

Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth 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
Loeback
Lofgren, Zoe
Lowey

Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
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
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loeback
Lofgren, Zoe
Lowey

Roibal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
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
Vislosky
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
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson

Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
E.
Galleghy
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston

Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
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 Kratovil
 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 Loeb sack
 Forbes Lofgren, Zoe
 Fortenberry Lowey
 Foster Lucas
 Foxx Luetkemeyer
 Frank (MA) Luján
 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 McMahan
 Harper McMorris
 Hastings (WA) Rodgers
 Heinrich McNerney
 Heller Meek (FL)
 Hensarling Meeks (NY)
 Hergert 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
 Olver
 Ortiz
 Owens
 Pallone
 Pascrell
 Pastor (AZ)
 Paulsen
 Payne
 Pence
 Perlmutter
 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
 Ruppertsberger
 Rush
 Ryan (OH)
 Salazar
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 Schock
 Schrader
 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

NOES—1
 Paul
 NOT VOTING—20

Barton (TX) Davis (AL)
 Bordallo Davis (KY)
 Boren Delahunt
 Brown-Waite, Faleomavaega
 Ginny Graves
 Christensen Hastings (FL)
 Cohen Jones

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 recommitment.

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
Adler (NJ)
Altmire
Andrews

Arcuri
Baca
Baird
Baldwin

Barrow
Bean
Becerra
Berkley

Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocchieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes

Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsock
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne

Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Billray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan

Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Dent
Diaz-Balart, L.
Diaz-Balart, M.

Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie

Hall (TX)	Manzullo	Rogers (AL)
Halvorson	Marchant	Rogers (KY)
Harper	Marshall	Rohrabacher
Hastings (WA)	McCarthy (CA)	Rooney
Heller	McCaul	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
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Billirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy

Castle
Castor (FL)
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Culberson
Dahlkemper
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson

Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hodes
Hoekstra
Holden
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kanjorski
Kind
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Latham
LaTourette
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Lynch

Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Paulsen

Pence
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Salazar
Scalise
Schauer
Schmidt
Schock
Schrader
Schwartz
Sensenbrenner
Sessions

Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Visclosky
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

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:

NOES—131

Baird
Baldwin
Becerra
Berry
Blumenauer
Brady (PA)
Bralley (IA)
Butterfield
Capps
Capuano
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dick
Dingell
Doggett
Doyle
Edwards (MD)
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Green, Al
Grijalva
Gutierrez
Hare
Harman
Heinrich
Himes
Hinchey

Hirono
Holt
Honda
Hoyer
Inslee
Jackson Lee (TX)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kucinich
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebach
Lofgren, Zoe
Lujan
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks (NY)
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Pallone
Pascrell
Pastor (AZ)

Paul
Payne
Perlmutter
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Rothman (NJ)
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Smith (WA)
Snyder
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Townes
Tsongas
Van Hollen
Velázquez
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOT VOTING—18

Ackerman
Berman
Boren
Brown-Waite,
Ginny
Davis (AL)
Davis (KY)

Delahunt
Graves
Hastings (FL)
Jones
King (NY)
Latta
Linder

[Roll No. 336]

AYES—229

Ackerman Giffords Neal (MA)
 Adler (NJ) Gonzalez Nye
 Altmire Gordon (TN)
 Andrews Grayson Oberstar
 Arcuri Green, Al Ortiz
 Baca Green, Gene Owens
 Baird Grijalva Pallone
 Baldwin Gutierrez Pascrell
 Barrow Hall (NY) Pastor (AZ)
 Bean Halvorson Pelosi
 Becerra Perlmutter
 Berkley Hare Perriello
 Berman Harman Peters
 Berry Heinrich Pingree (ME)
 Biggert Herseht Sandlin
 Bishop (GA) Higgins
 Bishop (NY) Hill
 Blumenauer Himes
 Boccieri Hinchey
 Bono Mack Hinojosa
 Boswell Hodes
 Boucher Holden
 Boyd Holt
 Brady (PA) Honda
 Braley (IA) Hoyer
 Brown, Corrine Inslee
 Butterfield Israel
 Cao Jackson (IL)
 Capps Jackson Lee
 Capuano (TX)
 Cardoza Johnson (GA)
 Carnahan Johnson, E. B.
 Carney Kagen
 Carson (IN) Kanjorski
 Castle Kaptur
 Castor (FL) Kennedy
 Chandler Kildee
 Clarke Kilpatrick (MI)
 Clay Kilroy
 Cleaver Kind
 Clyburn Kirk
 Cohen Kirkpatrick (AZ)
 Connolly (VA) Kissell
 Cooper Klein (FL)
 Costa Kosmas
 Costello Kratochvil
 Courtney Langevin
 Critz Larsen (WA)
 Crowley Larson (CT)
 Cuellar Lewis (GA)
 Cummings Lipinski
 Dahlkemper Loeb sack
 Davis (CA) Lowey
 Davis (IL) Lujan
 DeFazio Lynch
 DeGette Maffei
 DeLauro Maloney
 Dent Markey (CO)
 Deutch Markey (MA)
 Dicks Matheson
 Dingell Matsui
 Djou McCarthy (NY)
 Doggett McCollum
 Donnelly (IN) McGovern
 Doyle McMahon
 Driehaus McNerney
 Edwards (MD) Meek (FL)
 Edwards (TX) Meeks (NY)
 Ellsworth Miller (NC)
 Engel Minnick
 Eshoo Mitchell
 Etheridge Mollohan
 Farr Moore (KS)
 Fattah Moran (VA)
 Foster Murphy (CT)
 Frank (MA) Murphy (NY)
 Fudge Nadler (NY)
 Garamendi Napolitano

NOES—186

Aderholt Boozman Chaffetz
 Akin Boustany Childers
 Alexander Brady (TX) Chu
 Austria Bright Coble
 Bachmann Broun (GA) Coffman (CO)
 Bachus Buchanan Cole
 Barrett (SC) Burgess Conaway
 Bartlett Burton (IN) Crenshaw
 Barton (TX) Buyer Culberson
 Bilbray Calvert Davis (TN)
 Billrakis Camp Diaz-Balart, L.
 Bishop (UT) Campbell Diaz-Balart, M.
 Blackburn Cantor Dreier
 Blunt Capito Duncan
 Boehner Carter Ehlers
 Bonner Cassidy Ellison

Emerson Lofgren, Zoe
 Fallon Lucas
 Filner Luetkemeyer
 Flake Lummis
 Fleming Lungren, Daniel
 Forbes E.
 Fortenberry Mack
 Foxx Manullo
 Franks (AZ) Marchant
 Frelinghuysen Marshall
 Gallegly McCarty (CA)
 Garrett (NJ) McCaul
 Gerlach McCintock
 Gingrey (GA) McCotter
 Gohmert McDermott
 Goodlatte McHenry
 Granger McIntyre
 Griffith McKeon
 Guthrie McMorris
 Hall (TX) Rodgers
 Harper Mica
 Hastings (WA) Michaud
 Heller Miller (FL)
 Reichert Hensarling Miller (MI)
 Herger Miller, Gary
 Hirono Miller, George
 Hoekstra Moore (WI)
 Hunter Moran (KS)
 Inglis Murphy, Tim
 Issa Myrick
 Jenkins Neugebauer
 Johnson (IL) Nunes
 Johnson, Sam Obey
 Jordan (OH) Olson
 King (IA) Olver
 Kingston Paul
 Kline (MN) Paulsen
 Kucinich Payne
 Lamborn Pence
 Lance Peterson
 Latham Petri
 LaTourette Pitts
 Lee (CA) Platts
 Lee (NY) Poe (TX)
 Lewis (GA) Posey
 Linder Price (GA)
 LoBiondo Putnam

NOT VOTING—17
 Boren Davis (KY) Latta
 Brown (SC) Delahunt Levin
 Brown-Waite, Graves Melancon
 Ginny Hastings (FL) Ryan (WI)
 Conyers Jones Shuler
 Davis (AL) King (NY) 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,