With unemployment so high and so many families struggling to make ends meet, we believe that it would be wrong for Congress to now raise its own pay in fiscal year 2011. Right now, we need our focus to be on getting people back to work, shoring up the economy, and keeping our families and communities safe, not on giving ourselves a pay raise. The American people are not getting a raise. Neither should Congress.

I encourage my colleagues from both sides of the aisle to do the same and join Dr. RON PAUL and me in stopping the next automatic pay raise from taking effect by supporting H.R. 4255, the Stop the Automatic Pay Raise for Members of Congress in Fiscal Year 2011 Act.

REPORT ON RESOLUTION 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, from the Committee on Rules, submitted a privileged report (Rept. No. 111–380) on the resolution (H. Res. 976) providing for consideration of the Senate amendment to the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; for consideration of the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes; for consideration of the bill (H.R. 4314) to permit continued financing of Government operations; for consideration of the Senate amendment to 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, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. PINGREE of Maine. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 973 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 973

Resolved, That 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 with respect to any resolution reported on the legislative day of December 16, 2009.

The SPEAKER pro tempore. The gentlewoman from Maine 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 also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 973.

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

There was no objection.

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

Madam Speaker, House Resolution 973 waives clause 6(a) of rule XIII which requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This waiver applies to any resolutions reported on the legislative day of December 16, 2009. This will allow the House to consider today important legislation, including legislation to ensure the funding of our military in addition to measures to put people back to work.

Madam Speaker, we must act quickly to deliver the bills before us today that will fund our military and get people back to work. Today the House will take up several measures that will fund our military and make critical investments in the Nation's infrastructure in order to put people back to work. We have the opportunity today to take the bailout money that was used as a lifeline to Wall Street and give that money back to the American people and those who have been hit hardest by these tough economic times.

The legislation that we will take up later today will divert the TARP money to programs that will create and save jobs across the country. We do this by investing $75 billion of TARP money into highways, to transit, to school renovation, to hiring teachers, police and firefighters, to supporting small businesses, job training and affordable housing.

For those hit hardest by the recession, this bill also provides emergency relief by extending programs like Unemployment Benefits, COBRA and FMAP, which is health care funding for our States, and the child care tax credit. These are measures that we must pass to build a foundation for long-term economic recovery.

This is not an ordinary day; and given the importance of this legislation, I hope Members on both sides of the aisle will support this rule so that we can move quickly to enact these critically important measures.

I wish, as so many of my colleagues wish, that we weren't faced with such difficult problems. I wish that when the Democrats took over the majority, we weren't saddled with two wars, a recession and a $1.3 trillion deficit. But wishing won't make these problems go away. There is real urgency in the actions before us today, and I truly hope that my colleagues on both sides of the aisle will join me in supporting this rule to allow us to move forward.

Later in the day, we will debate the merits of all of this legislation and the grave implications of not passing these bills. But right now, I urge my colleagues to support this rule and allow us to move forward on the debate to complete the work that we were sent here to do.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I appreciate my colleague yielding the time this morning.

I want to say that it seems every time we come here, we have to do a little bit of correcting people's memory and their recollection of history. My colleague just said when they took over the majority, we had a $1.3 trillion deficit. I think if she will check her facts, she will see that the $1.3 trillion deficit came about as a result of the Democrats' taking over the majority. She may not have been here in 2007, but when they took over the majority, I believe that the deficit was $259 billion, and they made it $1.3 trillion this year with their Democratic President.

We are here considering a same-day martial law rule. Now, I understand that there are times when we need to move quickly when we are faced with an immediate crisis. However, I think the word ''crisis'' has been overused particularly this year. We haven't had much by way of crisis this year, and yet they're trying to make it a crisis by bringing in this, again, same-day martial law rule.

The Rules Committee met last night at 8:45. We didn't get the text of the bills that we're going to be debating and the rule that we're going to approve again in a few minutes, or a little while, so we've had very little time to be able to deal with these things. But we've known about this for a long, long time. We've known that the funding for the government would run out Friday night for over a month. So what have we been doing during that period of time when we should have been preparing for this day?

Let me give some ideas on what we've been doing by reading out some of the bills that we've been voting on on the floor: expressing support for designation of November 29, 2009, as ''Drive Safer Sunday,'' surely something that the country could not live without, without our voting on it; expressing support for designation of the week beginning on November 9, 2009, as ''National School Psychology Week,'' another extraordinarily important

issue for us to be dealing with; recognizing the 60th anniversary of the Berlin Airlift's success. Certainly I am extremely proud of the fact that Ronald Reagan helped end the Cold War by opening up Berlin. But I don't think that really needed to be done by a vote on this floor.

□ 0930

And then the one that I really think tops the cake and will get the attention of the American people, honoring the 2,560th anniversary of the birth of Confucius and recognizing his invaluable contributions to philosophy and social and political thought. The fact that 2,560 years have passed since the birth of Confucius and we hadn't acknowledged it, I really think that could have waited a little bit longer in terms of the importance of the work that we are doing.

So, here we are again doing what our colleagues across the aisle have been so good at this session, short-circuiting the legislative process so we can jam through another major spending bill without the benefit of Members or, more importantly, the citizens of this country having the opportunity to read it.

This rule enables us to take up the next rule, and that rule will let the House consider more than $1 trillion in spending, all done almost in the blink of an eye if you put it in the context of the birth of Confucius. But let us not be fooled by this attempt to say that something is a crisis. The reason we are doing this on the spur of the moment is because our Speaker and several Members are going to leave today to go to Copenhagen to talk with people about climate control. And they're going to emit much, much carbon on their way to do that, which really is sort of hypocritical in terms of what the conference is all about. So we have folks talking out of both sides of their mouths here over and over and over again.

Madam Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. My good friend from North Carolina has suggested that this isn't an emergency. I would say that I hear every day from constituents in my district who feel that we are in a time of emergency. In Maine, we have 20,000 unemployed workers who are facing the end of their unemployment benefits. A very critical thing that we are about to talk about today is the extension of unemployment benefits.

Now, we are anxious for the economy to improve, but the fact is in my State unemployment benefits are the fourth largest payroll. That is a tragedy that we have to deal with. We have to make sure that those people, in the middle of a cold winter, don't go without their vital support and that our State doesn't go without a critical part of our economy.

Many of those people can't even stand a delay because the fact is if they go for even a few days or weeks without their benefits, they've already hit the end of their credit card limits, they've already gone as far as they can possibly go. Many workers have talked to me about the fact that they are using their COBRA subsidy; they were laid off, and the fact is this extended that as well.

As far as I'm concerned, there are many critical things in this bill. This is the time to get it passed. People say to me all the time, When are you going to get something done in Washington? As far as I'm concerned, this is something we have to get done, and we need to get back to work today.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield such time as he may consume to the distinguished gentleman from California and ranking member of the Rules Committee, Mr. DREIER.

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

Mr. DREIER. Madam Speaker, our friend from Maine is absolutely right. This is a very, very challenging time for people who are dealing with the economic downturn through which we have suffered, and it is essential that we do a number of the things that are before us today.

The national security of the United States of America is priority number one. I always argue that the five most important words in the middle of the preamble of the U.S. Constitution are ''provide for the common defense.'' I say that, Madam Speaker, because if you think about the issues with which we regularly contend here, nearly all of them can be done either by an individual, within a family, within a church or community, a city, a county, or a State level of governing, but our national defense can only be handled by the Federal Government. So I will acknowledge it is very, very important for us to ensure that our men and women in uniform have what they need. And I will acknowledge that as we deal with the economic downturn, ensuring that people have job opportunities is a very, very, very important priority for us.

I happen to think that we have gone in the exact opposite direction when it comes to the notion of encouraging long-term private sector job creation and economic growth. I believe that we should deal with that issue in a bipartisan way. And when I say bipartisan, I'm referring to two Presidents in the last half century; one is John F. Kennedy, the other Ronald Reagan. John F. Kennedy, when we were dealing with economic challenges in the early 1960s, decided very clearly that the best way to get the economy back on track, the best way to encourage private sector job creation and economic growth was to do what? Bring about broad, marginal tax rate reduction, reducing the top rate on capital gains and taking the top rate on job creators, men and women who are out there working to create more and more opportunity for their fellow Americans.

Well, Madam Speaker, that kind of plan was put into place in the early 1960s with a Democratic Congress and a Democratic President of the United States. And guess what happened? During the decade of the 1960s, we saw a doubling of the flow of revenues to the Federal Treasury because of the heralded John F. Kennedy tax cuts; again, a Democratic President and a Democratic Congress.

Rush forward from the early 1960s to the early 1980s, two decades. I was privileged to be a Member of the 97th Congress which convened in January of 1981. We were dealing with very, very serious economic problems, some of which were even more challenging than exist today. In the early 1980s, people will recall that interest rates were well into double digits, we had an unemployment rate that dramatically exceeded where we are today, and if you look at the overall challenge, it was similar. How did we deal with that, Madam Speaker? We dealt with it by doing, under Ronald Reagan, exactly what President John Kennedy, a great Democratic President, did. Under Ronald Reagan, we saw broad reductions across the board of marginal tax rates, we saw a reduction in the capital gains rate.

And what happened? As we encouraged those job creators out there in our economy, what happened, Madam Speaker, was we saw, again, a doubling of the flow of revenues to the Federal Treasury and we saw good, long-term private sector jobs created.

Now, the thing that is most troubling about what it is that we are doing is, while we have seen—I am really happy to see this reduction of 10.2 percent to 10 percent, the unemployment rate; it's a positive sign. The problem is that it's not private sector job creation; what we are seeing is public sector job creation.

I will acknowledge that infrastructure spending is important. I represent the Los Angeles Basin, and we have very serious infrastructure problems. And so I recognize that government does have an appropriate role in dealing with infrastructure, and jobs are created when we put resources into infrastructure. I will acknowledge that.

But if you look at the other areas, when the President had his job summit the other day, we had a meeting of Republicans. One of the economists who participated was Kevin Hassett of the American Enterprise Institute, and he provided us with an amazing number. He said that he had his staff at AEI, the American Enterprise Institute, sit down and look at the challenge of the entire nearly $1 trillion in stimulus spending. He said, Tell me what would happen if we were to have taken that entire stimulus bill and just hired people.

Well, his staff came up with the following conclusion, Madam Speaker. He reported to us that if you look at the

average wage rate in the United States, it's $37,000 a year. That's the average wage rate across the country. If we were to take the entire stimulus bill and simply hire people, guess how many jobs would be created? I was stunned when Mr. Hassett reported to us that that number is 21 million. And when you look at how the stimulus dollars have been expended, we obviously haven't created that many jobs, Madam Speaker. But the fact is, if we were to take all of those resources and just hire people at the average wage rate across the United States of America, it would be 21 million jobs that would have been created.

That is not the way to deal with the challenge of the economic downturn. The way to deal with it is to encourage long-term private sector job creation and economic growth. That is why, when we look at these priorities and the urgency of dealing with the challenges that exist today, that is what we should be doing.

Now, as Ms. FOXX has appropriately said, Madam Speaker, we are here with a virtually unprecedented scenario before us. First, this rule gives something that according to our staff has not happened before, and that is, it gives the Chair the authority to just, without any action by the Members of the House, adjourn the House. That is a troubling sign. And it is troubling but not terribly surprising based on what we have seen over the past 3 years since we had first unveiled to us a document known as ''A New Direction for America.'' This was the proposal that was put forward by the now-Speaker of the House, who was then minority leader. And as minority leader, she was very concerned.

And I will acknowledge, having done a less than perfect job in my position as chairman of the House Rules Committee, I am proud of what our work product was, but I could have done better, and I will acknowledge that freely here. But it's interesting to note what ''A New Direction for America'' actually had. I would like to just share a couple of brief lines from that, if I might, Madam Speaker.

It says, 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. Bills should generally come to the floor under a procedure that allows open, full, and fair debate.

I am going to repeat that, Madam Speaker. It says, Bills should 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.

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

Now, Madam Speaker, as we know, virtually all of that has been thrown out the window.

The other thing that is unprecedented—and I mentioned this in the Rules Committee when I confirmed it with our staff—to my knowledge, this is the first session ever to go through the entire session of Congress without any bill being considered under an open rule. I know that my friend from Maine was there upstairs when I raised this issue, and I hope very much that she does have an opportunity soon, because as we've talked about—and this bill that is coming before us is an appropriations bill—again, for the first time ever we had the appropriations process shut down, shut down, denying Members an opportunity to offer amendments. Never before in the history of the Republic has that taken place, and we now have, unfortunately, seen that.

But as we prepare to extend Christmas and Hanukkah greetings to our colleagues and our friends across the country, it is very unfortunate that we have now—if we do in fact see today as the last day of the first session of this Congress—an entire session without any open rules.

I will tell you that there are many people on the Rules Committee who work long and hard to deal with challenges. We, as Ms. FOXX said, met into the evening last night, and then we were here at 7:30 this morning.

One of our Rules Committee staff members, Shane Chambers, who has worked long and hard, is getting ready to leave. I would like to say, Madam Speaker, how much I appreciate his work. He and his wife and new baby are moving to Dallas, Texas. I am sure that he will have an opportunity—even with a new baby—to get more rest than he does as a staff member on the House Rules Committee. But I would like to express appreciation to those staff members on both sides of the aisle who do work long and hard to address these challenges.

I am going to urge my colleagues to join in voting ''no'' on this rule because I believe that we can do better. This is not the appropriate way, and it is not what was promised to the American people.

□ 0945

Ms. PINGREE of Maine. Madam Speaker, I do want to thank my colleague, the ranking member on the committee, both for his history lesson and also for extending holiday greetings to those across the country. I do appreciate that, as a new Member, I often learn bits of the past from the things that he discusses with us, and I want to join him in thanking our hard-working staff. He is absolutely right. We were here late into the evening, and we were here early in the morning. I know that my colleagues put in many hours and that our staffs work very hard, and I want them to know I appreciate greatly their hard work on our behalf and for dealing with many of the challenges we often have before us which make our procedural challenges even more difficult as we try to determine how to get so much work done that is before us and with so much more to do. That is why we are here today—to talk about this same-day rule, to talk about the work that is before us.

I yield as much time as he is interested in consuming to my good colleague from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I appreciate my friend from Maine giving me some time to respond to my friend from California.

Madam Speaker, I think we were getting a little lesson in history about Kennedy, about Reagan, and about the Recovery Act that was passed earlier this session.

I'm glad my friend is now returning, because what he forgot to mention was that, with John Kennedy, when those tax cuts were made, the highest marginal rates were 70 percent. Today's highest marginal rates are half that. So we need to understand, when those cuts were made, it was a substantial amount higher than what we've experienced today. I would also remind my friend that, in the Recovery Act, which was passed earlier this year, $300 billion—about 40 percent of that bill—was in the form of tax cuts. So those kinds of efforts are being made.

I would also remind my friend that, when President Reagan came in in 1981, he did take some tough steps in trying to rebuild the economy, which was suffering from high interest rates and from a number of other things, and it wasn't just nirvana the next day. At least in Colorado, we had years of recession that lasted almost until 1990.

So what we see before us, really, I think, as a result of stabilizing the banking system last fall and of rejuvenating the economy in the spring with the Recovery Act, is downward pressure on unemployment. We are not out of the woods, but it is getting better. We can continue to do better than what we saw at the end of the Bush administration.

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

Ms. PINGREE of Maine. I yield the gentleman another 1 minute.

Mr. DREIER. Would the gentleman yield?

Mr. PERLMUTTER. I yield 10 seconds to my friend from California.

Mr. DREIER. I am going to need more than 10 seconds to respond. I would be happy to ask my friend from the Grandfather community if she might yield 1 minute to the gentleman.

Ms. FOXX. I am happy to yield 1 minute to the gentleman from Colorado.

Mr. DREIER. Would the gentleman yield?

Mr. PERLMUTTER. I yield to my friend.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, let me just say very quickly that, under John F. Kennedy, it's true. We saw a 70 percent marginal rate dramatically reduced. We are not asking for a halving of marginal rates. The $300 billion in tax cuts have not been focused on job creators, which is exactly what President Kennedy did then.

I also want to say, Madam Speaker, that I recognize very well that, if you look at the provisions that have been put into place within the past year, we've not been focused on that private sector job creation that President Kennedy and President Reagan perceived.

I thank my friend for yielding.

Mr. PERLMUTTER. Reclaiming my time, I appreciate that, but I would disagree with my friend by saying, first of all, we provided tax credits for first-time home buyers to stimulate home construction and home sales. We provided tax credits, net operating loss, carrybacks, and carryforwards for businesses. We provided tax credits on depreciation. There are many, many business tax credits that have gone to stimulate the economy and to create jobs. So I would disagree.

Mr. DREIER. Will the gentleman further yield?

Mr. PERLMUTTER. Just for a second.

Mr. DREIER. Madam Speaker, let me just say that, again, the example that I used, the bipartisan example of the Kennedy/Reagan tax cuts, were marginal rate reductions for individuals, which encouraged job creation and a reduction of the capital gains rate, and we've chosen to increase taxes.

Mr. PERLMUTTER. I take back my time.

Madam Speaker, the business types of tax cuts as well as individual tax cuts are part of the package that is helping this country recover, but we aren't there yet. We haven't finished yet. We helped Wall Street with TARP money. That same money should be able to be available to Main Street. That's the purpose of today's bill. That's why this rule is important.

I would urge an ''aye'' vote on this rule as well as an ''aye'' vote on the underlying bill.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from California.

Mr. DREIER. Madam Speaker, I would be happy to engage in a colloquy further with my friend from Colorado to simply say that I believe very, very strongly, Madam Speaker, that it is important for us to recognize what needs to be done to encourage job creation and economic growth. What we have seen in the past year, unfortunately, has been a dramatic expansion of the size and scope and reach of government, which, frankly, I think, would concern both John F. Kennedy and Ronald Reagan.

The fact is the notion of this regulatory burden and tax cuts that are not modeled after the pro-growth model of President Kennedy and President Reagan are not going to create the kind of opportunity that we need. Why? Because we constantly hear this class warfare argument of ''tax the rich.''

This week's Economist has a very interesting piece, Madam Speaker, in which it focuses on the bonus tax that Prime Minister Gordon Brown in Great Britain is putting into place. The piece in The Economist is entitled, ''Class Warrior.'' It focuses on the fact, again, that Prime Minister Brown is trying to, with his policy, get the economy going when the British economy is, in fact, among those in Europe, doing the worst of the economies. We are in a position right now where he is engaging in class warfare, and The Economist has this great line, which reads, ''Market reforms are not what class warriors do.''

As we continue to attack job creators, as we continue to attack those at the upper end of the spectrum who are, in fact, struggling right now to get our economy back on track to create the private sector jobs, we've got policies here that are undermining that.

Ms. PINGREE of Maine. Will the gentleman yield?

Mr. DREIER. Of course, I am happy to yield.

Ms. PINGREE of Maine. I am happy to yield back again to my wonderful colleague from Colorado.

Mr. DREIER. I have got time. I will yield to him.

Ms. PINGREE of Maine. We will yield to everybody.

I want to answer one thing. The two of you have been entered into a colloquy, a very interesting one, going back to Kennedy.

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

Ms. PINGREE of Maine. I am happy to engage in a colloquy with both of my colleagues here, but let me just make one point to my much more senior and well-informed Members.

Mr. DREIER. If the gentlewoman would yield, that means older.

Ms. PINGREE of Maine. No, I don't think, actually, they are all older.

Anyway, I just want to say that, while this has been a very interesting history lesson and while I greatly appreciate my colleague from Colorado and his understanding of the financial services industry and of this world that we've been working so hard on to both regulate and to deal with, much of my colleague from California's remarks have been referring to President Kennedy and to President Reagan, which were very different eras.

I just want to remind my colleagues on the floor that we are here at the end of the Bush administration. When President Obama came to office, yes, the Democrats had been here for 2 years before and there were things that we were unable to fix when we were simply in the majority. The fact is that President Obama and this particular Congress—and I came here as a freshman—inherited the worst recession since the Great Depression, two wars that weren't paid for, a broken health care system, and a 1950s energy policy. That is what we have had to deal with. As my colleagues know, this has not been an easy year. We are here over and over again, attempting to deal with this.

I yield 1 minute to my colleague from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I appreciate my friend from Maine yielding.

I would just say to my colleague from Maine, as well as to my colleague from California, that I think that Ms. PINGREE has a very substantial point. My friend from California complained about the regulatory burden.

One of the reasons that this country is facing the recession that we are facing is as a result of the Wild West approach on Wall Street where there was no regulatory burden, or if there was, it was ignored by the regulators under the Bush administration. As a consequence, the private sector was brought to its knees last fall and is just now getting on its feet as a result of the rejuvenation—the Recovery Act—which was passed by this Congress and by President Obama. It is those kinds of things that have required intervention by the Federal Government to get this country back on its feet. We are not there yet, but we are heading in the right direction.

Ms. FOXX. Madam Speaker, I find it very interesting that my colleague from Maine says we find ourselves here at the end of the Bush administration. We have been in the Obama administration for a year, yet our colleagues across the aisle cannot stop hearkening back to President Bush and blaming him for everything that has happened in this country in the last year when President Bush hasn't been in office and while the Republicans have not been in control. The Democrats are in control. They have been in control of the Congress for 3 years.

They actually inherited from President Bush and from the Republican-controlled Congress a very excellent economy—55 straight months of job growth. In the first month that the Democrats took over the Congress, the economy started going downhill, and we can document that very, very easily. It isn't the Bush administration that deserves the blame for the ills of the economy; it's the Democrat-controlled Congress, which began in January of 2007, which is when the economy started going sour.

I want to go back to the issue at hand, which is: Why do we have closed rules? Why do we have a same-day martial law rule? Why isn't there time for us to debate the important issues that the American people want us to be debating?

Why is it, as my colleague from California has pointed out, that our most important function, that being the defense of this Nation and the appropriations for that part of the country—

which can be done by no other group of people in this country as the States can't do it and the locals can't do it—is left to be done on a day when everybody is trying to get out for Christmas, and we are doing it in a rush?

The Members aren't allowed to read the bill. The 72-hour rule has gone out the window. Nobody is allowed to read the bill because there is not enough time to do it. We have been operating, as my colleague said, under closed rules with bills with no amendments while we are doing things like recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and as an important nexus of commerce and culture for the City of New York.

That is how our colleagues want to spend their time, which is by dealing with issues that are not a part of our critical job here in the House of Representatives, by dealing with things that could have been done on a voice vote; but we have to have no amendments allowed and no debate time because there isn't time to do these things, according to the chairman of the Appropriations Committee, and this is what we are doing.

Madam Speaker, I had an opportunity this week to, once more, visit Arlington National Cemetery. It is always a sobering thing to do. I went particularly to the active duty section this time where men and women who are currently serving our country have lost their lives. It gets one's attention. There were parents and relatives there, grieving, who had recently lost loved ones. I visited the eternal flame of John Kennedy. I don't have to be reminded of his comments in his inaugural speech, ''Ask not what your country can do for you. Ask what you can do for your country.''

□ 1000

We are in a totally different time, as my colleague has said. We are in a time where we have people representing this country who want wealth redistribution. They want to take money from some people and give it to others.

In fact, that seems to be their entire focus, spread the wealth around, take up time on frivolous issues. Don't deal with what's important, don't deal with national security, because we really don't want to talk about that. That's not what's important. But that is what is important to us.

I watched the soldiers who guard the Tomb of the Unknowns, and I was given some insight into the preparation that they have for that job and how difficult it is to get it.

Would that Members of Congress had a tiny little percentage of the dedication that these soldiers have for doing their jobs. They do everything with perfection. Perfection is not just the goal; it is the standard that those people live up to. We are falling far short of the standard that our military people uphold for our country.

We are so fortunate that we have men and women willing to serve and have been willing to serve since the founding of this country. This Congress is falling short of the goals that they set.

I support our military. I support the funding for our military and our troops, the equipment, the medical care and all that we are going to appropriate, but I don't support this martial law way of operating. I don't support the arrogance of this administration and this Congress to bring things up at the last minute and to disregard the needs of those people.

To put on the bills things that are irrelevant, things they don't think they can pass any other way, what a travesty, what a shame. What a shame on this Congress that we are doing this bill at the last minute and that we are putting these things on here.

We should be voting on appropriations for our military and honoring them here just before the holidays.

Madam Speaker, I will ask my colleagues to vote ''no'' on this same-day rule and ''no'' on the next rule so that we could stop and debate this and not be up against a deadline for a group of our Members to go to Copenhagen, adding to the carbon problem while they are going over there to talk about it.

I yield back the balance of my time.

Ms. PINGREE of Maine. Thank you to my colleague from North Carolina for her thoughts. While we don't always agree, I appreciate her reminding us about the soldiers who have fallen, about their families, about her visit to Arlington Cemetery.

I want to concur. I had the privilege of visiting the cemetery myself this week. Not only did I also grieve for those families who were there visiting the gravestones of their loved ones and their family members, and many who were just there to think about the people who they didn't even know who served for us.

I was also tremendously proud to see the thousands of wreaths that decorated those graves that had been brought down from my home State, the State of Maine, in honor of our fallen soldiers. There were 16,000 that were brought to Arlington Cemetery, and there were many people who traveled with them to make sure that we show the proper respect for our military, for our soldiers, and for those who served their country in the past and virtually every day.

I want to just say that we are here today in part to talk about making sure that there is adequate funding for our military. Yes, we all wish that our colleagues in the Senate had acted faster on this bill, that we weren't dealing with continuing resolutions, but this is the particular situation that we are in. It is very important that we finish our work before the end of the year, before the end of the holidays, that we recognize our soldiers, our current military, and many of the other needs in this bill, many of which will be discussed as soon as we finish the debate on this same-day rule.

Madam Speaker, in closing, I just want to say that the rule before us this morning simply allows the consideration of these measures to move forward.

We have heard a lot about the process this morning. I want to simply state for the record in the 109th Congress, before I was a Member of this body, the Republican majority reported out over 20 rules that allowed for same-day consideration.

Madam Speaker, I urge my colleagues to vote for this rule and for the underlying measures before us today. These programs are too important. Our constituents are in too much turmoil to slow this process down any further.

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. 973 OFFERED BY MS. FOXX OF NORTH CAROLINA

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

SEC. 2. 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 (H. 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 I move the previous question on the resolution.

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

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

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 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 111TH CONGRESS

Ms. PINGREE of Maine. Madam Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 223

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, December 16, 2009, through Saturday, January 2, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Friday, December 18, 2009, through Saturday, January 2, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House adjourns on any legislative day of the second session of the One Hundred Eleventh Congress from Tuesday, January 5, 2010, through Saturday, January 9, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Tuesday, January 12, 2010, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day of the second session of the One Hundred Eleventh Congress from Tuesday, January 5, 2010, through Saturday, January 9, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 19, 2010, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The concurrent resolution is not debatable. The question is on the concurrent resolution.

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 of rule XX, this 15-minute vote on adoption of House Concurrent Resolution 223 will be followed by 5-minute votes on ordering the previous question on H. Res. 973; adoption of H. Res. 973, if ordered; and the motion to suspend the rules on H. Con. Res. 160.

The vote was taken by electronic device, and there were—yeas 222, nays 195, not voting 17, as follows:

[Roll No. 978]

YEAS—222

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
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)
Ehlers
Ellison
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
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
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
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—195

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)