

(e) OFFICER OR DIRECTOR OF A SELF-REGULATORY ORGANIZATION.—Section 19(h)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

(1) by striking “any officer or director” and inserting “any person who is, or at the time of the alleged misconduct was, an officer or director”; and

(2) by striking “such officer or director” and inserting “such person”.

(f) OFFICER OR DIRECTOR OF AN INVESTMENT COMPANY.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-35(a)) is amended—

(1) by striking “a person serving or acting” and inserting “a person who is, or at the time of the alleged misconduct was, serving or acting”; and

(2) by striking “such person so serves or acts” and inserting “such person so serves or acts, or at the time of the alleged misconduct, so served or acted”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is another important bipartisan bill. The gentleman from California (Mr. MCCARTHY) took the initiative here, and we were pleased to work with him.

The Chair of the subcommittee, the gentleman from Pennsylvania (Mr. KANJORSKI), is dealing with a back problem, so he's not here. But he's not dealing with a backbone problem, because this bill puts some more backbone into the antifraud laws. And what it does is, in consultation with the SEC, enhances their ability to kick people, in effect, out of the industry who have a bad record. And it makes it very clear that a past bad record or a past affiliation would still be relevant in giving the SEC the right to protect investors.

We are all aware that too little has been done to protect investors. This is a step forward towards further empowering the SEC to do the job of protecting investors.

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

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2623, legislation that would amend the Federal securities laws to clarify the Security and Exchange Commission's, the SEC, authority to sanction certain employees of regulated or supervised entities after they leave their jobs.

I would like to thank Mr. KANJORSKI and Chairman FRANK for bringing this bill to the floor today. I would also like to mention that this legislation was included in a larger piece of securities legislation from the 110th Congress, H.R. 6513, the Securities Act of 2008, which passed the House on suspension by voice vote.

The legislation is also included in H.R. 3310, the Consumer Protection and Regulatory Enhancement Act intro-

duced by Ranking Member BACHUS, and I appreciate his support on this legislation.

This legislation is directed at ensuring that former employees of organizations like the New York Stock Exchange or the Financial Industry Regulatory Authority can be held accountable for any misconduct while an employee of these organizations.

Many provisions of Federal securities law which authorize the sanctioning of a person who engages in misconduct while associated with a regulated or supervised entity explicitly provide that such authority exists even if the person is no longer associated with that entity or has left his or her job. But there are confusing loopholes so that employees of some regulated or supervised organizations cannot be sanctioned by the SEC after they leave their positions. By clarifying the SEC's authority to sanction formerly associated persons, we ensure that employees are held accountable for their actions while in those positions even if they have moved on to another job.

Specifically, my legislation amends the Securities Exchange Act of 1994 and the Investment Company Act of 1940. Congress must ensure that the SEC has authority to investigate individuals suspected of violating the securities laws, to bring enforcement cases, and have those cases considered on the merits and not be dismissed on an ambiguity because a statute is confusing. No one should be able to violate the securities laws and resign their position knowing that the SEC cannot proceed against them. My legislation does not expand or alter the SEC's current authority; it clarifies it.

One illustration of the need for this legislation is in the case of Sal Sodano, who was chairman and CEO of the American Stock Exchange, AMEX. On March 22, 2007, the SEC charged Sodano with failing to enforce compliance with the Exchange Act during his term as the AMEX chairman and CEO; however, the SEC's filing occurred after Sodano left the AMEX in 2005. So his lawyers pointed to this loophole in the Federal law that the SEC could only sanction individuals while they were still associated with the organization.

The SEC's administrative law judge noted that the current law does not provide for sanctioning of a former officer or director. The judge specifically noted that Congress has drafted many statutes that allow the ability to sanction individuals formerly associated with any number of entities, but not in this case. By passing H.R. 2623, Congress can close this loophole and ensure accountability for individuals working at regulated or supervised entities.

I urge my colleagues to support this legislation, which will provide more accountability, transparency, and efficiency in securities regulation.

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

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, first I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill and the preceding bill, H.R. 3139.

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

There was no objection.

Mr. FRANK of Massachusetts. I congratulate the gentleman from California on his work.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 2623.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1130

PROVIDING FOR CONSIDERATION OF H.R. 3326, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 685 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 685

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 147, line 4. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (2) not to exceed eight of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his

designee, which may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; (3) an en bloc amendment, if offered by Rep. Flake of Arizona or his designee, consisting of all of the amendments printed in part B of the report of the Committee on Rules, which shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (4) not to exceed two of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Campbell of California or his designee, which may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

SEC. 4. During consideration of H.R. 3326, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 685 because the resolution violates section 426(a) of the Congressional Budget Act.

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

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

The gentleman has met the threshold burden 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. Mr. Speaker, I'm not sure that there are unfunded mandates

in this bill. There probably are, but that isn't the reason I raise a point of order. I raise it because it's about the only opportunity those of us in the minority have to talk about this process. It has been extremely restrictive.

The rule reported for the Defense bill marks the 12th time during the appropriation season that the majority has shut down what has traditionally been an open process. It isn't coincidental that the Defense appropriations bill is being considered last and we'll have just about a day to consider it. In recent years, this bill has been rife with earmarks going to for-profit companies, and the measure before us today is no different.

There are 1,102 earmarks stuffed into this bill, and nearly 550 of them, worth at least \$1.3 billion, are going to private, for-profit companies. The corrupting nature of this practice, which the President himself has publicly noted, has been, itself, evident with the PMA scandal that has centered around campaign contributions and earmarks.

It is for this reason and this reason alone that I chose to offer 552 amendments to the Rules Committee, each one targeting an earmark that the sponsors listed on their Web site as going to a for-profit company.

These amendments have been derided as an abuse of the process. I would like to address this criticism, which I think is wholly unfair. It's unfair because the Office of Legislative Counsel is not in any way inconvenienced by the drafting of these amendments.

My staff wrote them and wrote them individually. My amendments were delivered to the Rules Committee on Friday of last week, well in advance of a 3 p.m. Monday deadline, giving the staff of the Rules Committee more than enough time to process these amendments accordingly. In fact, I'm told that the Rules Committee closed up shop around 8 p.m. on Friday night. The Rules Committee met yesterday, and the 12th rule of this appropriations process was passed, which restricted amendments again. That meeting lasted just 1 hour.

One hour the Rules Committee met and, in 1 hour, dealt, apparently, with more than 600 amendments that were submitted. That is almost equivalent to the Appropriations Committee meeting for 18 minutes to pass this bill out of committee, a bill with more than 1,000 earmarks, more than 500 earmarks that are no-bid contracts to private companies, passed by the Appropriations Committee in 18 minutes.

Now, the majority talks a lot about making sure that we do this all in a timely process. I would suggest there is something to being a bit more thorough. You cannot vet more than 1,000 earmarks, more than 550 of which are no-bid contracts to private companies, in 18 minutes. And you can't restrict it in this way coming to the floor and expect this to be a thorough process. It is a quick process. Maybe the trains are running on time, but we're not doing our job here.

The flawed process by which the Rules Committee reported this rule does not appear to have been delayed or inconvenienced in any way by the submission of these amendments. Referring to these amendment submissions as an abuse of the process is far-fetched considering the severe restrictions the Rules Committee has placed on our ability to offer amendments to appropriations bills. This is a process, again, that has been traditionally open.

Excluding the Defense bill, more than 800 amendments were submitted to the Rules Committee for the 10 appropriations bills the House has already considered this summer. At the start of the process, the chairman of the Appropriations Committee said, "There are a limited number of hours between now and the time we recess. If we want to get our work done, we have to limit the debate time that we spend on these bills."

The majority leader echoed this sentiment as an explanation for clamping down on the appropriations process: "So I tell my friend that the reason for rising was to give us the opportunity to go to the Rules Committee and provide for, as I said, time constraints in which we can effectively complete this bill."

This has been the excuse that's been used so far, an excuse to only make in order 18 percent of the amendments submitted for appropriations bills we've seen so far.

I realize amongst my colleagues I have been the most fortunate. I have been permitted to offer more than 40 amendments, 26 percent of all the amendments ruled in order, in total, for these bills. I suppose I should be grateful for any crumbs that fall from the Appropriations Committee or the Rules Committee.

But my amendments were ruled in order at the expense of other perhaps more substantive amendments in many ways as a way for the majority to deflect blame for a virtually closed process and to prevent their Members from making tough votes on some of the other amendments that were submitted.

When I was on the House floor with a couple of bills, time and time again, in fact, 16 times, I asked for unanimous consent to substitute some of my colleagues' amendments for my own. We already had the time constraints for the bill, so the notion that we had to make the trains run on time, we had to get this debate done was not the point. But I was rejected 16 times in a row, not because the amendments offered by my colleagues weren't germane. They were. They simply weren't ruled in order by the majority because they didn't want to face those amendments.

And if we're going to talk about abuse of process, there it is. It's not offering 550 amendments because we are doing more than 550 no-bid contracts to private companies. That's not where the abuse lies. The abuse lies in the majority's saying we are only going to

entertain those amendments that we know we can beat or that we want to entertain or that are entertaining, apparently, not the ones that may be difficult for us.

Now, when Republicans were in the majority, I have often said that we did a few things that we shouldn't have. Holding a vote open for 3 hours wasn't a good thing. But I have never seen any of the abuse of the process like this. No matter how the Republicans, when they were in power, didn't want to see amendments, like some of mine, they allowed them. We spent, I think, 3 days on the Interior appropriations bill because Members kept coming forward offering amendments that our own majority did not want to see, but they knew that they shouldn't shut down this process, which has been traditionally open.

But the new majority has decided to completely close it and did not have one appropriation bill this year come to the floor under an open rule. In particular, when some will make the argument that, well, hey, back in the 1970s there were occasions when these appropriation bills were not brought to the floor under an open rule, the situation we have today is a situation in which bills are brought to the floor that have been stuffed to the gills with earmarks like this bill that we're considering today. More than 1,000 earmarks, more than 500 of which are no-bid contracts to private companies for which the Appropriations Committee took a paltry 18 minutes to vet and to send on to the House floor, and then we're told, ah, but you can only offer eight of the 552 amendments you submitted. Only eight of them. You can choose them, but only eight, because we don't have time to vet any more at that time.

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

Mr. POLIS. Mr. Speaker, I rise to claim time in opposition to the point of order.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 10 minutes.

Mr. POLIS. Mr. Speaker, as my colleagues know, we've been here before. This very same point of order has been raised against nearly every appropriations bill, and each time it's used to discuss something other than its intended purpose, which is supposed to be about unfunded mandates. Once again, it's about delaying consideration of this bill and, ultimately, stopping it altogether.

I hope my colleagues will again vote "yes" so we can consider this legislation on its merits and fund the important defense needs of our Nation and not stop it on a procedural motion. Those who oppose the bill are welcomed to vote against this bill on final passage. We must consider this rule and we must pass this legislation today to continue to fund the defense and protection of our country.

□ 1145

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

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

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

The SPEAKER pro tempore. The gentleman from Arizona has 2 minutes remaining. The gentleman from Colorado has 9 minutes remaining.

Mr. FLAKE. It was said again that I'm just trying to delay this process. If I were trying to delay this process, I could stand up here with a privileged resolution and read every one of the amendments that I wasn't allowed into the RECORD. It would take hours to do that.

I'm not trying to delay this process unnecessarily. This isn't a dilatory tactic. It's just about the only way we can stand and actually register objection to this closed process. I suppose I could, and this would be chilling reading, read the transcript of yesterday's court trial of an individual who, I believe, is pleading guilty in some fashion, a contractor who received earmarks and passed them on to other contractors who weren't doing any work at all. That was under a previous Defense bill that wasn't vetted, as it should have been, that came to the floor probably last year under a closed process; no amendments could have been offered.

And so here we have investigations, particularly with the PMA scandal, swirling around this institution because we aren't doing our work. We aren't vetting these bills. I wish that the Appropriations Committee would, but they're not. And then when you come to the floor and say, we'd like to challenge a few of these earmarks, you say, you can challenge eight of them; 8 of the more than 550 no-bid contracts to private companies. You can only question eight of them. That's all we have time for because we have to pass this bill today for some reason.

The fiscal year doesn't run out until the end of September. This is not a bill that has to be passed today or tomorrow. We can spend the time that we need, or we should have taken time earlier this year instead of doing suspension bills or last Friday, instead of passing a wild horse welfare act or whatever we did.

The appropriations bills are the most important work this Congress does. And to say that we have to move through them quickly so nobody sees what we're doing, so nobody sees that we're doing no-bid contracts for private companies is simply wrong. That is the abuse of power in this institution, not bringing 553 amendments to the floor.

With that, I urge opposition to the rule and yield back my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume. I would encourage my colleague from Arizona to stick around, assuming that this motion passes, for the discussion

of the rule. He will find in the proposed rule there is the opportunity that we will be giving the House of Representatives as a whole to vote on a block of amendments that the gentleman has identified, as well as several individual ones that the gentleman has identified.

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

I yield back the balance of my time.

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

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

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. POLIS) is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California, my colleague on the Rules Committee, Mr. DREIER. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 685.

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

There was no objection.

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

House Resolution 685 provides for consideration of H.R. 3326, the Department of Defense Appropriations Act of 2010, under a structured rule. I'd like to thank Chairman OBEY, Ranking Member LEWIS, Chairman MURTHA and Ranking Member YOUNG for their tireless and bipartisan work on this important bill to fund the defense needs of our Nation. Their job is not easy. The needs of this country are endless, our security challenges are daunting. Threats to our security are numerous and always changing. And the resources that we can devote to these problems are precious and limited, as our Nation faces a severe recession.

So each year we must prioritize, re-evaluate and invest in strategies that will keep our country and our people safe. We will invest in the equipment that will protect our troops and in programs that will care for the men and women who defend us, who serve our country so bravely and capably every day.

H.R. 3326 fulfills these responsibilities by providing first-class equipment for our troops that are in harm's way, by increasing fiscal responsibility and oversight within the Department of Defense, and by investing in adequate health care and increased compensation for our soldiers and their families.

To help protect our troops, the bill provides increased funding for the mine-resistant ambush protective vehicle fund and the procurement of new Humvees and new heavy and medium

tactical vehicles to meet the needs of our military. The bill also invests in weapons systems that meet our current and future needs, instead of plunging money into weapons systems that do not meet timelines, budgets or realistic threats or are based on threats that are antiquated that we no longer face.

We need to transform our military to make sure that we can keep the American people safe. We cannot fulfill our responsibilities to the troops, to taxpayers, or to the Nation if we can't meet our fiscal responsibilities.

H.R. 3326 reduces advisory and assistant service contracts by saving \$51 million while providing \$5.11 billion for Department of Defense personnel to perform DOD functions. The bill also provides funding for the Inspector General to increase oversight over the acquisition and contracting process to ensure the taxpayers' funds are spent wisely. By reducing funds for wasteful weapons and bloated contracts, we can provide better care and a better quality of life for the men and women of the Armed Forces and their families.

H.R. 3326 increases pay for all servicemembers by 3.4 percent, and fully funds the requested end-strength levels for active Reserve and selected Reserve personnel. The bill continues efforts to end the practice of stop-loss, so difficult for the families of our troops who are deployed overseas, and includes \$8.33 million to pay servicemembers \$500 for every month of involuntary service.

The bill provides \$29.9 billion for top-of-the-line medical care, including \$500 million for traumatic brain injuries and psychological health and increased funding for the wounded, ill and injured warrior programs. We can make no greater investment than in the health and welfare of those who have sacrificed and given so much to protect our freedoms.

It's also important to keep in mind that for every soldier who is dutifully serving on the battlefield, in Iraq or Afghanistan, sailing on a ship in the Pacific of the Atlantic or stationed on a military base in Germany, Japan or elsewhere, there is also a military family in our neighborhoods, in our districts, in our cities, and those families too are serving our country. To honor their commitment to this country, and to acknowledge their sacrifice, this year has been called the Year of the Military Family, and this bill adds substance to those words and that title.

H.R. 3326 includes over \$472 million for family advocacy programs and 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. I strongly believe that this bill is a positive step forward in the way that Congress prioritizes our military spending and provides for the men and women who serve our Nation and their families.

I support H.R. 3326 and House Resolution 685.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I want to begin by expressing my appreciation to my very distinguished Rules Committee colleague for yielding me the customary 30 minutes. I was just thinking as I was sitting here listening to his very thoughtful remarks. And he is a diligent and hardworking new member of the committee. He's now, this month completed 6 months, halfway through the first session of the 111th Congress. And my friend on the Rules Committee has, along with 70-some-odd other Members, not once, not once seen something that, when I'd been here 6 months I'd seen on countless occasions, and that is an open rule, an open amendment process.

And I will say, Mr. Speaker, that I hope very much that my friend on the Rules Committee, the other new members of the Rules Committee, and the Members of this institution and, most importantly, the American people, will, sometime in the 111th Congress, have the opportunity to see an open debate under the 5-minute rule in the House of Representatives.

Mr. Speaker, last week we marked a very significant anniversary in this institution. It was the formal consideration of James Madison's proposal to amend the Constitution to add a Bill of Rights. That debate, Mr. Speaker, began 220 years ago, just this last week. It was July 21 of 1789 that the House of Representatives began the process of debating whether or not to proceed with the Bill of Rights. In that first summer of the very first Congress, Congressman Madison proposed his amendments, which were considered by the House Rules Committee, and then moved to the House floor for a 10-day debate.

And I underscore that again, Mr. Speaker, the debate that took place on the floor of the House of Representatives lasted 10 days for consideration of the Bill of Rights. Now, I believe, Mr. Speaker, that that took place that summer and it was very, very instructive. It was instructive, the debate that we saw 220 years ago this summer, not just for its substance, but in many ways for the nature of that debate that was managed by Congressman Madison who, incidentally, represented the seat that is now held by our distinguished Republican whip, Mr. CANTOR.

Throughout the course of that debate, summer of 1789, it was very clear that Mr. Madison had great respect for the views of the Members who disagreed with him. He had a great deal of respect for those with whom he vigorously disagreed. He argued with civility, comity, and respect. He never impugned his adversaries' motives. In fact, Mr. Speaker, he not only didn't impugn his adversaries' motives, he actually defended them himself during

debate. He passionately sought consensus on the fundamental issues and placed it above his own ambivalence that existed on lesser concerns.

And it was ambivalence, because, if you recall your history, Mr. Speaker, he was not, at the outset, a believer in the necessity for a Bill of Rights. He urged his colleagues to act on, and I quote from a June 1789 speech when he actually introduced the Bill of Rights, what he called the principles of amity and moderation to proceed with caution, but that ultimately they must act resolutely to satisfy the public mind. Again, Congressman Madison's words.

He clearly did not believe that decisive action and a full, open debate were mutually exclusive. He believed that clearly that ultimate decision would be a better one with a full, rigorous, and open debate. He saw them as being fully intertwined, that elevating the debate above reproach would give this body the moral authority to act decisively and appropriately as a truly representative body, which it has been.

I believe in this Madisonian model, Mr. Speaker, very, very fervently. I believe in that model of intellectually rigorous, open, and civil debate. So it's with great dismay that I have seen the tenor of our debate deteriorate and the legislative process grow even more closed in recent years. The closing down of the traditionally open appropriations process has, for me, personally, been the most troubling thing to observe.

□ 1200

We have the very serious responsibility of spending the taxpayers' hard-earned money. That responsibility deserves a completely open and transparent process. Unfortunately, this year, for the first time in the 220-year history, we have had a restrictive appropriations process from the beginning to what today is now the end. As was pointed out by Mr. FLAKE earlier, this is the last of the now 12 appropriations bills. Today, we consider that final appropriations bill under the exact same, restrictive process with which we've considered every single appropriations bill for the upcoming fiscal year.

Now, Mr. Speaker, as we mark this 220th anniversary of that very historic debate on the Bill of Rights, we, unfortunately, are making history of our own. It's not history of which we can be very proud. It's not history that will judge this institution kindly. Today, we mark the final death knell for the open process with which we have historically handled our constitutionally mandated power of the purse.

The abandonment of this tradition began just over a month ago, on June 17, when the Democratic majority announced at the very outset of the process that it would not be granting the customary open rule for spending bills. Since that day, June 17, we have been on a steady march toward an ever more

restrictive process, barring the full transparency that the taxpayers deserve and prohibiting the full participation of rank-and-file members of both parties.

I will say that we regularly hear that this is characterized as Republicans complaining or whining. We are fighting for the rights of Democrats and Republicans. The reason is the Democrats and Republicans represent the American people, and it's the American people who are being undermined by this very unfortunate process.

With today's consideration of our final appropriations bill, the full pivot to what I am describing as the "new normal" becomes complete. Having cast aside one of our longest-held traditions, we now have a process where the chairman of the Appropriations Committee alone is the sole arbiter of what spending amendments may be offered, who can speak on them and for how long. They have done this in the name of expediency, citing a strict schedule that must be adhered to.

If they were only concerned with time limits, Mr. Speaker, as Mr. FLAKE pointed out earlier, why didn't they simply impose an overall time limit debate on each bill? If it simply were this schedule that Mr. OBEY has repeatedly held up, just put an outside time limit on the debate. I would not have been a proponent of that, but it certainly would have been preferable to this kind of restriction imposed on the American people by way of preventing their Democratic and Republican Members of the House from being able to offer their amendments.

A popular justification has been to claim that the process took too long back in 2007, so it had to be controlled from the beginning this time, but that argument completely overlooks the fact that 2007 was a very unique year. It was the transition year from a Republican majority to a Democratic majority here in the House. One of the hallmarks of transition years is a lengthier appropriations process, and yet the new Republican minority took less floor time in 2007, almost 26 hours less, than the new Democratic majority did back in 1995. Again, let me underscore that.

When we heard that the 2007 appropriations process was so out of hand, we needed to realize that, in its being a transition year, there were actually fewer amendments that were proposed by Members of the new minority. That had been the case when Democrats were in the minority back in 1995. When we compare these 2 years, it is very clear that, while there was an increase in time spent on our spending bills in 2007, it was very modest to what the Democrats engaged in when they entered into the minority, as I said, following the 1994 election.

The Democratic majority's excuses just don't stand up to scrutiny. The real motivation, Mr. Speaker, for this restrictive process has been to cherry-pick amendments and to shield their

profligate spending practices from any real transparency or accountability. It's very obvious.

I and my Republican colleagues on the Rules Committee—Messrs. DIAZ-BALART and SESSIONS and Ms. FOXX—have just completed, through a great deal of effort by members of the Rules Committee staff, this report entitled "Opportunities Lost: The End of the Appropriations Process." I'm glad that my friend on the other side of the aisle has it, and I look forward to his comments and thoughts on it, as well as I do of those of our other colleagues. I encourage anyone who is interested in this to read it. I have this report which we're just issuing today, Mr. Speaker. In the not too distant future—I hope later today or tomorrow—we will actually have this report available online for our colleagues who would want to gain access to it. They just need to go to rules-republicans.house.gov, and a copy of this report will be made available.

The greater irony, Mr. Speaker, of all of this is that the Democratic majority campaigned on the need for full, open and transparent debate. That was the plank of the platform back when the majority was won and, in fact, in the last election as well. I think it's extraordinarily ironic, while we heard this argument made about a "culture of corruption"—those are the terms that Ms. PELOSI used repeatedly—that we just had the gentleman from Arizona offer over 500 amendments to deal with this challenge. I mean there are former Members of this institution who are in jail today because of abuse of the earmark process. Yet those who campaigned on this issue of ending the culture of corruption are denying an opportunity for a full vetting of the amendments that have been proposed by our friend Mr. FLAKE.

Regardless of what you think on a particular issue, it would seem that denying him the opportunity to offer these amendments, of which he only has an opportunity to offer 8 amendments out of the 500 that he filed—and he can only pick very few of those—is, to me, really playing the role of exacerbating what Ms. PELOSI described as the culture of corruption rather than working to bring it to an end.

I will say that, as we proceed here—and we've gone for 2½ years. It actually has been exactly 2 years since we've had an open rule considered here in the House of Representatives. I've got to say, as to the notion of saying that we were going to have, as the American people were promised, a full, open, rigorous, transparent debate, they were empty words. They were clearly empty words. They have taken us precisely in the opposite direction, Mr. Speaker, culminating in this dubious honor of being the first majority in the 220-year history of the United States of America to shut down the appropriations process from start to finish.

Now, I believe it's no accident that this abandonment of open debate on

our appropriations bills has coincided with the most excessive spending in our Nation's history. It's no coincidence that our deficit has exceeded the \$1 trillion mark just halfway through the year at the same time that the Democratic majority has shut out meaningful debate on their spending practices. Looking back over the better part of the last two decades, as this detailed report of ours shows, it's clear just how much damage has been done to our deliberative imperative as an institution under this new majority.

Mr. Speaker, this resorting to restrictive debate is made even starker when we look back to exactly where we began 220 years ago this summer with that great debate launched by the author, the Father of the U.S. Constitution, James Madison, when he decided to proceed with the Bill of Rights. If James Madison were around today, he would be absolutely horrified. In fact, I think this is the closing line that we have in this report.

It reads, "This summer marks the 220th anniversary of the introduction of the Bill of Rights by James Madison in the First Congress. It is a good thing that he is no longer alive to see what the House has become. If he were, he would wonder where we went wrong."

Mr. Speaker, I want us to have an opportunity to engage in rigorous, open, civil debate. Unfortunately, we are denied that opportunity under this restrictive rule, so I urge my colleagues to oppose this rule. This is our last opportunity in this appropriations process. We can prove wrong the statement that I just made that we've had a closed process from start to finish if we can reject this rule.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman for this report. I look forward to reading it, to discussing it and, hopefully, to imposing some best practices for future processes.

I would point out that there are, of course, distinctions in the type of work that we do here; between the critical, philosophical, democratic bases of our country and the discussion and debate around the Bill of Rights, and the work of the House that we need to conduct in a bipartisan way.

The gentleman will recall that, yesterday, Ranking Member YOUNG and Chairman MURTHA appeared before our Rules Committee and discussed how there was a strong bipartisan consensus on the bill. In fact, I believe that Ranking Member YOUNG indicated that the bill would look substantially the same regardless of which party were in the majority, which shows the dedication of both parties in our country to protect our people.

I have to admit that, as somebody who was against the Iraq War and as somebody who is very skeptical of our ongoing operations of Afghanistan and, indeed, as to what our exit strategy is, it was actually disconcerting to me that the bill would look the same with regard to whichever party were in the

majority. I would like to address some of the issues relating to the exit strategy in Afghanistan and where we see that going.

I would like to yield 3 minutes to my colleague, the vice chairman of the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule and in support of the fiscal year 2010 Defense appropriations bill, which the House will take up shortly. With the passage of this bill, we will have completed all of our appropriations bills, and we will have successfully overcome Republican obstructionism and attempts to undermine the legislative process. So I think this is good news for the people of the country that we are actually getting our work done, which is something that they were not able to do very successfully.

Mr. Speaker, H.R. 3326, by and large, is a good bill. It provides support for our military families, and it provides our troops with the funding and the equipment they need to successfully perform their duties and to carry out their assigned missions.

I want to congratulate Chairman MURTHA and Ranking Member YOUNG for their bipartisan work on this bill, but, Mr. Speaker, I do not support this bill without significant reservations.

I believe that this Congress has not yet come to grips with what our policy is in Afghanistan. This House recently passed an emergency supplemental appropriations bill that provides billions and billions of dollars for the war in Afghanistan, a measure that I opposed, but I believed then, as I do now, that it is a mistake to spend billions and billions of dollars more for a war that has no clearly defined mission.

My concern deepened when I recently read reports that indicated that General McChrystal believes we will have to expand our forces and, thereby, expand our mission in Afghanistan, meaning more money and more troops right now just to get the job started. I still have this sinking feeling in the pit of my stomach that we're getting sucked into something where the mission and goals are vague and where it is unclear how it will end.

Mr. Speaker, that's why we need an exit strategy. We need a clear definition of when this policy comes to an end and when our troops can come home, not a date certain but an explanation as to when the military part of this operation comes to a close. I remain skeptical about our policy in Afghanistan. I think this administration needs to provide Congress, this Nation and our military families with more clarity on this issue. If they don't, I believe Congress needs to demand it.

Like all of my colleagues, I have had many conversations with the men and women who serve in Iraq and Afghanistan—sometimes when they are about to deploy, sometimes when they have just come home, sometimes when they

come to my district office, and often because we just run into one another at a coffee shop, at a diner, at a community center or on the street. I believe that we owe them a great deal for their service. We owe them the respect of looking them in the eye and of telling them that we know exactly what we are doing when we vote for money and missions that will send them directly into harm's way—someplace from where they may not return safe and sound to their families and to their loved ones.

□ 1215

I'm not asking for a protest vote on this bill. On this day, I intend to support the bill.

The SPEAKER pro tempore (Mr. ALTMIRE). The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. MCGOVERN. Mr. Speaker, on this day I intend to support the bill, but I raise these concerns because I firmly believe they need and deserve more discussion and more debate. Congress has been too quiet on the issue of Afghanistan, and that needs to change.

I thank the gentleman for yielding.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

I would like to say in response again to my hardworking Rules Committee colleague, Mr. POLIS, who earlier was talking about the great hearing that we had upstairs with the chairman and ranking minority member of the Defense Appropriations Subcommittee, he was talking about the fact that Mr. YOUNG had indicated that this bill would look very similar if he had been in the top position as chairman—which he's been chairman of the Appropriations Committee, chairman of the Defense Appropriations Subcommittee, and now, of course, serves with great distinction as the ranking minority member.

But I would argue, Mr. Speaker, that this does not in any way mean that because the Appropriations Committee members continue to work together that we should deny the rest of the American people who don't have representatives, like the gentleman from Colorado and I, who serve on the Appropriations Committee the opportunity to participate in this process which was always the case when Mr. YOUNG was chairman, with a very, very brief exception when there was a bipartisan consensus and concern back in 1997, I guess. I don't think he was chairman in 1997 on that one occasion. But I've got to say, I suspect, under his chairmanship, we always had an open amendment process here on the House floor.

And I would yield to my good friend from Indian Shores, the distinguished ranking member of the subcommittee and former chairman of the subcommittee and the full committee, Mr. YOUNG. I would like to engage in a colloquy with him.

Mr. YOUNG of Florida. It's a good bill. And both spokesmen from the Rules Committee are correct. We did testify that this bill was written, created with tremendous bipartisan support, bipartisan cooperation, and it's basically the same bill that we would have presented if I were chairman still to this day.

But the point that Mr. DREIER makes is this: When we were the majority, we brought this bill to the floor under an open rule. We allowed all of the Members, not just the members of the subcommittee, not just the members of the Appropriations Committee, but we allowed all of the Members, as long as the amendment was germane—we did have to meet the germaneness issues, but we allowed Members to offer whatever amendments they felt that they should offer and to have the debate.

So I'm a strong supporter of this bill because it's a good package. It provides for adequate training. It provides for adequate equipment to perform the mission, and it provides force protection information and equipment to protect the soldiers while they're fighting. So it's a good bill.

We think that the rest of the Members should have an opportunity to be involved in the debate. This is a great, great national security issue.

Mr. DREIER. I thank my friend for his very thoughtful contribution and having served as many years—how many years has my friend served in the House?

Mr. YOUNG of Florida. Thirty-nine.

Mr. DREIER. So nearly four decades in this House. And, Mr. Speaker, during those four decades of very distinguished service, Mr. YOUNG has been in the minority and the majority and virtually always had an open amendment process. And he understood very well, as the chairman of the Appropriations Committee, that to deny Members the opportunity to participate in this is just plain wrong.

And with that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on the rule.

This is serious business, one of the most important bills that we will be examining.

I wanted to call attention to two items that I had hoped to be able to be debating here on the floor dealing with restoring the environmental restoration funding for the Army, Navy, Air Force and defensewide accounts for fiscal year 2009 levels to increase the much overlooked, formerly-used defense sites by \$49 million.

Environmental restoration, formerly used defense sites, are areas that simply get overlooked. The committee, in its wisdom, accepted levels that were recommended by the administration, but that doesn't make them right. We are in a situation now where we are

looking at not just decades, but far into the future to be able to clean up the toxic legacy of unexploded ordnances and military toxics.

I am concerned that we are going to be losing money in the long run. It is my intention to work diligently with the committee in conference to see if we can make the adjustments, if we can work with the administration that they make this a higher priority because every State in the Union is burdened with this toxic legacy of unexploded ordnances and environmentally dangerous items. The military wants to clean it up. We need to give them the resources to do so.

I have been listening to the colloquy here about process with my good friends on both sides of the aisle. I am hopeful that we will be able in the months ahead to be able to roll up our sleeves and work together. There is never really a good time to fix this, but I hope that we will be able to return to a more regular order in the next cycle. I will look forward to working with friends on both sides of the aisle to make sure that this is smooth, everybody has their voice, and that we are working to respect one another.

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

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. I listened to things yesterday that were deeply disturbing on the floor of the House as, ironically, I was in the Chair, and I heard things that I thought were, frankly, over the line. But I understand frustrations build on both sides.

Mr. DREIER. Will the gentleman be happy to yield?

Mr. BLUMENAUER. I would like to finish.

Mr. DREIER. I would like to yield my friend an additional minute, Mr. Speaker.

Mr. BLUMENAUER. With due respect, I would like to finish my thought and then I will yield to you on your time.

Mr. DREIER. I just yielded you a minute.

Mr. BLUMENAUER. What I wanted to say was that I am hopeful that we can sort of take a little air out of the balloon.

One of the first things I did when I came here right after the government shutdown in a special election was to be part of an effort to have—

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

Mr. DREIER. Mr. Speaker, I would like to yield the gentleman a minute.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

It was a part of an effort where we had sort of a bipartisan civility caucus where we had conferences and we worked to try and lower the temperature here. I don't think it's something that's going to happen today or tomorrow, but I want to say that I am hopeful that we can pull out of this nose-

dive that we're hearing with some of the heated rhetoric on some of the health care issues.

I heard the gentleman talk about open rules as it relates to appropriations. I think it's part of a great big package. I think we all need to be working together to cooperate on this. And it's something that I care deeply about and look forward, after we get out of here and get back home, to be grounded at home, as we come back in the fall, that there are things that we can work on to make progress.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding.

Let me simply say that what has led us to this point has been, for the first time in the 220-year history of the United States of America, the shutting down of the appropriations process.

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

Mr. DREIER. I would yield to myself 30 seconds.

I will say to my friend, if I could engage in a colloquy with my friend, I will say to him that very, very clearly the argument that he has just propounded about the desire to get back on track with an open—I assume the gentleman meant an open amendment process, which is what we have had for 220 years. I will say it is my hope we will do that. But frankly, today is our last opportunity if we in fact have all 12—as has been the case—all 12 of the appropriations rules closed down as this has been.

Mr. BLUMENAUER. Does the gentleman want a colloquy?

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

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend.

Mr. BLUMENAUER. I understand the gentleman's frustration, but I sat on the other side and listened and had things that our people—

Mr. DREIER. Mr. Speaker, if I could reclaim my time, let me say, Mr. Speaker, as I reclaim my time and say the following:

My friend, Mr. BLUMENAUER, Mr. Speaker, my friend, Mr. BLUMENAUER, has never sat on the side as a member of the minority having been denied the opportunity that he has just said that he has denied today in the appropriations process because never before has he or any Member of this institution have all of the appropriations rules handled under a closed process such as this.

Mr. Speaker, at this time I am happy to yield 3 minutes to my very, very hardworking colleague from Morristown, New Jersey (Mr. FRELINGHUYSEN) the distinguished ranking member of the Subcommittee on Energy and Water.

Mr. FRELINGHUYSEN. I thank the gentleman.

I rise in opposition to the rule but in support of the underlying Defense appropriations bill.

There is nothing more important than the safety and security of our Nation and our people. This underlying bill will provide our troops—volunteers—the resources and tools they need that will allow them to continue their heroic work to protect us and our interests around the world. Even though I oppose this restrictive rule—and it's a restrictive rule—I will support the bill. But I wish we could have found some way to meet and improve on the President's request for the Department of Defense.

This bill falls \$3.5 billion short of even President Obama's treading water budget. The world did not become a safer place in January. The signs are everywhere. North Korea is threatening conventional and nuclear war. Russia is becoming more belligerent. China is rapidly expanding its naval forces, cybercapabilities, and its space ambitions. Iran is working overtime on missile and nuclear capabilities, and yes, there are disturbing signs occurring in Africa, horrendous acts of violence in the name of religion. And yet we're cutting missile defense, halting the Army's modernization program, known as the Future Combat Systems, and refiguring it, and failing to provide enough money for more Navy ships and fifth-generation Air Force fighters.

This treading water approach to national security is very shortsighted. Mr. Speaker, I support reform of our military acquisition process. I support Secretary Gates' program to reexamine our national security priorities in light of new irregular challenges and the threats that are proliferating well beyond Iraq and Afghanistan.

But I'm worried about our apparent obsession with this war-ism. Yes, we must focus our attention and resources and energy on Iraq and Afghanistan, but I urge my colleagues to make sure that we make enough investments today to ensure that we will be prepared to defend our interests against all threats in the years to come.

Mr. Speaker, our Defense Subcommittee once again has been a model for bipartisan compromise and cooperation in the interest of national security. I want to thank Mr. MURTHA and my ranking member, Mr. YOUNG, who spoke earlier, for their hard work and that of staff.

But I urge defeat of this restrictive rule.

Mr. POLIS. Mr. Speaker, I want to ensure, with regard to the excellent colloquy between my colleague from California and colleague from Oregon, I share the concerns addressed by my colleague from Oregon. And again, that was not a call with regard to this particular rule on this particular bill, but it is a discussion of process, which is a healthy discussion.

I look forward to reading the report that was put together by our colleagues in the Rules Committee. We

are all in agreement that we should work to improve the process together. We want a process that we can all stand before the American people and say that this was a good process, a constructive process, one that values expediency, participation, input; and I feel that we can build upon the best practices and precedents of the past to work together with our colleagues on the other side of the aisle to have improved processes in future years.

I would like to yield 2 minutes to the gentleman from Washington, a member of the Committee on Appropriations, Mr. DICKS.

Mr. DICKS. I appreciate the gentleman yielding me time.

I want to congratulate Chairman Murtha and Mr. YOUNG, who has been our chairmen in the past, for the excellent work they have done in crafting this Defense Appropriations bill.

I have been on this committee for 31 years, and I am Vice Chairman, and I think we have a great staff that works collaboratively on this bill.

□ 1230

In discussing this process issue, I think the one thing that we do want the American people to understand is that in every one of our 12 subcommittees, the ranking member, the Republican, and the Democratic chairman are working together very effectively. They are involved in the entire process. I feel that this is an indication that there is a bipartisan collaboration on these bills.

At the full committee, there is no limit on amendments. The minority was able to offer as many amendments as they wished on each of these twelve bills.

Mr. DREIER. Will the gentleman yield for just one brief second? I am happy to yield additional time.

Mr. DICKS. Yes, if you will yield me an additional minute.

Mr. POLIS. I yield an additional minute to the gentleman from Washington.

Mr. DREIER. I would just like to say to my friend I think he makes a great point, Mr. Speaker, about the working together of subcommittee chairmen and ranking members.

We have been regularly arguing, and I know my friend understands very well in his distinguished leadership position that on the floor when we have an open amendment process, the subcommittee chairman and the ranking member, not anyone in the leadership, worked this out on the floor, just as they have in committee. And it was my hope that we were going to be able to do that through this appropriations process.

I thank my friend for yielding.

Mr. DICKS. We got through these 12 bills, and what I am saying here today is the American people want us to get our work done.

Now, when you are faced with the reality of the minority offering 600 amendments—600 amendments—that

would take us days to go through 600 amendments, we have got other issues that have to be dealt with.

I am not going to yield at this point until I finish.

The first year that I was chairman of the Interior and Environment Appropriations Subcommittee, we went back and looked at it. The year before, when we were in the minority, it took about 8 hours to finish the bill, to go through the entire bill. The first year we were in the majority, it was 22 hours, and there was no limit to the amount of amendments that could be offered.

So I think we had to do this. This was the responsible thing to do, was to limit the number of amendments, let the people like Mr. FLAKE, Mr. CAMPBELL, who want to pick out some of the earmarks that they are against, let them have their moment to address those issues and deal with any other major substantive matters. But in order to get our work done, we could not let this thing be open-ended when one side just wants to abuse the process, unfortunately.

Now, if we could have gotten an agreement, and I am told our leadership went over and met with Mr. BOEHNER, Mr. HOYER, Mr. OBEY and Mr. LEWIS and tried to work out something. The way you would work this out—and the gentleman from California and I are good friends and we worked together on many important trade issues over the years and I have great respect for him—well, the way to work this thing out is for the two sides to get together before we go to the floor and limit the number of amendments, limit the number of amendments, and then have a unanimous consent agreement, if both sides can control their Members.

Mr. DREIER. If the gentleman will yield on that point?

Mr. DICKS. I will yield on that point. The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield one additional minute to the gentleman.

Mr. DREIER. If the gentleman would further yield, let me just say that I disagree, with all due respect to my friend, about this notion of doing it before the process has even begun. Let me go back to where we were.

Mr. DICKS. But there is a lack of trust here, because if we can't get an agreement which the leadership on both sides embrace, then there is no reason, not to restrict the number of amendments, because there is an element within the gentleman's party that wants to offer unlimited amendments.

Mr. DREIER. As happened in 1997, we can go upstairs in the Rules Committee if we have recalcitrant Members on either side of the aisle and we can shut down the process, and there would not be the kind of resistance, if we had at least tried the open amendment process.

I thank my friend for yielding.

Mr. DICKS. Again, all I am saying is we got our work done. All 12 of these

bills will have been enacted before the August recess. This hasn't happened in years. I wish that we could have had an open process, but when the minority is talking about 600 amendments, on the defense bill there is no choice but to limit the number of amendments. We had to limit it in order to get our work done.

Mr. DREIER. Mr. Speaker, I would like to inquire of my Rules Committee colleague if he has any further speakers.

Mr. POLIS. Not at this point, no.

Mr. DREIER. Is the gentleman then prepared to close if I were to close?

Mr. POLIS. Yes.

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Let me just say that it is very sad that we are at this point now, the completion of the appropriations process. My friend just referred to the term as we talked about best practices and working together, "precedents." Well, the sad thing, with the 12th appropriation bill, if we pass this rule, we have set the precedent for the entire appropriations process. All 12 appropriations bills have been considered under restrictive rule, if we in fact proceed with this.

In fact, I have just been given an amendment to this rule, Mr. Speaker, that will even shut the process down even further, denying Members an opportunity to divide the question on the very few amendments that have been made in order.

So, this notion that we somehow have this outside time limit, and my very good friend from Seattle, Mr. DICKS, with whom I have been privileged to work on a wide range of issues in the past, talked about the fact that all these amendments have been filed, in 1995 when my colleagues on the other side went into the minority, there was an additional 26 hours, 26 additional hours spent on the debate on the appropriations bills than was the case when my party went into the minority in 2007.

So this notion that somehow all of these amendments would be offered is just plain wrong. Why? Because if you are going to close down the process or have a modified open rule, the notion of having every amendment possible considered is the only option that we have.

Mr. Speaker, I am standing here in the name of my Oregon colleague, Mr. BLUMENAUER. He had two amendments that he sought to have made in order. If we had had an open amendment process, my colleague, Mr. BLUMENAUER, with whom I was able to engage in this colloquy a little, would have had his amendments made in order.

He talked about the tension being high. Well, the tension is high, Mr. Speaker, and it is not just around the issue of health care. It is around the fact that 220 years ago this very summer, James Madison, a member of the

House Rules Committee, moved at the encouragement of his constituents the Bill of Rights with 10 days of debate through the House of Representatives. And through the 220-year history of the United States of America, Democrats and Republicans alike, representing what now is about 650,000 to 700,000 American, have had the right to stand up on the House floor and offer germane amendments to appropriations bill.

I use the term "sacrosanct" to describe the appropriations process on the House floor. I never believed, and I have not been here as long as the 39 years of my good friend, Mr. YOUNG, but I never believed, Mr. Speaker, that I would see us get to the point where Republicans and Democrats alike would be shut out of the process, which is exactly what has happened here.

In "A New Direction for America" that was penned by Ms. PELOSI when they were seeking the majority, they had a very, very interesting line. It said: "Democrats believe that America needs and Americans deserve a new direction that provides opportunity for all."

"Opportunity for all" is what they said was going to be the hallmark. Apparently it is opportunity for all, except for rank-and-file Members of the United States House of Representatives, because the elected Representatives of both parties are being denied an opportunity to put forward their great ideas.

And since we have crossed this \$1 trillion spending mark for the deficit in the first 6 months, and it is projected to go to \$1.8 trillion by the end of this year, it is obvious that this process has been used to cherry-pick amendments and deny Democrats and Republicans who would like to engage in fiscally responsible policies from being able to do that.

So, Mr. Speaker, I am going to move to defeat the previous question; and if the previous question is defeated, I will offer an amendment to the rule providing for the traditional open rule for appropriations bills, again giving us this one last opportunity to do that, and we will have the opportunity to return to our traditions, to honor the vision of the Framers of our Constitution.

Mr. Speaker, I ask unanimous consent that the text of the amendment, along with the explanatory material, be placed in the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

Mr. DREIER. Mr. Speaker, I urge my colleagues to vote "no" on the previous question, and if by chance the previous question does prevail, to oppose this rule so we can get back to the Madisonian vision of representative democracy.

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

The SPEAKER pro tempore. The gentleman from California's time has expired.

The gentleman from Colorado has 13½ minutes remaining.

Mr. POLIS. Mr. Speaker, I would like to thank Chairman MURTHA and Ranking Member YOUNG for their and their staff's hard work on bringing this bill to the floor, as well as for offering an amendment to strike the funding for continued procurement of F-22 aircraft.

I particularly would like to thank President Obama and Secretary Gates for their leadership on this important issue, for targeting the elimination of unnecessary weapons systems and aircraft. It is not in the American people's best interests to pay Lockheed Martin \$369 million of taxpayer money to add dozens of aircraft when we already have a fully functioning fleet of 187 F-22s currently operated by the Armed Forces.

This victory is an important first step in eliminating cold war-era weapons systems and questioning the relevance of aircraft and security systems that are an inadequate defense against the 21st-century national security threats we face and an important step in moving towards balancing the budget and fiscal responsibility.

I also strongly support provisions in the legislation that prohibit the establishment of permanent bases in Iraq and Afghanistan, require the Secretary of Defense to provide goals and a timeline for withdrawing our troops from Iraq, and restate the United States commitment to prohibiting torture of detainees currently held in U.S. custody.

This is just the beginning of President Obama's efforts to bring our troops home safely, and I look forward to the time when stop-loss and troop surges are a thing of the past.

Although I strongly support withdrawing our troops from both Iraq and Afghanistan as soon as possible, until we do so I believe it is crucial to provide support to our servicemen and servicewomen in harm's way and those returning home to their families.

This legislation also provides \$29.9 billion to guarantee that our troops have the best medical care made available to them. Included in the Defense appropriation is over \$2 billion for funding of medical research and developing treatment for diseases, including breast cancer research, prostate cancer, ovarian cancer and spinal cord injuries, research for applications that have much wider applications outside of defense.

The Defense appropriation also funds important technology research, providing funding for research that keeps the United States on the cusp of innovation for important civilian applications. Funding for this legislation will advance lithium ion battery technology, energy storage that is a linchpin of making renewable energy like wind and solar viable and cost-effective.

Installing photovoltaic panels on military installations saves our military money and ensures that no matter where in the world our troops stand in harm's way, they can quickly access the infrastructure of the modern world. This technology also has the effect of reducing costs for Americans to use these technologies in their homes by driving scale.

This legislation also funds a robust, small business innovation program. Small businesses receive capital to develop technologies to keep our country safe, while providing high-wage employment and bolstering local economies.

These innovations also have direct civilian applications. Many of the technologies we enjoy in our daily lives, like global positioning systems to microwave ovens, we often take for granted; but they have been developed and researched as part of a DOD effort.

Mr. Speaker, this bill provides critical funding for our national defense, as well as funding for civilian activities. Among these activities are those in support of small business and workforce development.

In Colorado, many small businesses rely on the SBIR program of the Department of Defense, such as TechX, which provides critical software innovations to the Department of Defense while providing high-paying jobs to my constituents.

This bill also provides funds for programs such as the Center for Space Entrepreneurship, a program that is a collaboration between the educational institutions, the Colorado Office of Economic Development, and the leadership efforts of our Lieutenant Governor, Barbara O'Brien. This program incubates aerospace industry's small businesses. It also helps individuals transition into careers in this industry.

Among their most important work is the outreach they do in schools to ensure that the next generation has an interest in and the skills to ensure that our Nation remains a world leader in space industry.

The satellites and spacecraft developed and manufactured by Colorado's thriving aerospace industry are not only of tremendous economic benefit to our State, which is one of several reasons we have an unemployment rate below the national average; but also this equipment keeps our Nation safe, and many of the satellites provide civilian applications, such as the DISH television, GPS service for our cars, and reception for our cellular phones.

While H.R. 3326 provides top-of-the-line equipment and technologies for our troops, these dollars would be hollow without the bravery, dedication, and skill of the men and women who serve us every day in our Armed Forces.

□ 1245

Their service wouldn't be possible if it weren't for the support, dedication and sacrifice of military families that receive support from this bill.

Mr. Speaker, in a moment I will be offering an amendment to the rule. I want to briefly explain the amendment. This amendment will add to the rule a technical provision that's included as boilerplate language in virtually all of our rules for both appropriating and authorizing legislation but was inadvertently dropped from this rule. This language simply protects amendments from a division of the question.

I urge all Members to vote "yes" on the amendment, the rule and the previous question.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Speaker, I have an amendment to the rule at the desk.

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

The Clerk read as follows:

Amendment offered by Mr. POLIS:

At the end of the resolution, add the following:

"SEC. 5. The amendments specified in the first section of this resolution shall not be subject to a demand for division of the question in the House or in the Committee of the Whole."

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 685

OFFERED BY MR. DREIER OF CALIFORNIA

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

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote

against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

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

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

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

Mr. POLIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

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

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

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair

will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the amendment and on the resolution and, under clause 8 of rule XX, on suspending the rules and passing S. 1513.

The vote was taken by electronic device, and there were—yeas 245, nays 176, not voting 12, as follows:

[Roll No. 654]

YEAS—245

Abercrombie	Green, Gene	Neal (MA)
Ackerman	Griffith	Nye
Adler (NJ)	Grijalva	Oberstar
Altmire	Gutierrez	Obey
Andrews	Hall (NY)	Oliver
Arcuri	Halvorson	Ortiz
Baca	Hare	Pallone
Baird	Harman	Pascarell
Baldwin	Hastings (FL)	Pastor (AZ)
Barrow	Heinrich	Payne
Bean	Herseth Sandlin	Perlmutter
Becerra	Higgins	Perriello
Berkley	Himes	Peters
Berman	Hinchey	Peterson
Berry	Hinojosa	Pingree (ME)
Bishop (GA)	Hirono	Polis (CO)
Bishop (NY)	Hodes	Pomeroy
Blumenauer	Hoekstra	Price (NC)
Bocieri	Holden	Quigley
Boren	Holt	Rahall
Boswell	Honda	Rangel
Boucher	Hoyer	Reyes
Boyd	Inslee	Richardson
Brady (PA)	Israel	Rodriguez
Braley (IA)	Jackson (IL)	Ross
Brown, Corrine	Jackson-Lee	Rothman (NJ)
Butterfield	(TX)	Roybal-Allard
Capps	Johnson (GA)	Ruppersberger
Capuano	Johnson, E. B.	Rush
Cardoza	Kagen	Ryan (OH)
Carnahan	Kanjorski	Salazar
Carney	Kaptur	Sánchez, Linda
Carson (IN)	Kennedy	T.
Castor (FL)	Kildee	Sanchez, Loretta
Chandler	Kilpatrick (MI)	Sarbanes
Childers	Kilroy	Schakowsky
Chu	Kind	Schauer
Clarke	Kirkpatrick (AZ)	Schiff
Clay	Kissell	Schrader
Cleaver	Klein (FL)	Schwartz
Clyburn	Kosmas	Scott (GA)
Cohen	Kucinich	Scott (VA)
Connolly (VA)	Langevin	Serrano
Conyers	Larsen (WA)	Sestak
Cooper	Larson (CT)	Shea-Porter
Costa	Lee (CA)	Sherman
Costello	Levin	Sires
Courtney	Lewis (GA)	Skelton
Crowley	Lipinski	Slaughter
Cuellar	Loeb sack	Smith (WA)
Cummings	Lofgren, Zoe	Snyder
Dahlkemper	Lowe y	Space
Davis (CA)	Luján	Speier
Davis (IL)	Lynch	Spratt
Davis (TN)	Maffei	Stark
DeFazio	Maloney	Stupak
DeGette	Markey (CO)	Sutton
Delahunt	Markey (MA)	Tanner
DeLauro	Marshall	Taylor
Dicks	Massa	Teague
Dingell	Matheson	Thompson (CA)
Doggett	Matsui	Thompson (MS)
Donnelly (IN)	McCollum	Tierney
Doyle	McDermott	Titus
Driehaus	McGovern	Tonko
Edwards (MD)	McIntyre	Tsongas
Edwards (TX)	McMahon	Van Hollen
Ellison	McNerney	Velázquez
Ellsworth	Meek (FL)	Visclosky
Engel	Melancon	Wasserman
Eshoo	Michaud	Schultz
Etheridge	Miller (NC)	Waters
Farr	Miller, George	Watson
Fattah	Mollohan	Watt
Filner	Moore (KS)	Waxman
Foster	Moore (WI)	Weiner
Frank (MA)	Moran (VA)	Welch
Fudge	Murphy (CT)	Wexler
Giffords	Murphy (NY)	Wilson (OH)
Gonzalez	Murphy, Patrick	Woolsey
Gordon (TN)	Murtha	Wu
Grayson	Nadler (NY)	Yarmuth
Green, Al	Napolitano	

NAYS—176

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

NOT VOTING—12

Aderholt	Davis (AL)	Meeks (NY)
Boehner	Gerlach	Rogers (AL)
Bonner	Lance	Towns
Bright	McCarthy (NY)	Walz

□ 1309

Messrs. COFFMAN of Colorado, BRADY of Texas, MITCHELL and KRATOVL and Mrs. BONO MACK changed their vote from “yea” to “nay.”

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. LANCE. Mr. Speaker, on rollcall No. 654, had I been present, I would have voted “nay.”

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 241, nays 185, not voting 7, as follows:

[Roll No. 655]

YEAS—241

Abercrombie	Green, Al	Neal (MA)
Ackerman	Green, Gene	Nye
Adler (NJ)	Griffith	Oberstar
Altmire	Grijalva	Obey
Andrews	Gutierrez	Oliver
Arcuri	Hall (NY)	Ortiz
Baca	Halvorson	Pallone
Baird	Hare	Pascarella
Baldwin	Harman	Pastor (AZ)
Barrow	Hastings (FL)	Payne
Bean	Heinrich	Perlmutter
Becerra	Hereth Sandlin	Perriello
Berkley	Higgins	Peters
Berman	Himes	Peterson
Berry	Hinchey	Pingree (ME)
Bishop (GA)	Hinojosa	Polis (CO)
Bishop (NY)	Hirono	Pomeroy
Boccieri	Hodes	Price (NC)
Boren	Holden	Quigley
Boswell	Holt	Rahall
Boucher	Honda	Rangel
Boyd	Hoyer	Reyes
Brady (PA)	Inslee	Richardson
Braley (IA)	Israel	Rodriguez
Brown, Corrine	Jackson (IL)	Ross
Butterfield	Jackson-Lee	Rothman (NJ)
Capps	(TX)	Roybal-Allard
Capuano	Johnson (GA)	Ruppersberger
Cardoza	Johnson, E. B.	Rush
Carnahan	Kagen	Ryan (OH)
Carney	Kanjorski	Salazar
Carson (IN)	Kaptur	Sánchez, Linda
Castor (FL)	Kennedy	T.
Chandler	Kildee	Sanchez, Loretta
Childers	Kilpatrick (MI)	Sarbanes
Chu	Kilroy	Schakowsky
Clarke	Kind	Schauer
Clay	Kirkpatrick (AZ)	Schiff
Cleaver	Kissell	Schrader
Clyburn	Klein (FL)	Schwartz
Cohen	Kosmas	Scott (GA)
Connolly (VA)	Langevin	Scott (VA)
Conyers	Larsen (WA)	Serrano
Cooper	Larson (CT)	Sestak
Costa	Lee (CA)	Shea-Porter
Costello	Levin	Sherman
Courtney	Lewis (GA)	Sires
Crowley	Lipinski	Skelton
Cuellar	Loeb sack	Slaughter
Cummings	Lofgren, Zoe	Smith (WA)
Dahlkemper	Lowe	Space
Davis (AL)	Luján	Speier
Davis (CA)	Lynch	Spratt
Davis (IL)	Maffei	Stupak
Davis (TN)	Maloney	Sutton
DeFazio	Markey (CO)	Tanner
DeGette	Markey (MA)	Taylor
Delahunt	Marshall	Teague
DeLauro	Massa	Thompson (CA)
Dicks	Matheson	Thompson (MS)
Dingell	Matsui	Tierney
Doggett	McCollum	Titus
Donnelly (IN)	McDermott	Tonko
Doyle	McGovern	Tsongas
Driebehaus	McIntyre	Van Hollen
Edwards (MD)	McMahon	Velázquez
Edwards (TX)	McNerney	Visclosky
Ellison	Meek (FL)	Wasserman
Ellsworth	Meeks (NY)	Schultz
Engel	Melancon	Waters
Eshoo	Michaud	Watson
Etheridge	Miller (NC)	Watt
Farr	Miller, George	Waxman
Fattah	Mollohan	Weiner
Filner	Moore (KS)	Welch
Foster	Moore (WI)	Wexler
Frank (MA)	Moran (VA)	Wilson (OH)
Fudge	Murphy (CT)	Woolsey
Giffords	Murphy, Patrick	Wu
Gonzalez	Murtha	Yarmuth
Gordon (TN)	Nadler (NY)	
Grayson	Napolitano	

NAYS—185

Aderholt	Alexander	Bachmann
Akin	Austria	Bachus

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

NOT VOTING—7

Barrett (SC)	McCarthy (NY)	Walz
Bonner	Pence	
Gerlach	Towns	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1318

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

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.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

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

The Clerk read as follows:

H. RES. 690

Whereas page 5 of the “Regulations on the Use of the CONGRESSIONAL FRANK By