Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
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)
Ryan (WI)
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
Shuler
Shuster
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (SC)
Cardoza
Clay
Filner
Hall (NY)
Johnson, E. B.
Lynch
McMahon
Moran (VA)
Murtha
Paul
Radanovich
Simpson
Slaughter
Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining on this vote.

□ 1106

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A concurrent resolution recognizing the contributions of the American Kennel Club.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 981, I was away from the Capitol. Had I been present, I would have voted "yes."

Ms. SLAUGHTER. Madam Speaker, I was unavoidably detained and missed rollcall vote No. 981. Had I been present, I would have voted "aye" on rollcall vote No. 981.

PERSONAL EXPLANATION

Mr. RADANOVICH. Madam Speaker, I was unable to make today's votes on the House floor due to a family illness. Had I been present I would have voted as follows: "No" on rollcall vote No. 978, the Adjournment Resolution, H. Con. Res. 223; "no" on rollcall vote No. 979, on ordering the previous question on H. Res. 973 for consideration of a same day rule; "no" on rollcall No. 980, on the adoption of H. Res. 973, for consideration of a same day rule; and "aye" on rollcall vote No. 981, on the motion to suspend the rules and agree to H. Con. Res. 160, Honoring the American Kennel Club on its 125th Anniversary.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on rollcall Nos. 978, 979, and 981, I would have voted "yea." On rollcall No. 980, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Tuesday, December 15, 2009 and on the morning of Wednesday, December 16, 2009.

On Tuesday, December 15, 2009, had I been present I would have voted "aye" on rollcall vote No. 971 (on motion to suspend the rules and agree to H. Res. 894); "aye" on rollcall vote No. 972 (on motion to suspend the rules and agree to H.R. 1517); "aye" on rollcall vote No. 973 (on motion to suspend the rules and agree to H.R. 3978); "aye" on rollcall vote No. 974 (on motion to suspend the rules and agree to H. Res. 971); "aye" on rollcall vote No. 975 (on motion to suspend the rules and agree to H.R. 2194); "aye" on rollcall vote No. 976 (on motion to suspend the rules and agree to H. Res. 150); "aye" on rollcall vote No. 977 (on motion to suspend the rules and agree to S. 1472).

On December 16, 2009, had I been present I would have voted "no" on rollcall vote No. 978 (on agreeing to H. Con. Res. 223, providing for the sin die adjournment of the first session of the 111th Congress); "no" on rollcall vote No. 979 (on ordering the previous question to H. Res. 973); "no" on rollcall vote No. 980 (on agreeing to H. Res. 973; "aye" on rollcall vote No. 981 (on motion to suspend the rules and agree to H. Con. Res. 160).

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 3326, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010; FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 64, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2010; FOR CONSIDERATION OF H.R. 4314, PERMITTING CONTINUED FINANCING OF GOVERNMENT OPERATIONS; FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2847, JOBS FOR MAIN STREET ACT, 2010

Ms. PINGREE of Maine. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 976 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 976

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House tie bill (H.R. 4314) to permit continued financing of Government operations. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 4. Upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in part B of the report of the Committee on Rules. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 5. In the engrossment of the House amendment to the Senate amendment to H.R. 2847, the Clerk shall—

(a) add the text of H.R. 2920, as passed by the House, as new matter at the end of the text proposed to be inserted by the House amendment;

(b) assign appropriate designations to provisions within the engrossment of the text proposed to be inserted by the House; and

(c) conform provisions for short titles within the engrossment of the text proposed to be inserted by the House.

SEC. 6. It shall be in order at any time during the remainder of the first session of the

One Hundred Eleventh Congress for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the selection of any matter for consideration pursuant to this section.

SEC. 7. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived for the remainder of the first session of the One Hundred Eleventh Congress.

SEC. 8. The chair of the Committee on Appropriations may insert in the CONGRESSIONAL RECORD at any time during the remainder of the first session of the One Hundred Eleventh Congress such material as he may deem explanatory of the Senate amendments and the motions specified in the first and fourth sections of this resolution.

SEC. 9. On any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Speaker at any time may dispense with organizational or legislative business.

SEC. 10. On any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Chair at any time may declare the House adjourned or declare the House adjourned pursuant to an applicable concurrent resolution of adjournment.

SEC. 11. (a) On any legislative day of the first session of the One Hundred Eleventh Congress, the Speaker may at any time declare the House adjourned.

(b) When the House adjourns on a motion pursuant to this subsection or a declaration pursuant to subsection (a) on the legislative day of:

(1) Wednesday, December 16, 2009, it shall stand adjourned until 6 p.m. on Saturday, December 19, 2009.

(2) Saturday, December 19, 2009, it shall stand adjourned until noon on Wednesday, December 23, 2009.

(3) Wednesday, December 23, 2009, it shall stand adjourned until 10 a.m. on Saturday, December 26, 2009.

(4) Saturday, December 26, 2009, it shall stand adjourned until noon on Wednesday, December 30, 2009.

(5) Wednesday, December 30, 2009, it shall stand adjourned until 10 a.m. on Saturday, January 2, 2010.

(c) If, during any adjournment addressed by subsection (b), the House has received: (1) confirmation that the President has approved H.R. 3326; (2) a message from the Senate transmitting its passage without amendment of H.R. 4314; and (3) a message from the Senate transmitting its concurrence in an applicable concurrent resolution of adjournment, the House shall stand adjourned pursuant to such concurrent resolution of adjournment.

(d) The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by this section as though under clause 8(a) of rule I.

□ 1115

POINT OF ORDER

Mr. FLAKE. Madam Speaker, I raise a point of order against H. Res. 976 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the legislation, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(1).

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

The gentleman has met the threshold burden under the rule, and the gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Speaker, approximately 68 years ago, in January of 1941, Sam Rayburn was elected Speaker of the House of Representatives. Just prior to his swearing in, he rose on the House floor and said the following:

''You have elevated me to a position, I must confess, that has been one of the ambitions of my lifetime. The House of Representatives has been my life and my love for this more than a quarter of a century. I love its traditions; I love its precedents; I love its dignity; I glory in the power of the House of Representatives. It is my highest hope and my unswerving aim to preserve, protect, and defend the rights, prerogatives, and the power of the House of Representatives.''

What a beautiful statement. You can't help but hear and feel the words of love that Speaker Rayburn felt for this House. As Speaker, he considered himself a custodian of its traditions, its precedents and, as he put it, its dignity.

You might ask why I tell this story, why I raise this point. It is because we are about to consider a bill that endorses and condones a practice that has placed a dark and ominous cloud over this institution. This practice, for lack of a better term, can be called circular fund-raising. It involves the awarding of earmarks, which are essentially no-bid contracts, in close proximity to the receipt of campaign contributions from the earmark recipients.

This legislation contains more than 500 earmarks where a private, for-profit company is the intended recipient. Let me repeat that. This legislation we are about to consider contains more than 500 earmarks, or no-bid contracts, directed to private companies. In many cases, the Members of the Congress securing these no-bid contracts have either received, or will soon receive after this legislation is enacted into law, large campaign contributions from the executives of these companies and/or the lobbyists that represent them.

By now my colleagues are well aware of the PMA scandal which was largely centered on the practice of circular fund-raising. Since news broke in February 2008 of the FBI's raid of the PMA offices, press reports and editorials from coast to coast have raised questions about the action of that firm and the integrity of this body, sowing public distrust and tarnishing the dignity of the House. Just listen to what is being said off the Hill and beyond the beltway.

ABC's news site, The Blotter, noted that PMA's ''operations—millions out to lawmakers, hundreds of millions back in earmarks for clients—have made it, for many observers, the poster child for tacit 'pay-to-play' politics in Washington.''

An editorial in The New York Times entitled, ''Political Animal 101'' referred to ''the relationship between campaign donors and the customized appropriations they are fed by grateful lawmakers'' as ''the ultimate in symbiotic survival'' and ''cynical influence trading.''

An article in The Kansas City Star noted that ''the earmark game gets a bit less baffling'' when taxpayers consider ''the campaign donors that grease political palms.''

The Columbus Dispatch summed it up when they noted, ''Congress has an abysmal public approval rating of 26 percent as of early November, and the smell of quid pro quo certainly doesn't help.''

The embarrassing coverage isn't just limited to domestic press. The Irish Times noted that ''U.S. Congressmen tread a fine line between legitimate political fund-raising and influence-peddling, between friendship with lobbyists and outright corruption.'' They go on, ''Now a leaked confidential report, prepared by the committee (on Ethics) in July and detailed in yesterday's Washington Post, has provided a rare glimpse into the cesspool of Capitol Hill politics.''

Madam Speaker, I have here that article referred to from The Washington Post dated October 30 of this year. It notes that seven Members who sit on the Appropriations Committee, the Subcommittee on Defense, are ''under scrutiny by ethics investigators.'' The article notes that ''Together, the seven legislators have personally steered more than $200 million in earmarks to clients of the PMA Group in the past 2 years, and received more than $6.2 million in campaign contributions from PMA and its clients in the past decade.''

According to The Wall Street Journal, Members who sit on the Defense Subcommittee have this year alone ''received a total of $141,000 in campaign contributions from companies that received earmarks from the lawmakers.''

So here we are today, Madam Speaker, with a backdrop of investigations into the practice of circular fund-raising by the Justice Department and our own Ethics Committee, yet we are poised to pass a Defense appropriations bill that contains more than 500 no-bid contracts for private companies.

In mid-January of 2010, we will see a quarterly report from the Office of Congressional Ethics that will shed light into their investigations. Thereafter, it is likely that our own Ethics Committee will have to provide additional notice of their actions related to the PMA scandal.

If the future is anything like the past, additional scandals will spring from the earmarks that we approve

today. We are surely, as the poet said, ''traipsing down a flower-strewn path unpricked by thorns of reason.''

I should note that circular fund-raising is not a partisan issue; both parties engage in it. The cloud that hangs over this body rains on Republicans and Democrats alike. But it is fair to ask, what about the dignity of this body? Are we appropriately concerned that the words ''pay-to-play,'' ''quid pro quo,'' ''swamp'' and ''cesspool'' are increasingly routine in articles describing the appropriations process? Should we have no standard higher than whether the abuse of the process rises to the level of an indictable offense?

One thing is clear: The practice of circular fund-raising will someday end. The question is, who will end it? Will it take us, in our own initiative, to clean our own House, or will we wait for the Justice Department to launch more investigations and take further action?

My own hope is that those who find themselves in leadership positions today will summon the dormant custodial spirit of those who have protected and defended this wonderful institution long before we arrived in this Chamber. We owe it to them to correct the process that led to this flawed piece of legislation before us.

I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I claim time in opposition.

The SPEAKER pro tempore. The gentlewoman is recognized for 10 minutes.

Ms. PINGREE of Maine. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as my colleagues know, we have been here before. This is the same point of order that has been raised against almost every appropriations measure during this Congress, and each time it is used to discuss something other than its intended purpose.

I would want to respond to my good colleague from Arizona that I, too, share concerns about the earmarking process, and I encourage him to become a cosponsor on the fair elections bill. As we have in Maine, public financing takes away much of the scrutiny around the link between campaign contributions and earmarks.

But once again, this particular debate is about delaying consideration of this bill and ultimately stopping it altogether. I hope my colleagues will again vote ''yes'' so we can consider this important legislation on its merits and not stop it on a procedural motion.

This rule provides for enactment of legislation to fund our Nation's defense. The brave men and women who serve in the military, particularly those who are currently at war in Iraq and Afghanistan, deserve a swift enactment of this legislation.

This legislation that we will take up later today will also divert TARP money to programs that create and save jobs across the country. We do this by investing $75 billion of TARP money into highways, transit, school renovation, hiring teachers, police, firefighters, supporting our small businesses, funding job training, and affordable housing. And for those hardest hit by the recession, this bill also provides emergency relief by extending programs like unemployment benefits, COBRA, FMAP, our health care funding for the State, and the child care tax credit.

Those who oppose this measure can vote against it on final passage. We must consider this rule, and we must pass this critical legislation today.

I have the right to close, but in the end I will urge my colleagues to vote ''yes'' and consider the rule.

Madam Speaker, I reserve the balance of my time.

Mr. FLAKE. Madam Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Arizona controls 3 remaining minutes.

Mr. FLAKE. I am accused of using a procedural measure to bring up earmarks again. Let me tell you why I'm doing that. I'm doing that because this year, for the first time in the history of this institution, every appropriations bill that came to the floor—including this one, including the Defense appropriations bill—came under a structured or closed rule with only certain amendments being offered. That's the first time in the history of this institution where every appropriations bill has come to the floor in that manner.

And so individuals like myself and others were only allowed to offer the amendments that the other side wanted us to offer, the ones that they said we could offer rather than the ones that we ourselves would choose. I was fortunate in that I got 10 of the 550-some amendments I offered on this bill. I offered that many because that's how many no-bid contracts for private companies are contained in the bill, and I thought that they deserved some scrutiny.

I wish that the Appropriations Committee was vetting these earmarks; given this, it's clear that they're not. This is one of hundreds of articles out there. There is a cloud hanging over this institution because of prior Defense bills, and this is going to end up the same way. We are guaranteeing that there will be scandal that springs from earmarks approved in this bill because they haven't been appropriately vetted, and they haven't been because we weren't allowed an open rule for people to bring to the floor amendments that they wanted to offer.

I mentioned that I was fortunate in that I got 10 of them. Some of my colleagues offered multiple amendments on multiple appropriations bills throughout the year and weren't given the opportunity to offer any of them, not one. Here are Members across the country wanting to represent their constituents, and through the entire appropriations process, 12 bills this year, weren't given the opportunity to offer one amendment because we have the equivalent of martial law on appropriations bills.

And why? Because we were told we had to get it done so we wouldn't do any omnibus bills at the end of the year. Well, here we are, we just approved a massive omnibus bill last week, and we're here today because the Defense bill was held just so that we could tag on additional items that people who wouldn't want to vote for them anyway would have to because it's a Defense bill. That's just no way to conduct business. This institution deserves better than this. It deserves better than to have a bill that has more than 500 no-bid contracts for private companies of which articles have been written and will be written, making a cloud hang over this body.

As I mentioned, this isn't a partisan issue. This isn't where one party is in the right and one party is in the wrong. We are both doing this, and we shouldn't. And it will come back to haunt us as surely as other practices have in the past.

Madam Speaker, I yield back the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, again I want to urge my colleagues to vote ''yes'' on this motion to consider so that we can debate and pass this and the other important items covered by this rule.

Madam Speaker, I yield back the balance of my time.

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

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

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentlewoman from Maine (Ms. PINGREE) is recognized for 1 hour.

Ms. PINGREE of Maine. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 976.

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

There was no objection.

Ms. PINGREE of Maine. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 976 provides for the consideration of the Senate amendment to H.R. 3326, House Joint Resolution 64, H.R. 4314, and the Senate amendment to H.R. 2847.

For the Senate amendment to H.R. 3326, the rule makes in order a motion to concur in the Senate amendment with the House amendment, provides 1 hour of debate controlled by the Committee on Appropriations, and waives

all points of order against consideration of the motion except those arising under clause 10 of rule XI.

□ 1130

The rule provides for consideration of H.J. Res. 64 under a closed rule. It provides for 1 hour of debate controlled by the Committee on Appropriations. It provides one motion to recommit with or without instructions. It waives all points of order against consideration of the joint resolution except those arising under clause 9 or 10 of rule XXI, and it waives all points of order against provisions in the joint resolution.

The rule provides for consideration of H.R. 4314 under a closed rule. It provides for 1 hour of debate controlled by the Committee on Ways and Means. It provides one motion to recommit with or without instructions. It waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI, and it waives all points of order against provisions in the bill.

For the Senate amendment to H.R. 2847, the rule makes in order a motion to concur in the Senate amendment with the House amendment. It provides 1 hour of debate on the motion controlled by the Committee on Appropriations, and it waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI.

The rule provides that in the engrossment of the House amendment to the Senate amendment to H.R. 2847, the Clerk shall add the text of H.R. 2920 as passed by the House.

The rule also provides that measures may be considered under suspension of the rules at any time during the remainder of the first session of the 111th Congress.

The rule waives the requirement of a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee for the remainder of the first session of the 111th Congress.

The rule provides that the Chair of the Committee on Appropriations may insert in the CONGRESSIONAL RECORD explanatory materials on the Senate amendments and the motions regarding H.R. 3326 and H.R. 2847.

The rule provides that, on any legislative day before January 12, 2010, the Speaker may dispense with organizational or legislative business.

The rule provides that, before January 12, 2010, the Chair may declare the House adjourned.

The rule provides for pro forma sessions until the House adjourns sine die.

And finally, the rule provides that, on any legislative day of the first session of the 111th Congress, the Speaker may declare the House adjourned.

Madam Speaker, the rule before us today allows the House to consider the Department of Defense Appropriations Act for fiscal year 2010, which is the last appropriations bill for this fiscal year.

The conference agreement on H.R. 3326 provides over $363 billion towards protecting our troops abroad and taking better care of their families at home. To help protect our troops, this bill provides increased funding for the Mine Resistant Ambush Protected Vehicle Fund and for the procurement of new Humvees and of new heavy and medium tactical vehicles. This is particularly important given the casualty rate and the difficulties our soldiers are experiencing in Afghanistan.

H.R. 3326 increases pay for all servicemembers by 3.4 percent, and it fully funds the requested end strength levels for active reserve and selected reserve personnel. The bill provides over $29 billion for top-of-the-line medical care, including $120 million for traumatic brain injury and psychological health, and it increases funding for the wounded, the ill and injured warrior programs.

The conference agreement also includes over $472 million for family advocacy programs, and it fully funds the family support and yellow ribbon programs. The bill also includes $20 million for the Army National Guard family assistance centers and reintegration programs; but this bill cannot provide for the common defense without a common effort.

In my home State of Maine, there are men and women who work every day to help in this effort. The funding in this bill would have been wasted if it weren't for the efforts of the welders, designers, and metal workers of the Bath Ironworks; of the skilled factory workers and assembly men at Vintech in Biddeford, Maine; of the world-class machinists and engineers at Pratt and Whitney in North Berwick; or of the dedicated laborers and nuclear engineers at the Portsmouth Naval Shipyard.

This is a clear example of why the bills before us today are so interconnected. Our economic security and our national security are inextricably linked, and our economic security is still in dire straits.

Madam Speaker, if you were sitting at a boardroom table on Wall Street today, you might hear the employees with Goldman Sachs discussing their $1 billion in profits or bonuses or you might hear employees of Citibank discussing raises for their top executives. You might also hear that the stock market has gone up 60 percent since the spring. You might even hear terms like ''economic recovery'' or ''rebound.'' So, if you are sitting at that boardroom table on Wall Street, you might think that the economy has fully bounced back and that we are out of the woods. You may start to believe that there is nothing but smooth sailing ahead.

Yet, if you were at a kitchen table on Main Street in my home State of Maine, you would hear a very different story. Rather than talk of large profits, you would hear families discussing a savings account that has all but disappeared. Instead of listening to talk of raises or bonuses, you would hear families debating cutbacks on food or cutbacks on health care. Instead of hearing phrases like ''economic recovery'' or ''rebound,'' you would hear terms like ''high unemployment'' and ''mounting debt.''

For the big banks on Wall Street, the economic recovery may be at hand, but for the millions of unemployed workers and for the thousands of small businesses that are struggling to get by, the economic recovery is still a long way off. In my State and all across the country, there are millions of Americans who want to get back to work, but they need us to lend the same helping hand that we gave to Wall Street in its time of need.

Madam Speaker, the rule before us today allows for the consideration of the Jobs for Main Street Act, which will move us down that road. This legislation invests in our Nation's infrastructure, and it puts more Americans back to work by providing $48 billion to rebuild and repair our national transportation system. This investment provides a measurable return, not only by creating and preserving jobs but by literally building the foundation for a long-term economic recovery. This bill will also preserve the jobs of teachers, of police officers, and of firefighters. For those who have already lost their jobs, the Jobs Act extends unemployment benefits for 2 months, and it maintains the current COBRA subsidy.

These programs—these investments, the economic lifelines—have a real impact. Just this week, I heard from a constituent of mine who said these words: Something needs to be done. There are less than 4 weeks left for my husband's unemployment. After that, we won't be able to pay the rent, and we will be out on the streets with a child under 2 years old. Every day, I wonder what is going to happen next, and I even have nightmares. You bail out these large banks which then only raise our interest rates and lower our credit lines—and for what? That doesn't help the little guy like us. Do something to help us.

Madam Speaker, we have the opportunity and we have the obligation to take the bailout money that was used as a lifeline to Wall Street and to give that money back to the American people and to those who have been hit the hardest by these tough economic times. The COBRA subsidy we passed this spring began expiring a few weeks ago. If we don't act now, it will completely disappear by January 1. In my State, full payment for COBRA uses up nearly 90 percent of the average unemployment benefits. That means out-of-work Mainers end up with only about $150 a month left after paying the full cost of their health insurance.

We need to act now, and we need to act fast to ensure that Main Street recovers. If we do not act, we will have only assured that Wall Street keeps

their bonuses while American families lose their benefits. We will have only watched Wall Street get rid of their debt while watching small businesses take on more.

Madam Speaker, we have already put more than enough into shoring up Wall Street. Now we need to focus on creating jobs for the average American that will rebuild our economy from the bottom up.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

I thank my colleague from Maine for yielding time.

Madam Speaker, the Department of Defense appropriations bill for fiscal year 2010 is intended to provide equipment and technology for our troops. Our country's greatest treasure lies in the bravery, in the dedication, and in the ability of or servicemen and -women. These courageous individuals protect our freedoms every day.

We thank them, and we thank their families for their support, dedication, and sacrifice.

This bill provides top-of-the-line medical care for our troops, including funding for traumatic brain injury and psychological health. This bill provides funding for wounded, ill, and injured servicemembers as well as for cancer research. This bill provides our military with a pay increase, and it continues efforts to end the practice of stop loss—compensating troops for every month their terms of service will be involuntarily extended in 2010. This bill includes funding to provide support for our country's military families who sacrifice every day on behalf of our Nation and to whom we owe a great debt. This bill provides our troops with first-class military equipment and readiness training, ensuring they are fully prepared to successfully perform their missions.

However, while this bill contains funding for several important and necessary initiatives, I would be remiss if I did not mention my disappointment in the overall funding levels when compared to the increases we have seen throughout the appropriations season this year. While the bill does receive, roughly, a 4.5 percent increase over last year, this increase is not comparable to nondefense appropriations bills we have voted on this year, which average a 12 percent increase in funding levels. As we have noted before, the Federal Government is the only unit of government to provide for our national security.

These represent the wrong priorities of the Democrats, who are in charge of the Congress, and of the Obama administration. Increasing spending for domestic priorities by double digits while, in comparison, shortchanging national defense represents a dangerous, wrongheaded policy that does not rightly prioritize the security of our Nation.

Thus, while I am pleased that several items in this bill are being funded in order to provide our troops with the tools, training, and medical services they need and deserve, I am disappointed that, after increasing the funding levels for domestic appropriations bills by an average of 12 percent, the Democrats in control decided only to increase our defense spending by 4.5 percent—less than half—for the coming year.

This is the last appropriations bill, and that is because it has been held in order for the majority to put into it things that are not related, which I will be discussing a bit more, but the substance of the DOD appropriations bill is not the source of my concern.

The extent of the closed rule before us today allows for the consideration of a variety of additional legislation that has been cobbled together without committee consideration. As my colleagues have said before, our colleagues across the aisle have gone to great lengths to shut down debate. Therefore, I urge my colleagues to vote ''no'' on the rule so the bill can be returned to the committee and can be brought back under regular order.

Madam Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 3 minutes to a member of the Committee on Rules, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank my colleague for yielding.

Madam Speaker, I rise in support of this rule, and specifically, I rise in support of the Jobs for Main Street Act, which we made in order under this rule. This important bill will provide the following:

$48 billion for highways, transit, and other infrastructure projects; $27 billion to hire teachers, police, firefighters, and for other job training programs. That's $75 billion for job-creating programs that are proven successes and that will help put Americans back to work. On top of that, the Jobs for Main Street Act provides $79 billion in emergency relief funding that will go to critical safety net programs like unemployment benefits, health insurance for unemployed workers, Federal matching funds for Medicaid, and funding for the child tax credit.

All told, Madam Speaker, the Jobs for Main Street Act is a good bill, one that will build on the success of the Recovery Act, which was signed into law earlier this year and which is one that will put people back to work. We know that these are difficult economic times, and we recognize that the American public is hurting. With the Jobs for Main Street Act, we will continue to stimulate the economy, to shrink the unemployment rate, and, more importantly, to create new jobs.

Ten months after President Obama signed the Recovery Act into law, we are seeing real results across the country. According to the Transportation and Infrastructure Committee, real jobs are being created by the Recovery Act, and we are seeing the impact of these jobs in the unemployment figures. Look at the results:

Because of the Recovery Act, we have seen the creation of almost 630,000 direct and indirect jobs in the transportation industry alone. That's 210,000 direct hires alone. The result of these direct hires is a $1.1 billion payroll. It is $179 million in unemployment compensation not spent. It is people's insurance restored, health insurance restored, and it is $230 million in paid Federal taxes. Additional jobs have been created because of the clean water and high-speed rail projects.

All told, the Transportation and Infrastructure Committee estimates that the Recovery Act has created or has sustained approximately 857,000 jobs. All of this underscores the importance of public infrastructure programs. These aren't projects just for the safety and well-being of our friends and neighbors; they are also projects that put these friends and neighbors back to work.

Madam Speaker, this Congress is acting. This House will pass the Jobs for Main Street Act and even more jobs will be created.

□ 1145

Earlier this year, my Republican friends chose politics over the needs of the American people, and every single one of them opposed the Recovery and Reinvestment Act.

They liked the same old, same old. Well, that was their way of thinking. That's the old way of thinking. That way of thinking took Bill Clinton's accomplishments in creating a record number of jobs and eliminating our deficits and paying down the debt and turned it into George Bush's recession, a recession that cost millions of Americans jobs, a recession that added billions and billions to our debt and added that debt on the backs of our children and our grandchildren.

Madam Speaker, people in this country want us to act. People want us to create jobs, and that's what we are going to do.

Ms. FOXX. Madam Speaker, I would now like to yield 3 minutes to my very distinguished colleague from Texas, one of only five CPAs in the House, Mr. CONAWAY.

Mr. CONAWAY. I thank the gentlewoman from North Carolina.

I want to talk to two aspects of this rule, one that sets up the vote on a trick that allows us to vote on the ''son of stimulus'' bill that will becoming before us later on this afternoon, and that is voting, having stripped out the Senate amendment to H.R. 2847 and put in place this other legislation.

This trick silences the minority one more time. It would not allow for a motion to recommit and/or a substitute on that bill.

This legislation of some $150 billion was apparently thrown together in the dark last night, posted on the Internet

about 11:10, so we are now 12 hours and 25 minutes into being able to study this bill, again thrown together. It will increase the deficit in spite of the rhetoric that says we are going to use TARP money to do that.

The intent of TARP all along was once it was paid back was to be back into the Treasury to reduce the amount of money we have to borrow and/or reduce the deficit. There are two provisions in this slush fund and this bill that you need to be aware of. One is that it creates additional billion-dollar spending in the Barney Frank trust fund, the housing slush fund, and makes ACORN available to get back into the game, much to the chagrin of this body, as we voted on.

It also replaces $2 billion in the Cash for Clunkers money that came out of the stimulus bill last summer. We were on the bill when the proponents of the Cash for Clunkers said this will not increase the deficit because we will take it out of the stimulus money. Immediately the Speaker came to the floor, along with the others, and said, au contraire, we will find a replacement for that $2 billion, and it's in this bill.

Now the stimulus bill, the first stimulus, is up to 787 billion, because, as you all know we all enjoyed the Cash for Clunkers work, but this money is back in the bill with respect to the new stimulus.

The other bill I would like to talk about is the Defense Department appropriations bill. This rule waives the demand, waives the requirement that the chairman of the Appropriations Committee post on the Internet the earmarks and/or plus-ups, depending on how you want to call those, in this bill, some 1,700 of them, we were told. Some are good, some are bad, but we ought to know what's in there.

They were shortly posted on the Internet last night for a brief period of time and then taken down. Madam Speaker, I would like to know what's in this bill that embarrasses the majority that they will not allow this transparency to come before us to allow us to look at it. Like I said, I am not against or for any of those necessarily, but we don't know what they are.

By not posting them until after this bill is voted on sometime between now and the end of the year, we are going to be voting blind one more time at the specific request of the majority. It is your responsibility, Madam Speaker, through the chairman of the Appropriations Committee, to have posted these earmarks on the Internet so that those of us could look at them and see them.

We are not going to see those. What has been stuck in here in the dark of night between last summer when we passed the bill and when we are going to vote on this afternoon? Why are there things in there that's going to embarrass the majority before we take this vote?

Madam Speaker, I urge my colleagues to vote against this rule and against the underlying bill on the ''son of stimulus'' bill.

Ms. PINGREE of Maine. Madam Speaker, I yield 3 minutes to the gentleman from New York, a member of the Committee on Rules, Mr. ARCURI.

Mr. ARCURI. I would like to thank my colleague from Maine for yielding.

I rise today in support of consideration of H.R. 3326, the Department of Defense Appropriations Act and the underlying rule, not for the reasons just stated by my friend from Texas, but because the bill ensures that our brave men and women who are in the military are paid what they deserve to be paid for defending us, that they have the tools to fight the war on terror and that they are able to do the things that we ask them to do, and that is to fight terror, to keep us safe. That is why I support this bill and the underlying rule.

I would like to thank and commend the members of the Appropriations Committee in the House and Senate, their counterparts for bringing before us this bipartisan approach that puts the preparedness and safety of our troops first, and also continues President Obama's pledge to put the cost of the war on the books.

The bill does not include funding for an escalation of troops in Afghanistan, and I have heard some of my colleagues on the other side of the aisle criticize that we may have to consider a supplemental measure to provide funds for that purpose. I want to make it very clear. There is a difference between requesting supplemental funding to address changes on the ground and simply using the supplemental appropriation acts to fund the majority of the wars in Iraq and Afghanistan as we have done under the prior administration.

The House passed our version of the Defense Appropriations Act on July 30 of this year. At that time we determined the amount of spending necessary for the ongoing operation in Iraq and Afghanistan. Since that time, our generals have stated that they believe conditions in Afghanistan warrant additional troops. President Obama is listening to those generals in the field and may require additional funds. However, that is what supplemental appropriations acts are intended for, responding to changes in circumstances throughout the year, not for funding ongoing operations.

In addition to ensuring that our troops have first-class weapons and equipment, the bill also includes other important aspects that improve transparency and accountability of the Defense Department procurement process.

For instance, congressional earmarks account for only 1 percent of the total funding of this bill. In addition, for the first time, this House-Senate agreement retains the requirement that has been included in every House-passed appropriations bill this year that requires any earmark for a private company to be competed.

I applaud the leadership of our side of the Capitol to institute this important new measure of accountability in the earmark process, and I hope that it will become a part of all final spending bills as we go forward.

I urge my colleagues to support this rule and the bill.

Ms. FOXX. Madam Speaker, I now would like to yield 3 minutes to another distinguished colleague from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentlewoman for yielding.

Madam Speaker, apparently the House is due to adjourn for the year today. Before it does, the House will apparently present the American people with a number of Christmas gifts wrapped up in one nice neat little package represented by this rule.

The first Christmas gift that the majority is giving the American people is the fifth, fifth increase in the debt ceiling since they took control of Congress, raising the debt ceiling an additional $290 billion, more debt to be placed upon the backs of our children and grandchildren.

The second gift for the American people at Christmas time is, guess what, yet another stimulus bill, this one weighing in at $150 billion. I lose track, Madam Speaker. I don't know if this is stimulus 4, stimulus 5. It's a little bit like those old ''Friday the 13th'' movies: it just doesn't go away.

The next gift, Madam Speaker, is kind of a recycled gift, one that they have given the American people all year and that is unemployment, double-digit unemployment under the economic policies of this administration, under this Democratic controlled Congress. They continue to give the American people double-digit unemployment.

The rule that is before us, Madam Speaker, allows for more of the same. I would hope, I would hope that one day, for the sake of the country, that my friends on the other side of the aisle will realize that you cannot spend your way into more jobs, you cannot borrow your way into more jobs, you cannot bail out your way into more jobs. That is not the recipe.

We suffer from double-digit unemployment, not through a lack of bailouts in spending and debt, which is the hallmark of this Congress. If we truly want to create jobs, Madam Speaker, the first thing we have to do is show the American people that we are serious about this sea of red ink. Nobody wants to launch a new business enterprise in an economy that is going to be socked with debt and taxes, impossible double-digit inflation as the debt has to be monetized.

The uncertainty and cost of a nationalized health care system, which is going to cost the American people their freedom, their opportunities—not to mention a trillion dollars. There is a $600 billion energy tax passed by the majority. Last week we just passed the Perpetual Wall Street Bailout and Credit Contraction Act of 2009.

Madam Speaker, where does it all end? If we want jobs, we have to reject the failed policies. This rule brings more of the same. Let's vote against the spending, against the debt, against the bailouts.

Ms. PINGREE of Maine. Madam Speaker, before I yield to one of my colleagues, I do want to mention one point of concern I have in the bill.

The conference agreement on H.R. 3326 is the first step towards cutting wasteful defense spending, but it is by no means perfect. It is no means the last step that we must take. The conference agreement provides $465 million for the development of an alternative engine for the F–35 Joint Strike Fighter. This provision represents businesses as usual in Washington for providing funds for an engine that's already being built and already being built well.

There is no need to devote our precious Federal dollars to a wasteful alternative engine program at this time when Americans are struggling to find jobs to pay their medical bills and to put food on the table. Every defense bill that we spend wisely contributes to our national security, and every defense dollar that we waste hampers our economic security.

Madam Speaker, I would like to yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Madam Speaker, I rise in strong support of the rule and the underlying bill, the Jobs for Main Street Act.

First I would like to thank all the members of the Democratic leadership for their hard work in putting together a jobs bill, the Jobs for Main Street Act. It is an important step forward.

As we all know, since December of 2007, our Nation has faced the greatest economic crisis since the Great Depression. As a result, 15 million, or 10 percent, of our Americans are out of work. The Jobs for Main Street Act is an important first step in reemploying America and making our families more secure.

Specifically, I want to call attention to several principles that I have championed that have been included in this bill, such as extending the COBRA subsidy. This is a critical safety net for the millions of unemployed across this country, protecting and expanding our Nation's critical workforce with teachers, police and firefighters; putting people to work to improve and rehabilitate our Federal, State and local public lands.

I would also like to commend Chairman OBERSTAR for his leadership on the transportation and infrastructure portion of this bill. There is no better way to invest in our economy and create jobs than by investing in infrastructure.

For example, only 4 percent of the Recovery Act went to programs under the jurisdiction of Chairman OBERSTAR. However, that 4 percent for infrastructure has created 25 percent of the jobs under the Recovery Act. This is a testament to the effectiveness of investing in infrastructure. Over half of this bill is dedicated to investing in our roads, bridges, trails, transit systems, airports, and waterways.

Madam Speaker, I look forward to working with leadership to ensure that this Congress passes this bill and takes further action in the next session to put Americans back to work.

Ms. FOXX. Madam Speaker, I now would like to yield to a third colleague from Texas (Mr. CULBERSON), who has come to speak against this rule, one of the most fiscally conservative Members of the House, such time as he may consume.

Mr. CULBERSON. Madam Speaker, I want us to slow down for just a minute and think about what is happening here today. The House is scheduled to vote today on a package of four massive bills, spending over $1.1 trillion hard-earned tax dollars that will be paid for by additional debt that our children must repay.

□ 1200

Worst of all, these bills were only posted on the Internet last night for the American people to see at about 11 o'clock, so literally 13 hours for the public, for the taxpayers, for the Members of Congress to read these bills spending over $1.1 trillion. And I've scouted around, Madam Speaker, and the only copy of the bill before us, the Defense bill, that anybody can find is the one up there on the Clerk's desk.

These bills were put up on the Internet 13 hours ago. They're not even outside in the House lobby. And it's always tradition that at an absolute minimum that Members of Congress would be able to physically read the bill outside in the lobby. But this is all I found: this empty box outside in the lobby is all we have before us today. And $1.1 trillion spent in a little over 12 hours. Why the rush? Why are we rushing to do this? So Speaker PELOSI can catch a plane to Copenhagen.

We're spending $1.1 trillion on top of the $6.7 trillion that this liberal majority has already spent this year. That means in the course of 12 months, this liberal majority in Congress has already spent in this House nearly $8 trillion in 12 months. It's unprecedented. It is unsupportable. It will bankrupt this Nation and crush our children under a burden of debt that they cannot possibly repay without crushing tax burdens and massive sacrifices. We may be the first generation in American history that leaves our children worse off than the world we inherited from our parents. It's just unacceptable and outrageous.

My colleague Representative BRIAN BAIRD and I, Madam Speaker, introduced legislation earlier this year to require the House to lay these bills out, every bill, for at least 72 hours before they can be voted on on the floor.

And I just would ask the Speaker a simple question: what's more important, giving the American people time to read these bills, to give the Members of Congress time to read these bills, or to catch an airplane to a global warming conference? That's really what's going on here today.

I would ask Speaker PELOSI in all sincerity, Madam Speaker, please cancel your flight. Give the American people time to read these spending bills.

It's time to stop forcing Congress to vote blind.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS), a member of the Committee on Appropriations.

Mr. DICKS. I wanted to discuss a change that was made this year in the appropriations process, and I just want to read it into the RECORD to correct something that was said previously.

''Each congressionally directed spending item specified in this Act''—this is the defense bill—''or the explanatory statement regarding this Act that is also identified in Senate report 111–74 and intended for award to a for-profit entity shall be subject to acquisition regulations for full and open competition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President.

''Exceptions: Subsection (a) shall not apply to any contract awarded, (1), by a means that is required by Federal statute, including for a purchase made under a mandated preferential program; (2), pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or (3), in an amount less than the simplified acquisition threshold described in section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

''Any congressionally directed spending item specified in this Act or the explanatory statement regarding this Act that is intended for award to a for-profit entity and is not covered by the competition requirement specified in subsection (a), shall be awarded under full and open competition, except that any contract previously awarded under full and open competition that remains in effect during fiscal year 2010 shall be considered to have satisfied the conditions of full and open competition.

''In this section, the term 'congressionally directed spending item' means the following:

''A congressionally directed spending item, as defined in rule XLIV of the Standing Rules of the Senate; a congressional earmark for purposes of rule XXI of the House of Representatives.''

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

Ms. PINGREE of Maine. I yield the gentleman an additional 30 seconds.

Mr. DICKS. I think this clarifies the statement that was made previously by the gentleman from Arizona.

Ms. FOXX. Madam Speaker, the West continues to be well-represented here. I now yield 3 minutes to our colleague from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentlewoman for yielding.

I had hoped that the gentleman would rise and explain what he just explained.

Now, I will gladly yield to him to explain why this would only apply to earmarks by House Members alone and why the competition requirements don't apply to earmarks that are jointly requested by a House and Senate Member. If we're hanging our hat on language that requires that these earmarks be subject to competition, then surely we would extend it to anything that had our name on it, but we're not.

My understanding is that the language only applies to those earmarks that are requested solely by a House Member, and that if you have a Senate Member on your earmark request, then it is not subject to competition. The language just explained does not apply to it. So you can't have it both ways.

Now, I will argue that it doesn't matter anyway, because right now if you talk to the Department of Defense, and I have, we've held meetings in my office with the procurement officials, and we've asked them, How does this work when these earmarks come over? Are they subject to competition? They said, Yes, we follow the rules. Yet when you ask them to do a cursory examination or a full-fledged examination of those earmarks that were requested in prior years, you will find an uncanny alignment, as you might expect, between the intended recipient and those who actually got the earmarks in the end.

So you can say until you're blue in the face we're going to subject these to full and open competition. The Department of Defense already says that. And these articles that I already talked about, these scandals that are currently underway are under a policy where the Department of Defense already says we subject these to full and open competition. But let me tell you, if an earmark comes over from a Member of Congress, particularly from those on the Appropriations Committee—and I should explain that the majority of these earmarks, a disproportionate number, are from the powerful Members on the Appropriations Committee—believe me, those procurement officials at the Department of Defense take that into account. They know who butters their bread, and they know that they'd better award this contract to the intended recipient or they might not get funded the next year. If that's not the case, why have we seen so much an uncanny alignment between the intended recipient and those who actually got the earmark in the first place?

So, first, again let me say if we're hanging our hat on the language that says these are subject to competition, then why wouldn't we apply it to every earmark that is contained in this bill? It doesn't apply to Senate earmarks, nor does it apply to earmarks requested by both Senate and House Members. So are we saying, well, we're going to subject some to competition and that means something, but these others, yes, it's okay if there are no-bid contracts? That simply doesn't work.

Ms. PINGREE of Maine. Madam Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Again I want to just say this is an initiative that Mr. OBEY put into place this year. This is the first year we've had this initiative. And what it says is that if an earmark is directed to a for-profit company, there must be full and open competition. This was extended to the United States Senate as well.

So, again, the gentleman from Arizona misleads the House of Representatives on a very important and a very sensitive matter.

There ought to be competition on these things, and I thought the gentleman would recognize how important it was and compliment Mr. OBEY for his initiative, but I don't hear that.

Ms. FOXX. Madam Speaker, having a charge of misspeaking is very serious. I would like, therefore, to yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE) to speak again on the rule.

Mr. FLAKE. I thank the gentlewoman for her indulgence here.

This is important, and I would ask the gentleman and would yield to him to respond, is it your understanding, then, that this language, this new competition language, applies to Senate earmarks as well as earmarks requested by both House and Senate Members?

Mr. DICKS. It is my understanding that the language that came out of conference applies both to the House and Senate earmarks for for-profit companies requiring competition. There are some little variations because of Section 8(a) and other restrictions that the Senate still claims that should be followed, but this is a major step forward, and I think Mr. OBEY deserves great credit for this. So I just want to clear this up, that on district directed for-profit companies there is full and open competition.

Mr. FLAKE. I thank the gentleman. Let me simply say if that is the case, that is in conflict with the agreement that we understand to be in effect.

The agreement we understand to be in effect and what I was told is that only those earmarks that are requested solely by a House Member has the language that applies to competition. If it is an earmark requested by both a House and a Senate Member, then it does not apply this year, and supposedly it will next year, although obviously there are no guarantees. We can't bind a future session. And that if it is a Senate earmark, they didn't agree to this at all. That's what we understand. If there is some difference there, then please let's have the chairman of the Appropriations Committee explain it.

But, again, the question here is if that language is so important, then why wouldn't we apply it across the board?

And doesn't it strike everybody a little bit funny that you have an earmark that, when a Member requests it from the Appropriations Committee, they say this earmark of this amount, $500,000, $2 million, $2.5 million, whatever, is to go to this company at this address? It's that specific. It goes to that company at that address.

Now, the Appropriations Committee will say we're just providing a look-see, and so the Department of Defense can say, well, we didn't know that that company existed but now we do, and we're doing nothing more than simply giving them a look-see and giving them a chance to see which companies those are. I think that doesn't quite pass the laugh test.

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. Yes, I will.

Mr. DICKS. I think the gentleman is trying to confuse himself.

Clearly what we're talking about here is that there has been a decision to have full and open competitions. The gentleman has been an advocate for that. It doesn't matter how it's written in. The law says ''full and open competition.'' So please don't try to confuse yourself and the House and the American people. This is a reform that you've been advocating for. You ought to be saying thank you for doing it, and it's the right thing to do. But you'd rather have the issue than to resolve something.

Mr. FLAKE. I thank the gentleman for explaining my motives.

But in truth what I would like to see is no more earmarks in the defense bill because when you have an earmark, you don't have full and open competition. What I'm talking about is I would not like to see no-bid contracts for private companies in the defense bill. When you have that, I don't know how in the world you can say we have full and open competition.

Like I say, I don't believe that that language means much at all, but to the extent that you believe it does mean something, then at least you should apply it across the board, not just to earmarks sought by Members of the House solely but those earmarks that are requested by Senate Members as well. How can we say with a straight face that, hey, we're doing things right because we're applying that competition language to us, but all you have to do is to get a Senate Member to request it along with you and then you don't have to subject it to full and open competition. It simply doesn't make sense, Madam Speaker.

I thank the gentlewoman for her indulgence and I appreciate this discussion.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to direct their remarks to the Chair.

Ms. PINGREE of Maine. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1215

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentlelady from Maine.

Madam Speaker, I wish to start by wishing America a very Merry Christmas, and to many other Americans, a happy holiday. And I'd like to give my thanks to the Rules Committee and the staff of the Rules Committee for doing an enormous job. Our chairwoman, LOUISE SLAUGHTER, has been at the forefront of the major successes we have had on behalf of the American people. I offer my appreciation as well for Chairman JOHN MURTHA, who, in his astuteness and commitment to the men and women of the United States military, finds many of us today supporting the Defense appropriations bill, even as we begin to consider the next steps in Afghanistan.

But why am I standing here today to be able to speak to my colleagues and the American people? One, because history gets distorted. We are in this predicament because the last administration of Republican leadership took away our surplus that had been created in the 1990s. They dashed and dashed and destroyed and devastated. Isn't it interesting that you'd come now to complain about a leadership, President and Democratic leadership in Congress, that have had to make the political sacrifice to ensure that Americans can work?

And so let me just set the record straight. The American Recovery and Reinvestment Act—that secured no Republican votes—created 3.5 million jobs and gave 95 percent of American workers a tax cut. And today, as we speak, we are cutting the job loss every single month. Why I'm standing here today is because I'm enthusiastically supporting this rule, because we will then pass a jobs bill, and I will be able to go home to those in the 18th Congressional District who told me over the Thanksgiving holiday as I was participating in feeding those on Thanksgiving Day, I lost my job from a major corporation. Well, I'm going to tell them that because of infrastructure funding, $48 billion, in fact, that we will be able to invest in highways and mass transit. One billion dollars in Federal investments to highways creates 27,800 jobs. Is there something wrong with that? The wrongness of it is that the other side is not thinking about the American people, and has not had a good thought about how to invest in America.

This jobs bill is going to keep States from cutting teachers and police and firefighters, and it's going to provide job training. I am proud that they have taken my ideas and many of our ideas, but work that I have done on summer youth jobs. They're going to put 150,000 people in job training positions. One of the ideas that can be incorporated that I have put forward in a bill is to make sure that people can keep their unemployment while they are in a job training and receive a stipend. Dignity, jobs, is what we're talking about.

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

Ms. PINGREE of Maine. I yield the gentlewoman 15 additional seconds.

Ms. JACKSON-LEE of Texas. And then, my small business friends, once and for all we'll answer your question about getting loans. But the big thing is, Riverside General Hospital, because of the astuteness of those who worked on the Defense bill, will get $1 million for the first time, an African American hospital, to help our soldiers with post-traumatic stress disorder. I have worked on this for 4 years. It's a celebration. Merry Christmas to America.

Ms. FOXX. Madam Speaker, I want to say thank you to our colleague from Arizona for his very valuable input on the issue of earmarks, and say that I join him in opposing all earmarks in any of our bills until we fix this broken system. And I think what we need is a study of how these specific earmarks then get awarded, since there seems to be open competition. And I would welcome the majority to institute such a study and just see how open the competition is.

I now yield 3 minutes to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. Madam Speaker, before I take up the subject that I came here to talk about, I can't help but remark that the gentlelady from Texas said that the people on our side had not had a good thought about how to invest in America. Not a good thought. I would submit that the good thoughts are right there on the immigration naturalization flash cards. What is the economic system of America? Flip the card over, and if you want to be naturalized as a citizen, you need to answer the question this way. Free enterprise capitalism.

Free enterprise capitalism has been the enemy of this administration. Tim Geithner said that free enterprise capitalism is what brought us to the brink of ruin. Can you imagine tearing asunder the very foundation, one of the principal pillars of American exceptionalism, and arguing that those that have stood up and defended it and refurbished it somehow hadn't had a good thought about America.

I would ask again, why do we need African American hospitals? Why can't we have hospitals that take care of God's children? Why can't we all be members of the human race? Why is there any legislation that's brought into this Congress that sets aside special privileges for people based upon their skin color rather than the content of their character? I think that this is the wrong path. We've got to embrace each other as individuals. This wallowing in self-guilt has gone on and on, Madam Speaker.

We had a President—Clinton—that went and apologized to entire continents. Now we have a President Obama that has apologized to entire continents as well for Americanism. In this bill, on page 109 of the bill, we have another apology, an apology from Congress. First, it's got some good things in there. It talks about Native Americans. It recognizes the special legal and political relationship that Indian tribes have in the United States. That's good. It commends the Native Peoples for the thousands of years they have stewarded and protected this land. Part of that's real good. Part of that record's not real good. This doesn't say so. In fact, the third piece says it recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes. That's true. There's also another side to that thing that isn't negative.

And now it says, on page 109 of the bill, we, as Congress, ask the President—the United States, acting through Congress, actually—to apologize on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States; as if there were no guilt on the other side.

Madam Speaker, I would direct the attention of this body to the Declaration of Independence. And there, on paragraph 29 of 32, as I count them, it says, and I'm going to stop short of violating the political correctness, but I am going to read directly from the Declaration of Independence.

He has excited domestic insurrections among us—speaking of King George—and has endeavored to bring on the inhabitants of our frontiers, and there I stop and commend the text of the Declaration of Independence which apparently violates this bill.

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

Mr. KING of Iowa. I urge the rejection of this rule for this and many other reasons.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Madam Speaker, I rise today in support of the rule and the underlying bill, H.R. 2847, the Jobs for Main Street Act.

As a member of the Transportation and Infrastructure Committee and chairman of the Coast Guard and Maritime Transportation Subcommittee, I've seen hundreds of thousands of jobs created through infrastructure funding. I've seen improvements created by that funding slow the recession and help begin our recovery. However, that recovery is simply not complete. We still have far too many Americans without jobs.

The COBRA, unemployment and food stamp extensions in this bill are crucial to help those who are in need or who have lost a job through no fault of their own. These small lifelines can be immense to those who are suffering. For some Americans who still face foreclosure, this funding can help keep them in their homes so that the loss of their job does not result in the further devastation of an entire family.

Finally, the jobs we create through our work today must be open to all Americans, including the minority communities who are being particularly decimated by unemployment, foreclosure and a crisis of credit.

Before we passed the Recovery Act, I requested bonding assistance, allowing small and disadvantaged businesses to obtain the insurance they needed to win contracts to become prime contractors and to hire workers. The bonding assistance program created in that act led to much-needed jobs in minority communities, and so I requested further such assistance in this act. The $20 million included in this bill today will ensure that jobs created will be available to every American and every business in every community so they can compete on an even playing field.

I support fair competition for government projects and the jobs that they will create. I encourage all my colleagues to support the underlying bill and the rule that will bring this matter to the floor.

Ms. FOXX. Madam Speaker, you know, I'm sitting here listening to the crocodile tears, particularly of my colleague from Maine who spoke earlier about the many people in her district who want to have jobs. And it is the very policies that she and her party have passed in this session of Congress that have caused those people to lose their jobs. What we need to do is let the American people keep their money. Their money. It is not the government's money. It is the hard-earned money of those who work in this country.

And let me point out, even President Obama has said, and I'm going to quote, November 18, 2009: It is important, though, to recognize if we keep on adding to the debt, even in the midst of this recovery, that at some point people could lose confidence in the U.S. economy in a way that can actually lead to a double dip recession.

But what are we doing today? Adding to the debt, with the support of the President. Do they think the American people are not paying attention? To the contrary, more than ever, the American people are paying attention to what's going on in this Congress, and they have spoken in many, many ways. They have spoken through the polls, they have spoken through election polls in terms of where they're voting, and they're telling us every day this is not what they want this Congress to be doing.

They also are aware of the fact that this Congress is breaking every promise that it made before the majority was elected. And I want to say, with apologies to Elizabeth Barrett Browning and her sonnet No. 43, how many ways can we count the promises that have been broken? Many, many ways. Too many ways to talk about today.

But let me give some examples—one from Majority Leader HOYER:

''I think that is a very important pursuit. Our committees and Members are served on both sides of the aisle by pursuing regular order. Regular order gives to everybody the opportunity to participate in the process in a fashion which will effect, in my opinion, the most consensus and best product.''

Again, a letter to Majority Leader HOYER from members of the Democrat Blue Dog and New Democratic Caucuses which said:

''Committees must function thoroughly and inclusively, and cooperation must ensue between the parties and the Houses to ensure that our legislative tactics enable rather than impede progress. In general, we must engender an atmosphere that allows partisan games to cease and collaboration to succeed. We look forward to working with you to restore this institution.''

And what are we getting? Just the opposite. Even Speaker PELOSI endorsed the idea of regular order with her spokesperson stating at the time:

''The Speaker prefers to consider legislation in regular order and the committees of jurisdiction held hearings and markups on the current economic recovery bill. In a few cases, because of urgent financial crises, the leadership agreed to use expedited procedures.''

Lest we forget, promises Democrats made in their 2006 document entitled A New Direction for America, which promised that:

''Bills should be developed following full hearings and open subcommittee and committee markups with appropriate referrals to other committees. Members should have at least 24 hours to examine a bill prior to consideration at the subcommittee level.''

And we've pointed out it's barely been 12 hours since this bill, the bill underlying this rule, was presented.

''Bills should generally come to the floor under a procedure that allows open, full and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.''

As Mr. DREIER pointed out earlier, this is the first Congress in the history of this country that has not allowed that.

□ 1230

''Members should have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing for debate must be reported before 10 p.m. for a bill to be considered the following day.''

We can go on and on and on about promises broken. The President said bills would be available for 72 hours. The President promised he would post bills 5 days before signing them. He said he would read every bill line for line, and he said there would be no earmarks. He would veto bills with earmarks.

This is a bill with 1,700 earmarks. Is he going to veto the bill? I doubt it.

So here we have one promise after another that's broken. How can the American people believe anything that is said by the other side after this?

Again, they're paying attention. I know they're paying attention, and I believe that there will be consequences to the fact that these promises have been broken.

Madam Speaker, I will enter into the RECORD a letter written by Republicans, 173 of us, to Speaker PELOSI on December 11, 2009, asking that we not continue this practice.

WASHINGTON, DC,
December 11, 2009.

Hon. NANCY PELOSI,
Speaker of the House, The Capitol, Washington, DC.

DEAR MADAM SPEAKER: We write today to express our strong opposition to reports that the Democrat Majority is considering attaching unrelated and extremely controversial proposals, such as an increase in the public debt limit, to the Fiscal Year 2010 Defense Appropriations bill. We object to maneuvers to use our troops as leverage to enact proposals that the Majority either cannot pass on their own or for which they wish to avoid directly voting on and we will oppose a Defense Appropriations package that includes such provisions.

Unfortunately, there seems to be a pattern developing this year of using legislation that supports our men and women in uniform to pass other contentious proposals that are extraneous to our troops. We should supply those who risk their lives for our country with the resources they need without conditions and without using them to accomplish other legislative goals. House Republicans stand ready to help the Majority enact a defense bill that meets the needs of our troops, but we will not assist your effort to use the troops to enact an increase in our national debt limit so as to finance the irresponsible spending policies of your party.

With that, I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I rise to discuss at least one thing my colleague and friend from North Carolina mentioned. I'm a Northerner, so I can't claim to be an expert on crocodiles, but I assume that when you're talking about crocodile tears, you're talking about being insincere, and I want to say I receive letters from my constituents every day about the urgency of what we are doing today. And I have to say that like it or not, I cannot get through the pile of letters without crying tears for real. It's very, very difficult to think about the small businesses, laid-off individuals, individuals worrying about their jobs, what they're going through in my district and the urgency with which they view the actions that we are about to take today and the importance of moving on from this rule and getting to the actual debate.

I want to read one of them that is in front of me here before I yield a little time to my colleague from California.

This one says: ''My housemate and I were both laid off, me in September 08 and she in February 09. We have applied diligently for work in and around Portland with no luck. We had to cash in our meager 401(k)'s, and have been very thankful for the COBRA subsidy so that we could afford insurance during this most harsh of times. But our money is running out fast.

''As you know, the subsidy is about to expire, and we cannot afford the huge jump in premium. We cannot afford both the mortgage and the insurance. We cannot afford our prescriptions, and our health care will be at stake, as if things weren't bad enough. We will lose our home.

''PLEASE help push through the COBRA extension and continuation of the ARRA COBRA subsidy. It is an immediate fix for so many families who will surely gain employment over the next 6 months now that the economy has finally taken an upswing.''

Madam Speaker, those are the things that make us all cry real tears and make us want to pass this rule and go on to passing this legislation today.

Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, I just heard a fine exposition on promises. There is one promise that overrides all of the others, and that's the promise that I think each one of us made to our constituents to do everything that we possibly could to see that they were well cared for and that this government was acting on their behalf. If we are simply looking at a rule and whether it's going to be applied and that becomes the most important promise of all, then we are forgetting about the well-being of Americans, of whom there are 35 million unemployed, of whom there are, in my district, tens of thousands, more than one out of eight either unemployed or underemployed. My promise to those people is that I will do everything I possibly can to see that they have a job.

This rule allows us to get to that. It allows us to get to the point of providing a jobs program that's going to provide at least $35 billion for highways and transit, that's going to provide some 500,000 young men and women the opportunity to have summer jobs, to expand AmeriCorps so that people can provide services and employment.

It's also going to take care of those who are unemployed, who, for no reason of their own, have found themselves out of a job. It's time for us to stand for them, and it's, frankly, time for us to move away from the notion of just providing those unemployment benefits to providing a job.

Far better that there be taxpayers than tax receivers. That's what this is about. It gives us an opportunity to do that, and we will do everything we possibly can on our side of the aisle to make the fundamental promise of making sure that the Federal Government is doing everything it possibly can to provide jobs and opportunities for businesses, for employment, and for taxpayers to actually have a job so they can pay taxes.

Ms. FOXX. Madam Speaker, I would just like to point out it's not the role of Federal Government to provide jobs. It's not our job to take money from some and give to others, to try to make them dependent on the government.

I urge my colleagues, Madam Speaker, to defeat the previous question so an amendment can be added to the rule. The amendment to the rule will provide for separate consideration of House Resolution 554, a resolution to require that legislation and conference reports be posted on the Internet for 72 hours prior to consideration by the House, and does not affect the bill made in order by the rule.

I will insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question, and I ask my colleagues to vote ''no'' on the previous question and the rule.

I yield back the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, the legislation we are considering today is about investing in jobs. It is about investing in infrastructure, and it is about rebalancing our economy. So it's not just the big banks and Wall Street firms that benefit from an economic recovery. This bill is about helping the American family.

This week, a New York Times/CBS News poll surveyed unemployed Americans. Not surprisingly, they found that being unemployed takes a toll far beyond what can be measured in dollars and cents. Half of the people surveyed said they had begun to suffer from depression and anxiety, half said the recession has caused them to make major life changes, and nearly half said they have seen changes in their children's behavior that they know is a result of their difficult financial situation.

We are not just helping men and women who've lost their job, who have suffered from uncertainty, emotional pain, and indignation, but we are helping their families. We are helping their children. It is time for us to invest in the jobs and policies that will get the American Dream back on track and restore the promise of opportunity and prosperity for everyone.

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

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 976

OFFERED BY MS. FOXX

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

SEC. 32. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (II. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

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

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

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

Ms. PINGREE of Maine. I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 976, if ordered, and suspension of the rules with regard to H. Res. 905.

The vote was taken by electronic device, and there were—yeas 235, nays 193, not voting 6, as follows:

[Roll No. 982]

YEAS—235

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
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
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
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
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—193

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

NOT VOTING—6

Cardoza
Larson (CT)
Murphy, Patrick
Radanovich
Speier
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1303

Mr. JONES changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON of Connecticut. Madam Speaker, on rollcall No. 982, I was unavoidably detained and missed the vote. Had I been present, I would have voted "yea."

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

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

RECORDED VOTE

Ms. FOXX. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 228, noes 201, not voting 5, as follows:

[Roll No. 983]

AYES—228

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
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
Kissell
Klein (FL)
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)

Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Yarmuth

NOES—201

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

NOT VOTING—5

Cardoza
Larson (CT)
Radanovich
Speier
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1311

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Madam Speaker, on rollcall No. 983, I was unavoidably detained and unfortunately missed the vote. Had I been present, I would have voted "aye."

RECOGNIZING 70TH ANNIVERSARY OF RETIREMENT OF JUSTICE LOUIS D. BRANDEIS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 905, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 905.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 1, not voting 10, as follows:

[Roll No. 984]

YEAS—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
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
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp