kanjorski

Oberstar Roybal-Allard Sullivan  
 Obey Royce Sutton  
 Olson Ruppersberger Tanner  
 Oliver Rush Teague  
 Ortiz Ryan (OH) Terry  
 Pallone Ryan (WI) Thompson (CA)  
 Pascrell Salazar Thompson (MS)  
 Pastor (AZ) Sánchez, Linda Thompson (PA)  
 Paulsen T. Thornberry  
 Payne Sanchez, Loretta Tiahrt  
 Pence Sarbanes Tiberi  
 Perlmutter Scalise Titus  
 Perriello Schakowsky Tierney  
 Peters Schauer Titus  
 Peterson Schiff Tonko  
 Petri Schmidt Towns  
 Pingree (ME) Schock Tsongas  
 Pitts Schwartz Turner  
 Platts Scott (GA) Upton  
 Poe (TX) Scott (VA) Van Hollen  
 Polis (CO) Sensenbrenner Velázquez  
 Pomeroy Serrano Vislosky  
 Posey Sessions Walden  
 Price (GA) Shadegg Walz  
 Price (NC) Shea-Porter Wamp  
 Putnam Sherman Wasserman  
 Quigley Shimkus Schultz  
 Radanovich Shuler Waters  
 Rahall Shuster Watson  
 Rangel Simpson Watt  
 Rehberg Sires Waxman  
 Reichert Skelton Weiner  
 Reyes Slaughter Welch  
 Richardson Smith (NE) Westmoreland  
 Rodriguez Smith (NJ) Wexler  
 Roe (TN) Smith (TX) Whitfield  
 Rogers (AL) Smith (WA) Wilson (OH)  
 Rogers (KY) Snyder Wilson (SC)  
 Rogers (MI) Souder Wittman  
 Rohrabacher Space Wolf  
 Rooney Speier Woolsey  
 Ros-Lehtinen Spratt Wu  
 Roskam Stark Yarmuth  
 Ross Stearns Young (AK)  
 Rothman (NJ) Stupak

NAYS—3

Broun (GA) Flake Paul

NOT VOTING—14

Capps Inslee Schrader  
 Cassidy Johnson, E. B. Sestak  
 Conyers Levin Taylor  
 Engel McCarthy (NY) Young (FL)  
 Gordon (TN) McCaul

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1235

Mr. FLAKE changed his vote from “yea” to “nay.”  
 So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was agreed to.  
 The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NORTHERN MARIANA ISLANDS SUBMERGED LAND CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 934, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.  
 The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 934, as amended.

This will be a 5-minute vote.  
 The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kirk  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kline (MN)  
 Kosmas  
 Kratochvil  
 Kucinich  
 Lamborn  
 Lance  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Lee (NY)  
 Lewis (CA)  
 Lewis (GA)  
 Linder  
 Lipinski  
 LoBiondo  
 Loeb sack  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Lujan  
 Lummis  
 Lungren, Daniel  
 E.  
 Lynch  
 Mack  
 Maffei  
 Maloney  
 Manzullo  
 Marchant  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McClintock  
 McCollum  
 McCotter  
 McDermott  
 McGovern  
 McHenry  
 McHugh  
 McIntyre  
 McKeon  
 McMahon  
 McMorris  
 Rodgers  
 McNerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Mica  
 Michaud  
 Miller (FL)  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Minnick  
 Mitchell  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (KS)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Murphy, Patrick  
 Murphy, Tim  
 Murtha  
 Myrick  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Nunes  
 Nye