

Gerlach  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Heinrich  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (GA)  
Lipinski  
Loebsock  
Lofgren, Zoe  
Lowey

Luján  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCauley  
McCollum  
McGovern  
McIntyre  
McMahon  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Perrillo  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)

Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Townes  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Peters  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Wolf  
Woolsey  
Wu  
Yarmuth

Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen

Roskam  
Royce  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Stearns

Sullivan  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Westmoreland  
Wilson (SC)  
Wittman  
Young (AK)  
Young (FL)

□ 1501

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, with Mr. SERRANO (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, May 27, 2010, a request for a recorded vote on amendments en bloc No. 9, printed in House Report 111-498, offered by the gentleman from Missouri (Mr. SKELTON) had been postponed.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent that the demand for a recorded vote on amendment No. 81 be withdrawn.

The Acting CHAIR. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Acting CHAIR. The amendment is adopted pursuant to the earlier voice vote.

AMENDMENTS EN BLOC NO. 9 OFFERED BY MR. SKELTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendments en bloc, as modified, offered by the gentleman from Missouri (Mr. SKELTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendments en bloc.

The Clerk redesignated the amendments en bloc.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 1, not voting 20, as follows:

[Roll No. 333]

AYES—416

Ackerman	Bishop (UT)	Campbell
Aderholt	Blackburn	Cantor
Adler (NJ)	Blumenauer	Cao
Akin	Blunt	Capito
Alexander	Bocchieri	Capps
Altmire	Boehner	Capuano
Andrews	Bonner	Cardoza
Arcuri	Bono Mack	Carnahan
Austria	Boozman	Carney
Baca	Boswell	Carson (IN)
Bachmann	Boucher	Carter
Bachus	Boustany	Cassidy
Baird	Boyd	Castle
Baldwin	Brady (PA)	Castor (FL)
Barrett (SC)	Brady (TX)	Chaffetz
Barrow	Braley (IA)	Chandler
Bartlett	Bright	Childers
Bean	Broun (GA)	Chu
Becerra	Brown (SC)	Clarke
Berkley	Brown, Corrine	Clay
Berman	Buchanan	Cleaver
Berry	Burgess	Clyburn
Biggart	Burton (IN)	Coble
Bilbray	Butterfield	Coffman (CO)
Bilirakis	Buyer	Cole
Bishop (GA)	Calvert	Conaway
Bishop (NY)	Camp	Connolly (VA)

NOT VOTING—20

Boren  
Brown-Waite,  
Ginny  
Davis (AL)  
Davis (KY)  
Delahunt  
Djou  
Graves  
Hastings (FL)  
Jones  
Latta  
McDermott  
McNerney  
Melancon  
Radanovich  
Ryan (WI)  
Serrano  
Shuler  
Smith (TX)  
Stupak  
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1501

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCNERNEY. Mr. Speaker, on rollcall No. 332, Final Passage of America Competes Act, had I been present, I would have voted "aye."

## PERSONAL EXPLANATION

Mr. BOREN. Mr. Speaker, I was absent on Friday, May 8, when call votes occurred for H.R. 5116, the America COMPETES Reauthorization Act of 2010. I was not present because I was attending a funeral for a family member.

If I would have been present for the rollcall votes listed below for H.R. 5116, I would have voted in the following manner:

1. Roll No. 326, on agreeing to the first portion of the divided question, proposing to strike section 228: I would have voted "nay."

2. Roll No. 327, on agreeing to the second portion of the divided question, proposing to strike sections 406(b) and (c): I would have voted "nay."

3. Roll No. 328, on agreeing to the sixth portion of the divided question, proposing to amend section 702: I would have voted "nay."

4. Roll No. 329, on agreeing to the seventh portion of the divided question, proposing to add a section 704: I would have voted "aye."

5. Roll No. 330, on agreeing to the eighth portion of the divided question, proposing to add a section 705: I would have voted "aye."

6. Roll No. 331, on agreeing to the ninth portion of the divided question, proposing to add a section 706: I would have voted "nay."

7. Roll No. 332, on final passage of H.R. 5116: I would have voted "aye."

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1404 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5136.

NOES—150

Aderholt	Diaz-Balart, L.	Kline (MN)
Akin	Diaz-Balart, M.	Lamborn
Alexander	Dreier	Lance
Austria	Duncan	Latham
Bachmann	Emerson	LaTourette
Bachus	Fallin	Lewis (CA)
Barrett (SC)	Flake	Linder
Barton (TX)	Fleming	LoBiondo
Bilbray	Forbes	Lucas
Bilirakis	Fortenberry	Luetkemeyer
Bishop (UT)	Fox	Lummis
Blackburn	Franks (AZ)	Lungren, Daniel
Blunt	Frelinghuysen	E.
Boehner	Gallely	Mack
Bonner	Garrett (NJ)	Manzullo
Bono Mack	Gingrey (GA)	Marchant
Boozman	Gohmert	McCarthy (CA)
Boustany	Goodlatte	McClintock
Brady (TX)	Granger	McCotter
Broun (GA)	Griffith	McHenry
Brown (SC)	Guthrie	McKeon
Buchanan	Hall (TX)	McMorris
Burgess	Harper	Rodgers
Burton (IN)	Hastings (WA)	Mica
Buyer	Heller	Miller (FL)
Calvert	Hensarling	Miller (MI)
Camp	Herger	Miller, Gary
Campbell	Hoekstra	Moran (KS)
Cantor	Hunter	Murphy, Tim
Carter	Inglis	Myrick
Cassidy	Issa	Neugebauer
Chaffetz	Jenkins	Nunes
Coble	Johnson, Sam	Olson
Coffman (CO)	Jordan (OH)	Paul
Cole	King (IA)	Paulsen
Conaway	King (NY)	Pence
Culberson	Kingston	Petri

Conyers Israel  
Cooper Issa  
Costa Jackson (IL)  
Costello Jackson Lee  
Courtney (TX)  
Crenshaw Jenkins  
Critz Johnson (GA)  
Crowley Johnson (IL)  
Cuellar Johnson, E. B.  
Culberson Johnson, Sam  
Cummings Jordan (OH)  
Dahlkemper Kagen  
Davis (CA) Kanjorski  
Davis (IL) Kaptur  
Davis (TN) Kennedy  
DeFazio Kildee  
DeGette Kilpatrick (MI)  
DeLauro Kilroy  
Dent Kind  
Deutch King (IA)  
Diaz-Balart, L. King (NY)  
Diaz-Balart, M. Kingston  
Dicks Kirk  
Dingell Kirkpatrick (AZ)  
Djou Kissell  
Doggett Klein (FL)  
Donnelly (IN) Kline (MN)  
Doyle Kosmas  
Dreier Kratochvil  
Driehaus Kucinich  
Duncan Lamborn  
Edwards (MD) Lance  
Edwards (TX) Langevin  
Ehlers Larsen (WA)  
Ellison Larson (CT)  
Ellsworth Latham  
Emerson LaTourette  
Engel Lee (CA)  
Eshoo Lee (NY)  
Etheridge Levin  
Fallin Lewis (CA)  
Farr Lewis (GA)  
Fattah Linder  
Filner Lipinski  
Flake LoBiondo  
Fleming Loebbeck  
Forbes Lofgren, Zoe  
Fortenberry Lowey  
Foster Lucas  
Foxx Luetkemeyer  
Frank (MA) Lujan  
Franks (AZ) Lummis  
Frelinghuysen Lungren, Daniel  
Fudge E.  
Gallegly Lynch  
Garamendi Mack  
Garrett (NJ) Maffei  
Gerlach Maloney  
Giffords Manzullo  
Gingrey (GA) Marchant  
Gohmert Markey (CO)  
Gonzalez Markey (MA)  
Goodlatte Marshall  
Gordon (TN) Matheson  
Granger Matsui  
Grayson McCarthy (CA)  
Green, Al McCarthy (NY)  
Green, Gene McCaul  
Griffith McClintock  
Grijalva McCollum  
Guthrie McCotter  
Gutierrez McDermott  
Hall (NY) McGovern  
Hall (TX) McHenry  
Halvorson McIntyre  
Hare McKeon  
Harman McMahon  
Harper McMorris  
Hastings (WA) Rodgers  
Heinrich McNerney  
Heller Meek (FL)  
Hensarling Meeks (NY)  
Herger Mica  
Herseth Sandlin Michaud  
Higgins Miller (FL)  
Hill Miller (MI)  
Himes Miller (NC)  
Hinchey Miller, Gary  
Hinojosa Miller, George  
Hirono Minnick  
Hodes Mitchell  
Hoekstra Mollohan  
Holden Moore (KS)  
Holt Moore (WI)  
Honda Moran (KS)  
Hoyer Moran (VA)  
Hunter Murphy (CT)  
Inglis Murphy (NY)  
Inslee Murphy, Patrick

Murphy, Tim  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Norton  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmuter  
Perriello  
Peters  
Peterson  
Petri  
Pierluisi  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Sullivan

Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberti  
Tierney  
Titus  
Tonko  
Towns

Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman

Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NOES—1

Paul

## NOT VOTING—20

Barton (TX)  
Bordallo  
Boren  
Brown-Waite,  
Ginny  
Christensen  
Cohen  
Davis (AL)  
Davis (KY)  
Delahunt  
Faleomavaega  
Graves  
Hastings (FL)  
Jones  
Latta  
Melancon  
Myrick  
Ryan (WI)  
Sablan  
Shuler  
Stupak

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. There is 1 minute remaining in the vote.

□ 1519

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. BORDALLO. Mr. Chair, I was absent from the Chamber today, Friday, May 28, 2010, due to the travel schedule for my return to my district on account of official business. Had I been present for the one rollcall vote taken today in the Committee of the Whole House on the State of the Union on the amendments that were offered to H.R. 5136—National Defense Authorization Act for Fiscal Year 2011, I would have voted as follows: “aye” on the En Bloc Amendments, as modified, No. 9 offered by Chairman SKELTON of Missouri (rollcall vote 333).

Mr. COHEN. Mr. Chair, I was detained from voting and missed one vote on Friday, May 28, 2010. If present, I would have voted “yea” on the following rollcall vote: Rollcall 333.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Mr. SERRANO, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, pursuant to House Resolution 1404, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mrs. BACHMANN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. BACHMANN. Yes, in its current form.

Mr. SKELTON. Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. The point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Bachmann moves to recommit the bill back to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new title:

## TITLE —PAY FREEZE

## SEC. 01. PAY FREEZE.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of computing compensation for service performed during fiscal year 2011 and the first quarter of fiscal year 2012, the rate of salary or basic pay for any office or position within the civil service, as defined by section 2101 of title 5, United States Code, shall be deemed to be equal to the rate of salary or basic pay payable for such office or position as of September 30, 2010.

(b) CONGRESSIONAL PAY FREEZE.—Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (related to the Compensation of Members of Congress) during fiscal year 2011 and the first quarter of fiscal year 2012.

(c) RULE FOR NEW POSITIONS.—For purposes of subsection (a), the rate of salary or basic pay payable as of September 30, 2010, for any office or position which was not in existence on such date shall be deemed to be the rate of salary or basic pay payable to individuals in comparable offices or positions on such date.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to apply with respect to any office or position within the uniformed services, as defined by section 2101 of title 5, United States Code.

Mrs. BACHMANN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

Mr. SKELTON. I object.

The SPEAKER pro tempore. Objection is heard.

The reading will continue.

The Clerk continued to read.

Mr. SKELTON (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the continuing of the reading.

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

There was no objection.

POINT OF ORDER

Mr. SKELTON. Mr. Speaker, I make a point of order against this motion as it is not germane, and I insist on that point of order.

Mrs. BACHMANN. Mr. Speaker, I ask to be heard on the point of order.

The SPEAKER pro tempore. The gentlewoman from Minnesota is recognized.

Mrs. BACHMANN. Mr. Speaker, the motion to recommit proposes to add a new amendment to the bill freezing the rate of pay for ourselves, Members of Congress, and for the non-uniformed Federal employees. The amendment relies on the definition of civil service provided in title V of the United States Code which covers positions in the executive, the judicial, and the legislative branches.

The bill before us contains numerous and repeated references to title V of the United States Code, yet the gentleman makes the point of order that this amendment is not germane to the bill.

Mr. Speaker, the bill before us includes provisions, such as the recently adopted Sarbanes amendment, that affect the policies of all executive branch agencies, not just the Department of Defense. And on that basis, I believe that the Chair will find the provisions of the amendment limiting pay for civilian executive branch employees germane. I also believe that the bill is broad enough to cover judicial employees as well.

So, Mr. Speaker, that then leaves the question of ourselves, our pay, and that of non-uniformed Federal employees, legislative branch employees. So, therefore, Mr. Speaker, I believe it would be improper for the Chair to use a point of order for the purpose of protecting the employees of the legislative branch and for the purpose of protecting and shielding us Members of Congress from the pay freeze herein being proposed. And it would otherwise be in order for employees of the executive branch.

And so, Mr. Speaker, I ask the question: Do we really want to go on record saying that the rules of this House should not be used to shield our own Members of Congress' salaries and also those of the legislative salaries of the non-uniformed branch from being fiscally irresponsible?

So, Mr. Speaker, I urge you not to sustain the point of order because when the average wage and benefit package of government workers is double that of private employees, then we should not use—

Mr. SKELTON. Mr. Speaker, I insist on my point of order.

Mrs. BACHMANN. I am speaking on the point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman is reminded to confine her remarks to the point of order.

Mrs. BACHMANN. Yes, Mr. Speaker.

We should not use the arcane rules to somehow exempt ourselves as a Mem-

ber of Congress from our own pay increases and that of the non-uniformed Federal offices under the responsibility of tightening our belt.

Mr. SKELTON. Mr. Speaker, I insist on my point of order. It is not germane.

The SPEAKER pro tempore. The Chair will rule.

The gentleman from Missouri makes the point of order that the instructions proposed in the motion to recommit offered by the gentlewoman from Minnesota are not germane. The bill broaches a range of subject matters related to both national defense and to general operations of the Federal Government. This range of subject matters implicates the jurisdiction of several committees.

The instructions proposed in the motion to recommit seek to prohibit certain future increases in pay for Members of Congress and employees across the Federal Government. This prohibition, by addressing the legislative branch, involves the jurisdiction of the Committee on House Administration.

One of the fundamental principles of germaneness is that an amendment must confine itself to matters within the jurisdiction of the committees with jurisdiction over the pending text. To the Chair's knowledge, the underlying bill is devoid of subject matter within the jurisdiction of the Committee on House Administration. Thus, the motion offered by the gentlewoman from Minnesota is not germane. The point of order is sustained. The motion is not in order.

Mrs. BACHMANN. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. SKELTON. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to lay the appeal on the table.

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

RECORDED VOTE

Mrs. BACHMANN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on tabling the appeal will be followed by 5-minute votes on passage of H.R. 5136 and adoption of H. Res. 407, unless sooner followed by further proceedings in recommittal.

The vote was taken by electronic device, and there were—ayes 227, noes 183, not voting 21, as follows:

[Roll No. 334]

AYES—227

Ackerman	Arcuri	Barrow
Adler (NJ)	Baca	Bean
Altman	Baird	Becerra
Andrews	Baldwin	Berkley

Berman	Hinchey	Perlmutter
Berry	Hinojosa	Perriello
Bishop (GA)	Hirono	Peters
Bishop (NY)	Holt	Peterson
Blumenauer	Honda	Pingree (ME)
Bocchieri	Hoyer	Polis (CO)
Boswell	Inslee	Pomeroy
Boucher	Israel	Price (NC)
Boyd	Jackson (IL)	Quigley
Brady (PA)	Jackson Lee	Rahall
Braley (IA)	(TX)	Rangel
Brown, Corrine	Johnson (GA)	Reyes
Butterfield	Johnson, E. B.	Richardson
Capps	Kagen	Rodriguez
Capuano	Kanjorski	Ross
Cardoza	Kaptur	Rothman (NJ)
Carnahan	Kennedy	Roybal-Allard
Carney	Kildee	Ruppersberger
Carson (IN)	Kilpatrick (MI)	Rush
Castor (FL)	Kilroy	Ryan (OH)
Chandler	Kind	Salazar
Clarke	Kissell	Sanchez, Linda
Clay	Klein (FL)	T.
Cleaver	Kratovil	Sanchez, Loretta
Clyburn	Kucinich	Sarbanes
Cohen	Langevin	Schakowsky
Connolly (VA)	Larsen (WA)	Schauer
Conyers	Larson (CT)	Schiff
Cooper	Lee (CA)	Schrader
Costa	Levin	Schwartz
Costello	Lewis (GA)	Scott (GA)
Courtney	Lipinski	Scott (VA)
Critz	Loebach	Serrano
Crowley	Lofgren, Zoe	Sestak
Cuellar	Lowe	Shadegg
Cummings	Lujan	Shea-Porter
Davis (CA)	Lynch	Sherman
Davis (IL)	Maffei	Sires
Davis (TN)	Maloney	Skelton
DeLauro	Markey (CO)	Slaughter
Deutch	Markey (MA)	Smith (WA)
Dicks	Matheson	Snyder
Dingell	Matsui	Space
Doggett	McCarthy (NY)	Speier
Donnelly (IN)	McCollum	Spratt
Doyle	McDermott	Stark
Driehaus	McGovern	Sutton
Edwards (MD)	McMahon	Tanner
Edwards (TX)	McNerney	Thompson (CA)
Ellison	Meek (FL)	Thompson (MS)
Ellsworth	Meeks (NY)	Tierney
Eshoo	Michaud	Tonko
Etheridge	Miller (NC)	Towns
Farr	Miller, George	Tsongas
Fattah	Mollohan	Van Hollen
Filner	Moore (KS)	Velázquez
Frank (MA)	Moore (WI)	Visclosky
Fudge	Moran (VA)	Walz
Garamendi	Murphy (CT)	Wasserman
Gonzalez	Murphy (NY)	Schultz
Gordon (TN)	Murphy, Patrick	Waters
Grayson	Nadler (NY)	Watson
Green, Al	Napolitano	Watt
Green, Gene	Neal (MA)	Waxman
Grijalva	Oberstar	Weiner
Hall (NY)	Obey	Welch
Hare	Olver	Wilson (OH)
Harman	Ortiz	Wolf
Heinrich	Owens	Woolsey
Herseth Sandlin	Pallone	Wu
Higgins	Pascarell	Yarmuth
Hill	Pastor (AZ)	Young (AK)
Himes	Payne	

NOES—183

Burgess	Djou
Burton (IN)	Dreier
Buyer	Duncan
Calvert	Ehlers
Camp	Emerson
Campbell	Fallin
Cantor	Flake
Cao	Fleming
Capito	Forbes
Carter	Fortenberry
Cassidy	Foster
Castle	Fox
Chaffetz	Franks (AZ)
Childers	Frelinghuysen
Coble	Gallely
Coffman (CO)	Garrett (NJ)
Cole	Gerlach
Conaway	Giffords
Crenshaw	Gingrey (GA)
Culberson	Gohmert
Dahlkemper	Goodlatte
Dent	Granger
Diaz-Balart, L.	Griffith
Diaz-Balart, M.	Guthrie

Hall (TX)	Manzullo	Rogers (AL)
Halvorson	Marchant	Rogers (KY)
Harper	Marshall	Rohrabacher
Hastings (WA)	McCarthy (CA)	Rooney
Heller	McCauley	Ros-Lehtinen
Hensarling	McClintock	Roskam
Herger	McCotter	Royce
Hodes	McHenry	Scalise
Hoekstra	McIntyre	Schmidt
Holden	McKeon	Schock
Hunter	McMorris	Sensenbrenner
Inglis	Rodgers	Sessions
Issa	Miller (FL)	Shimkus
Jenkins	Miller (MI)	Shuster
Johnson (IL)	Miller, Gary	Simpson
Johnson, Sam	Minnick	Smith (NE)
Jordan (OH)	Mitchell	Smith (NJ)
King (IA)	Moran (KS)	Smith (TX)
King (NY)	Murphy, Tim	Stearns
Kingston	Myrick	Sullivan
Kirk	Neugebauer	Taylor
Kirkpatrick (AZ)	Nunes	Teague
Kline (MN)	Nye	Terry
Kosmas	Olson	Thompson (PA)
Lamborn	Paul	Thornberry
Lance	Paulsen	Tiahrt
Latham	Pence	Tiberi
LaTourette	Petri	Titus
Lee (NY)	Pitts	Turner
Lewis (CA)	Platts	Upton
Linder	Poe (TX)	Walden
LoBiondo	Posey	Wamp
Lucas	Price (GA)	Westmoreland
Luetkemeyer	Putnam	Whitfield
Lummis	Radanovich	Wilson (SC)
Lungren, Daniel	Rehberg	Wittman
E.	Reichert	Young (FL)
Mack	Roe (TN)	

## NOT VOTING—21

Bishop (UT)	DeGette	Melancon
Boren	Delahunt	Mica
Brown-Waite,	Engel	Rogers (MI)
Ginny	Graves	Ryan (WI)
Chu	Gutierrez	Shuler
Davis (AL)	Hastings (FL)	Stupak
Davis (KY)	Jones	
DeFazio	Latta	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1545

Mr. FLAKE changed his vote from "aye" to "no."

Messrs. OBERSTAR and DOGGETT changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated Against:

Mr. MICA. Mr. Speaker, on rollcall No. 334, Motion to Table, I was unavoidably detained. Had I been present, I would have voted "no."

## MOTION TO RECOMMIT

Mr. FORBES. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FORBES. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. Forbes moves to recommit the bill H.R. 5136 to the Committee on Armed Services with instructions to report the same back to the House forthwith, with the following amendment:

Strike section 1032 and insert the following:

**SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the funds authorized to be appropriated by this Act may be used to transfer,

release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

In section 1037(a)(1)(C), strike "within the exclusive investigative jurisdiction of the Inspector General of the Department of Defense" and insert "of the United States".

In section 1037, strike subsection (b).

In section 1037(f), strike paragraph (2).

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, sometimes things are not as complex as we try to make them here in Washington. In fact, sometimes our best decisions come down to simple truths. One of those truths is that Americans are safer when our government fights to keep terrorists off U.S. soil rather than when it fights to bring them here.

Mr. Speaker, in January 2009, 17 months ago, the worst terrorists who had ever attacked the United States were on the verge of conviction in Guantanamo. The most experienced and best prosecutor the U.S. had against terrorists and a full prosecution team had been prosecuting these terrorists for almost 2 years. They had handled over 56 motions, countless hearings, and, according to them, would have had guilty pleas out of all five of the 9/11 defendants within 6 months; in other words, June a year ago.

But this administration issued an order 17 months ago that destroyed all the work that prosecutor had done, all the work his entire team had done, every motion they had won, done away with every hearing, for nothing, and forced us as a nation to begin this prosecution anew sometime, somewhere.

Today, 17 months later, there is not a single individual in this Chamber that has a clue as to when, where, how, or even if these terrorists will be prosecuted. All we know is that we are now 3½ more years down the road and the clock is still ticking while the Attorney General continues to debate whether we should prosecute them here or we should prosecute them there.

Now, while the victims of 9/11 have been waiting, the ACLU has not. They have moved forward with the John Adams Project to robustly defend these terrorists who, by the way, have admitted their guilt. And while the victims of 9/11 have been waiting, there are allegations that the identities of key military and intelligence personnel have been passed to the 9/11 defendants more than a year ago, and allegations that such passage could have come from the attorneys involved in the case. There are further allegations that the passage of this information could have been a criminal act and could have jeopardized the safety of some of the individuals involved.

Finally, Mr. Speaker, there have been concerns that the Secretary of Defense and the Attorney General have failed to timely and adequately investigate these matters.

So what is the difference between our motion to recommit and this bill? First, we say, enough is enough; try the terrorists in Guantanamo. And we therefore prohibit the transfer of the detainees to the United States. Simple, straightforward, no more wobbling.

The majority's position in the bill, Mr. Speaker, is that the President can continue to take all the time he wants to determine if, when, where, and how he will prosecute the terrorists and where he will house them until he does, and all he has to do is file a plan when and if he ultimately decides to do so.

Now, my good friend, the chairman of the committee, loves to tell us, just read the bill. Well, if you just read the bill, you will find that the bill prohibits the Department of Defense from spending any money to reinforce security or other facilities, but it does not stop them from coming. It just stops us from preparing for them to come.

Secondly, Mr. Speaker, this motion to recommit says that the inspector general shall investigate as to whether or not there has been a crime from any of these allegations of distributing this information about military personnel and intelligence personnel. The current bill only allows him to investigate matters within the Department of Defense.

This bill makes sure that if any crime has been committed, he can investigate it, but the bill gives two get-out-of-jail-free cards. If the Secretary of Defense or the Attorney General decides that this would impair or interfere with an investigation, they can stop it—the same Secretary of Defense who has punted the investigation for a year, the same Attorney General who has not prosecuted these terrorists.

Mr. Speaker, I would just say if the Attorney General won't prosecute the terrorists, he is not going to investigate the attorneys that are representing them.

Mr. Speaker, let me say this in conclusion. The bottom line is, we can't stop every terrorist from coming to the United States, but we can stop the ones that are coming from Guantanamo. This motion to recommit does that. We can't protect all of our military and intelligence personnel from terrorists, but we can help the ones involved in this case. And that is what this motion to recommit does.

With that, Mr. Speaker, I yield back my time.

Mr. SKELTON. Mr. Speaker, I seek time in opposition to the motion to recommit, although I am not opposed to it.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. Mr. Speaker, we have dealt with these issues strongly in the

committee. This adds to those particular issues, and we are in a position to accept this motion. I just wish to point out that there is no difference between the Democrats and Republicans when it comes to fighting terrorism.

I agree with the motion.

I yield back the balance of my time.

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

There was no objection.

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

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

#### RECORDED VOTE

Mr. FORBES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5 minute votes on passage of H.R. 5136, if ordered, and suspending the rules and agreeing to House Resolution 407, if ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 131, not voting 18, as follows:

[Roll No. 335]

#### AYES—282

Aderholt	Castle	Green, Gene
Adler (NJ)	Castor (FL)	Griffith
Akin	Chaffetz	Guthrie
Alexander	Chandler	Hall (NY)
Altmire	Childers	Hall (TX)
Andrews	Coble	Halvorson
Arcuri	Coffman (CO)	Harper
Austria	Cole	Hastings (WA)
Baca	Conaway	Heller
Bachmann	Connolly (VA)	Hensarling
Bachus	Cooper	Herger
Barrett (SC)	Costa	Herseth Sandlin
Barrow	Costello	Higgins
Bartlett	Courtney	Hill
Barton (TX)	Crenshaw	Hinojosa
Bean	Critz	Hodes
Berkley	Cuellar	Hoekstra
Biggert	Culberson	Holden
Bilbray	Dahlkemper	Hunter
Billirakis	Davis (TN)	Inglis
Bishop (GA)	Dent	Israel
Bishop (NY)	Diaz-Balart, L.	Issa
Bishop (UT)	Diaz-Balart, M.	Jackson (IL)
Blackburn	Djou	Jenkins
Blunt	Donnelly (IN)	Johnson (GA)
Boccheri	Dreier	Johnson (IL)
Boehner	Driehaus	Johnson, Sam
Bonner	Duncan	Jordan (OH)
Bono Mack	Edwards (TX)	Kanjorski
Boozman	Ehlers	Kind
Boswell	Ellsworth	King (IA)
Boucher	Emerson	Kingston
Boustany	Engel	Kirk
Boyd	Etheridge	Kirkpatrick (AZ)
Brady (TX)	Fallin	Kissell
Bright	Flake	Klein (FL)
Broun (GA)	Fleming	Kline (MN)
Brown (SC)	Forbes	Kosmas
Brown, Corrine	Fortenberry	Kratovil
Buchanan	Foster	Lamborn
Burgess	Fox	Lance
Burton (IN)	Franks (AZ)	Langevin
Buyer	Frelinghuysen	Latham
Calvert	Gallegly	LaTourette
Camp	Garamendi	Lee (NY)
Campbell	Garrett (NJ)	Lewis (CA)
Cantor	Gerlach	Lipinski
Cao	Giffords	LoBiondo
Capito	Gingrey (GA)	Lowey
Cardoza	Gohmert	Lucas
Carnahan	Gonzalez	Luetkemeyer
Carney	Goodlatte	Lummis
Carson (IN)	Gordon (TN)	Lungren, Daniel
Carter	Granger	E.
Cassidy	Grayson	Lynch

Mack	Pence	Shadegg
Maffei	Perriello	Shea-Porter
Maloney	Peters	Shimkus
Manzullo	Peterson	Shuster
Marchant	Petri	Simpson
Markey (CO)	Pitts	Sires
Marshall	Platts	Skelton
Matheson	Poe (TX)	Smith (NE)
McCarthy (CA)	Pomeroy	Smith (NJ)
McCaul	Posey	Smith (TX)
McClintock	Price (GA)	Space
McCotter	Putnam	Spratt
McHenry	Radanovich	Stearns
McIntyre	Rahall	Sullivan
McKeon	Rehberg	Sutton
McMahon	Reichert	Tanner
McMorris	Reyes	Taylor
Rodgers	Richardson	Teague
McNerney	Rodriguez	Terry
Meek (FL)	Roe (TN)	Thompson (PA)
Mica	Rogers (AL)	Thornberry
Miller (FL)	Rogers (KY)	Tiahrt
Miller (MI)	Rogers (MI)	Tiberi
Miller (NC)	Rohrabacher	Titus
Miller, Gary	Rooney	Tonko
Minnick	Ros-Lehtinen	Turner
Mitchell	Roskam	Upton
Moore (KS)	Ross	Visclosky
Moran (KS)	Royce	Walden
Murphy (NY)	Ruppersberger	Walz
Murphy, Patrick	Ryan (OH)	Wamp
Murphy, Tim	Salazar	Westmoreland
Myrick	Scalise	Whitfield
Neugebauer	Schauer	Wilson (OH)
Nunes	Schmidt	Wilson (SC)
Nye	Schock	Wittman
Olson	Schrader	Wolf
Ortiz	Schwartz	Young (AK)
Owens	Sensenbrenner	Young (FL)
Paulsen	Sessions	

#### NOES—131

Hirono	Paul
Holt	Payne
Honda	Perlmutter
Hoyer	Pingree (ME)
Inslee	Polis (CO)
Jackson Lee	Price (NC)
(TX)	Quigley
Johnson, E. B.	Rangel
Kagen	Rothman (NJ)
Kaptur	Roybal-Allard
Kennedy	Rush
Kildee	Sánchez, Linda
Kilpatrick (MI)	T.
Kilroy	Sanchez, Loretta
Kucinich	Sarbanes
Larsen (WA)	Schakowsky
Larson (CT)	Schiff
Lee (CA)	Scott (GA)
Levin	Scott (VA)
Lewis (GA)	Serrano
Loebuck	Sestak
Lofgren, Zoe	Sherman
Lujan	Smith (WA)
Markey (MA)	Snyder
Matsui	Speier
McCarthy (NY)	Stark
McCollum	Thompson (CA)
McDermott	Thompson (MS)
McGovern	Tierney
Meeks (NY)	Towns
Michaud	Tsongas
Miller, George	Van Hollen
Mollohan	Velázquez
Moore (WI)	Wasserman
Moran (VA)	Schultz
Murphy (CT)	Waters
Nadler (NY)	Watson
Napolitano	Watt
Neal (MA)	Waxman
Oberstar	Weiner
Obey	Welch
Olver	Woolsey
Pallone	Wu
Pascarella	Yarmuth
Pastor (AZ)	

#### NOT VOTING—18

Ackerman	Delahunt	Melancon
Berman	Graves	Ryan (WI)
Boren	Hastings (FL)	Shuler
Brown-Waite,	Jones	Slaughter
Ginny	King (NY)	Stupak
Davis (AL)	Latta	
Davis (KY)	Linder	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1609

Messrs. PAYNE, AL GREEN of Texas, HOLT, PERLMUTTER, GEORGE MILLER of California, MICHAUD, and ROTHMAN of New Jersey changed their vote from “aye” to “no.”

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. SKELTON. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 5136, back to the House with an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. SKELTON: Strike section 1032 and insert the following:

**SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the funds authorized to be appropriated by this Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

In section 1037(a)(1)(C), strike “within the exclusive investigative jurisdiction of the Inspector General of the Department of Defense” and insert “of the United States”.

In section 1037, strike subsection (b).

In section 1037(f), strike paragraph (2).

Mr. SKELTON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

#### RECORDED VOTE

Mr. SKELTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 229, noes 186, not voting 17, as follows:

[Roll No. 336]

## AYES—229

Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocieri  
Bono Mack  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Cao  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castle  
Castor (FL)  
Chandler  
Clarke  
Clay  
Cleave  
Clyburn  
Cohen  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Dent  
Deutch  
Dicks  
Dingell  
Djoug  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Foster  
Frank (MA)  
Fudge  
Garamendi

Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Heinrich  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Langevin  
Larsen (WA)  
Larsen (CT)  
Lewis (GA)  
Lipinski  
Loeb sack  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McGovern  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Miller (NC)  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Nadler (NY)  
Napolitano

Neal (MA)  
Nye  
Oberstar  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Perriello  
Peters  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skeltion  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Sutton  
Tanner  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Townes  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Weiner  
Wilson (OH)  
Wu  
Yarmuth

## NOES—186

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Bilbray  
Billirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner

Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy

Chaffetz  
Childers  
Chu  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (TN)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Ellison

Emerson  
Fallin  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hirono  
Hoekstra  
Hunter  
Ingalls  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jordan (OH)  
King (IA)  
Kingston  
Kline (MN)  
Kucinich  
Lamborn  
Lance  
Latham  
LaTourette  
Lee (CA)  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo

Lofgren, Zoe  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marshall  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McDermott  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Miller, George  
Moore (WI)  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Obey  
Olson  
Olver  
Paul  
Paulsen  
Payne  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam

Radanovich  
Rehberg  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Stark  
Stearns  
Sullivan  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Watt  
Waxman  
Welch  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Young (AK)  
Young (FL)

## NOT VOTING—17

Boren  
Brown (SC)  
Brown-Waite,  
Ginny  
Conyers  
Davis (AL)  
Davis (KY)  
Delahunt  
Graves  
Hastings (FL)  
Jones  
King (NY)

Latta  
Levin  
Melancon  
Ryan (WI)  
Shuler  
Stupak

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1619

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LEVIN. Mr. Speaker, earlier today, I was unavoidably absent during rollcall vote 336, passage of H.R. 5136, the National Defense Authorization Act. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. BOREN. Mr. Speaker, I was absent on Thursday, May 27, and Friday, May 28, when call votes occurred for H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I was not present on these days because I was attending a funeral for a family member.

If I would have been present for the rollcall votes listed below for H.R. 5136, I would have voted in the following manner:

1. Roll No. 310, amendment No. 1, printed in House Report 111-498: I would have voted "aye."

2. Roll No. 311, amendment No. 3, printed in House Report 111-498: I would have voted "aye."

3. Roll No. 312, amendment No. 13, printed in House Report 111-498: I would have voted "aye."

4. Roll No. 313, amendment No. 82, printed in House Report 111-498: I would have voted "aye."

5. Roll No. 314, amendment No. 21, printed in House Report 111-498: I would have voted "aye."

6. Roll No. 315, amendment No. 42, printed in House Report 111-498: I would have voted "nay."

7. Roll No. 316, amendment No. 80, printed in House Report 111-498: I would have voted "aye."

8. Roll No. 317, amendment No. 79, printed in House Report 111-498: I would have voted "nay."

9. Roll No. 318, amendment No. 47, printed in House Report 111-498: I would have voted "aye."

10. Roll No. 333, en bloc amendment No. 9: I would have voted "aye."

11. Roll No. 334, on a motion to table the appeal of the ruling of the chair: I would have voted "nay."

12. Roll No. 335, on the motion to recommit H.R. 5136: I would have voted "aye."

13. Roll No. 336, final passage of H.R. 5136: I would have voted "nay."

## PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Friday, May 28, 2010, I was unable to participate in all of the day's votes due to a family emergency.

Had I been present I would have voted:

On rollcall No. 319—"no"—On Approving the Journal; on rollcall No. 320—"yes"—H. Res. 1391, Congratulating and commending Israel for its accession to membership in the Organization for Economic Cooperation and Development; on rollcall No. 321—"no"—Previous Question on H. Res. 1403, Providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; on rollcall No. 322—"no"—Slaughter of New York Amendment to H. Res. 1403; on rollcall No. 323—"no"—H. Res. 1403, Providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; on rollcall No. 324—"no"—H.R. 4213, American Workers, State, and Business Relief Act of 2010—on concurring in Senate amendment with amendment (except portion comprising section 523); on rollcall No. 325—"no"—H.R. 4213, American Workers, State, and Business Relief Act of 2010—on concurring in Senate amendment with portion of amendment comprising section 523; on rollcall No. 326—"yes"—America COMPETES Act—First portion of the Divided Question, Proposing to Strike Section 228; on rollcall No. 327—"yes"—America COMPETES Act—Second portion of the Divided Question, Proposing to Strike Sections 406(b) and (c); on rollcall No. 328—"yes"—America COMPETES Act—Sixth Portion of the Divided Question, Proposing to Amend Section 702; on rollcall No. 329—"yes"—America COMPETES Act—Seventh Portion of the Divided Question, Proposing to Add a Section 704; on rollcall No. 330—"yes"—America COMPETES Act—Eighth Portion of the Divided Question,