

the United States is falling woefully behind.

The House of Representatives is considering the American Clean Energy and Security Act, which would create millions of clean energy jobs, put America on the path to energy independence, and cut global warming pollution. China is investing \$12.6 million every hour towards clean energy. With this kind of deficit, we stand to lose our place in the world as it relates to our energy security, and that is a finished product we simply cannot afford to import.

QUALITY HEALTH CARE COVERAGE

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Madam Speaker, earlier this week I talked about the principles that we need to follow for Americans to have a better health care system. The first of those principles was to make quality health care coverage affordable and accessible for every American, regardless of preexisting conditions.

Today I want to talk for a minute, now less than a minute, about why we need to protect our system from a government-run health care alternative. What that alternative would do would eliminate coverage for more than 100 million Americans who currently receive their coverage through their job. It would limit your choice of doctors and medical treatment options, and it would result in the Federal Government taking control of health care.

Yesterday, the American Medical Association embraced all of those reasons not to have a public option, not to have a government-run option, not to have a government takeover of health care.

APPOINTMENT OF MEMBERS TO HOUSE DEMOCRACY ASSISTANCE COMMISSION

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 5, 111th Congress, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the House Democracy Assistance Commission:

Mr. PRICE, North Carolina, Chairman
Mrs. CAPPS, California
Mr. HOLT, New Jersey
Mr. SCHIFF, California
Ms. SCHWARTZ, Pennsylvania
Mr. PAYNE, New Jersey
Mr. POMEROY, North Dakota
Mr. FARR, California
Mr. ELLISON, Minnesota
Ms. HIRONO, Hawaii
Ms. ROYBAL-ALLARD, California

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following commu-

nication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, June 4, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 4(b) of House Resolution 5, 111th Congress, I am pleased to appoint the following Members to the House Democracy Assistance Commission.

The Honorable David Dreier of California.
The Honorable John Boozman of Arkansas.
The Honorable Jeff Fortenberry of Nebraska.

The Honorable Judy Biggert of Illinois.
The Honorable Bill Shuster of Pennsylvania.

The Honorable Kay Granger of Texas.
The Honorable Charles W. Boustany, Jr. of Louisiana.

The Honorable K. Michael Conaway of Texas.

The Honorable Vern Buchanan of Florida.
All Members have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

MOTION TO INSTRUCT CONFEREES ON H.R. 2346, SUPPLEMENTAL AP- PROPRIATIONS ACT, 2009

Mr. OBEY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

Mr. LEWIS of California. Madam Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Mr. Lewis of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2346 be instructed as follows:

(1) To agree, within the scope of conference, to funding levels that will result in a total funding level in the conference report that does not exceed the total funding level provided in the Senate amendment.

(2) To insist on the House funding levels for each account under title I of the House bill (related to defense matters).

(3) To insist on the House funding levels for each account under chapter 9 of title II of the House bill (related to military construction).

(4) To recede to section 1305 of the Senate amendment (related to detainee photographic records protection).

(5) To not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of House rule XXII) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 48 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, let me begin my remarks by saying that I'm pleased that until last week, we appeared to be following regular order by actually having an open meeting of House and Senate conferees.

As I and the vast majority of Republicans have suggested several times through this process, we want this troop funding bill to be an up-and-down vote and, ideally, a bipartisan vote.

I want to commend my colleagues, Chairman OBEY and Chairman MURTHA, for producing a bill that accurately reflected the real needs and priorities of the troops deployed in Iraq and Afghanistan. While the House-passed bill wasn't perfect, it did garner bipartisan support, including that of 168 Republican Members.

Unfortunately, what I'm hearing and reading about, the final "deal" that was struck between Chairman OBEY and Senator INOUE leads me to believe that the final package will not enjoy the same bipartisan support. As reported, the deal struck by the two Appropriations chairmen would do the following:

First, cut over \$4.6 billion from Defense and MilCon from the House-passed levels.

Further, it would increase foreign operations funding by \$5.2 billion over the House-passed levels, and \$2.6 billion over the Senate-passed bill.

Further, it would include \$5 billion in funding for the IMF to secure a whopping \$108 billion of loans; in essence, the IMF would be funded at levels some \$30 billion above the troop funding level. So we have troop funding, on the one hand, that has been reduced, and we've got a sizable expansion of foreign aid.

Further, the bill includes \$1 billion of new spending for what we have been calling "Cash for Clunkers" on the floor. That amount was not in the bill as it passed the House either.

Now, let me shift gears and briefly explain the motion before us. It's a straightforward motion that insists on the House funding levels of \$84.5 billion for the defense and military construction portions of the supplemental.

Further, it also insists on the lower top line for overall funding levels of \$91.3 billion contained in the Senate-passed bill for the entire supplemental.

Further, it requires the text of the conference agreement be available in an electronic, downloadable and searchable form for 48 hours prior to consideration by the House. This language is identical to the motion unanimously adopted and subsequently ignored by my friends in the majority

when considering our massive stimulus bill.

Finally, this motion insists on the Senate position regarding prohibition on the release of detainee photos sponsored by Senators GRAHAM and LIEBERMAN.

Clearly, the focus of this supplemental funding bill should be on the troops, not IMF, not foreign aid funding, not Cash for Clunkers, or just using the emergency circumstances to buy down fiscal year 2010 spending.

Madam Speaker, I urge the adoption of the motion.

I reserve my time.

Mr. OBEY. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I don't particularly care how people vote on this motion. Motions to instruct conferees are notorious, and they have been for many years, for simply being a device by which we either make political statements around here or express first preferences. I don't really have any objection to either. I think it's a legitimate thing to do in a legislative body.

I intend to vote "no" on the amendment, but I don't have any problem with any Member who decides that there are certain pieces of this motion that they would like to send a message to the conferees on. And so, as far as I'm concerned, people can vote any way they want.

Mr. LEWIS of California. Would the gentleman yield?

Mr. OBEY. Sure.

Mr. LEWIS of California. In view of your delightful mood today, we could probably bypass all this discussion and, as you've said, expedite the schedule. I do want to recognize my friend, Mr. LUNGREN, but if you want to, you know—

Mr. OBEY. I think that would be a very good idea. It would give us more time to do our real work, which is to prepare for the conference this afternoon.

Mr. LEWIS of California. You've got the floor, Mr. Chairman.

Mr. OBEY. I thank the gentleman for his very wise comments.

Let me simply say that I don't have any objection to several provisions in this motion. I do have to say one thing, however. The effect of this motion would be to substantially increase the likely amount of money approved by the conference for the Defense Department, and to substantially reduce the amount of money provided for the State Department.

I have always had difficulty understanding why people are willing to spend hundreds of billions of dollars to wage war but are resistant to spending a tiny amount in comparison in order to prevent war or to extricate ourselves from war. In fact, the conference report that is likely to come back will probably exceed the numbers in this motion for bringing State Department personnel more immediately into Iraq, into Afghanistan and into Pakistan. We are trying to convert that oper-

ation from, essentially, a military operation to a much more balanced operation, which includes much greater effort on the diplomatic side to extricate ourselves from that war. That requires money. It requires facilities. As many military experts have said, you cannot win this if you just deal with it militarily.

So, with that one point, I would simply say, Madam Speaker, that I would reserve the balance of my time until the gentleman is ready to close.

Mr. LEWIS of California. Madam Speaker, I am pleased to recognize the gentleman from California, DAN LUNGREN, for 4 minutes.

Mr. DANIEL E. LUNGREN of California. I thank my ranking member.

Madam Speaker, I rise in support of this motion to instruct for the reasons articulated by the gentleman from California.

□ 1045

But let me talk about another subject that is covered in this bill and one that is of extreme importance. It goes to the question of how we handle those who are at Guantanamo at the present time.

This issue has erupted around this country because people are beginning to understand the ramifications of closing Guantanamo and bringing people here to the United States whose only connection to the United States is that they were caught on the battlefield with the intention of killing Americans. Now, why is it important whether or not we keep Guantanamo open or whether we bring these people to the United States?

We got a little bit of an insight into why it's important by the report by a colleague of ours, Mr. ROGERS from Michigan, who, when he was in Afghanistan recently and visited our base there, went to the prison there where we are holding people who we actually captured on the battlefield. He observed the fact that now we have FBI agents Mirandizing, that is, giving Miranda rights statements to those we have found on the battlefield.

In other words, Madam Speaker, what we have done is we have transposed the universe in which these people are being detained from one of a combat atmosphere to one of a criminal proceeding in the United States.

Now, why is that important? It's important because this is happening for the first time in the history of the United States. We did not do this, obviously, during the Revolutionary War. We did not do it during any war we fought, not the Civil War, not World War I, not World War II. If we had followed this same thinking in World War II, our courts would have been overwhelmed. People forget we have had 2 million POWs that we held during World War II, over 400,000 of them in the United States. Never was it thought that they had all of the rights under the Constitution.

But this question has basically been treated by Federal courts in the past

with this perspective: the connection you have to the United States is what determines your coverage under the Constitution. That's why someone coming over the border illegally doesn't have the right to all of the constitutional protections because the only connection to the United States is trying to get in illegally.

Here we have people sitting at Guantanamo whose only connection to the United States is that we have reason to believe that they wanted to kill Americans anywhere in the world. So now what we're saying is if we take them from Guantanamo and put them in the United States, they have a connection to the United States. They were brought here involuntarily. And the legal arguments that for years have presented a barrier from their obtaining all constitutional rights, that barrier is pulled down.

So while this bill has language in it, this conference report, as it's being worked on, has language in it with respect to Guantanamo, I don't think we have focused in on what this means. Yes, there's a concern about the threat they may pose to Americans, and that arises out of the fact that some say, well, they could escape from the prisons and then we're told, oh, we've got these prisons they can't escape from.

But it is more than that. It is that they may be released at the direction of Federal judges, and the only reason they would be released is that they somehow now have access to all of our constitutional rights.

So the American people need to understand that we may have a President who says, no, we don't want to release them. We have an Attorney General who testified, no, we're going to make sure they're not released based on everything we do.

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

Mr. LEWIS of California. Madam Speaker, I yield the gentleman another 2 minutes.

Mr. DANIEL E. LUNGREN of California. The Attorney General can testify before our committee, as he did 2 weeks ago, that they're going to take all steps to make sure people aren't released in the United States who are suspected terrorists. They cannot promise that. Once they bring them to the United States and the judgment of the Federal courts is they are now under the protection of all constitutional rights, we are no longer talking about them as illegal enemy combatants, who never before have gotten the protection of the Geneva Convention. The Geneva Convention, in part, says you will have these protections so long as you act under the laws that have been recognized for warfare. One of them is wear a uniform. One of them is don't attack innocent civilians as a particular strategy and tactic.

So what we're doing is we're turning it all upside down and we're saying somehow we are protecting our values by doing something we have never done

before. We are jeopardizing the national security interests of the United States. We are putting Americans, innocent Americans, at risk by doing this.

Mr. LEWIS of California. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I will be happy to yield.

Mr. LEWIS of California. I very much appreciate the point that the gentleman is making. It's an important one. The issue, per se, has almost been denied by the other side when we had these discussions in committee and otherwise.

It should be known by your public and my public that four of these people were released to Bermuda just this morning, we've learned. Now, that's a British entity. But, indeed, what's next? Our territories? And indeed further, we know that Ghailani was sent to New York for trial. So these people, very dangerous people, could be in serial released in the United States.

Madam Speaker, I would be glad to yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. I appreciate that.

And here's what people have to understand. There is a difference between holding someone to try them for war crimes or any other crime, and then you do have them within a criminal justice system. In the past it's been a military tribunal. Remember what happened when Abraham Lincoln was assassinated. We established a military tribunal here in the District of Columbia that actually tried those individuals, and they were executed. That was a military tribunal. For what? Murdering a President of the United States in time of war. Now what we are saying is those rights were not sufficient. If that were to happen today, suddenly we would say we have to do it now within the context of the full panoply of constitutional rights, and we are directing that by voluntarily saying we're going to close down Guantanamo.

If anybody has looked at the prisons and jail systems across the United States and compared it with Guantanamo, it is of the highest standard of any of our incarceration units there is. Guantanamo happens to be a place that is not sovereign American territory. That's the important distinction.

I thank the gentleman for his time.

Mr. LEWIS of California. Madam Speaker, it's my intention to yield to Mr. FRELINGHUYSEN, but I would like to make this point to the Speaker as well as to the Members: the words just spoken were the words of the former Attorney General of California, DAN LUNGREN. I would suggest that all of us read them with care in the CONGRESSIONAL RECORD.

Madam Speaker, I am proud to yield 4 minutes to my colleague RODNEY FRELINGHUYSEN of New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of the motion to instruct con-

feres providing for supplemental appropriations for ongoing operations in Afghanistan and Iraq.

I support the portion of these instructions that would require the Secretary of Defense to certify if the release of photographs of detainees would endanger citizens of the U.S. or members of the armed services. We send our soldiers, sailors, marines, and airmen abroad to protect our security. We owe it to them to make sure that we do not do anything that puts them in needless jeopardy.

And I also strongly support the notion that we need to endorse the higher House funding levels for defense and military construction. Absolutely needed. If we are going to believe the administration and congressional leadership, this will be the last supplemental bill to fund the needs of our soldiers in Iraq and, may I add, their mission, those soldiers' mission, expanded mission, in Afghanistan. Personally, I find that hard to believe.

This supplemental should not be considered in a vacuum. What should not be lost in all of this is that our President is proposing a defense budget that barely keeps up with inflation and specifically contains a significant cut in our ballistic missile program, at a time when North Korea and Iran are testing their capabilities and, quite honestly, testing our resolve.

And, lastly, Madam Speaker, I have concerns about the expanded spending authority of the International Monetary Fund, who would be eligible to tap that fund in terms of drawing rights. And what's more bizarre is that under the recent agreements that we've been reading about, the United States of America now is eligible, shall we say, like other Third World countries, to have its own drawing rights, which is totally bizarre and inappropriate.

Madam Speaker, our first responsibility as Members is to protect our constituents, including those in the military. This motion to instruct helps achieve that mission and other important missions.

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

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 3 minutes to my colleague from the committee, JACK KINGSTON.

Mr. KINGSTON. I thank the gentleman for yielding.

Madam Speaker, I stand in support of this amendment and certainly appreciate the gentleman for introducing it. But I wanted to talk specifically about the Guantanamo Bay prison and why that's important because I strongly believe that if we did not have it, we would need to invent it. It is that important to American security. Mr. LUNGREN has talked about it a little bit.

We have had about 500 prisoners there who have been processed and released and sent back to their countries either to be detained in their countries or to be watched by host countries. Twelve percent of those have actually

gone back into combat, which is disturbing. But we have had 500 prisoners move in and out. We have got about 240 left, and they're the worst of the worst. These are folks who were basically caught in an act of war trying to kill American citizens.

Our foreign allies, particularly those in Europe, who have given so much criticism about closing Guantanamo Bay, none of them have opened up their doors and said, hey, we'll take these Sunday school teachers and Boy Scouts, because they know that they're not Sunday school teachers and Boy Scouts. So I think that not closing down Guantanamo Bay is the right thing to do. But I also wanted to talk about the points Mr. LUNGREN made about the Miranda rights of prisoners.

Prior to 9/11, America generally treated acts of terrorism as breaking the law. Case in point: the 1993 bombing of the World Trade Center and the USS Cole. These were not seen as acts of war. Therefore, the perpetrators of those crimes got lawyers. They had Miranda rights. They had all the courtesies of the U.S. Government, the U.S. justice system. That is not what we need to be doing right now. After 9/11 we realized that these acts of terrorism weren't just tactical but strategic acts of war, and therefore we have moved over to let's treat soldiers as they are, war criminals.

Mr. LUNGREN had mentioned that the assassins of Abraham Lincoln were tried by a military tribunal. It's the same situation when President Roosevelt was President: we found six Nazi spies on Long Island, and I believe five of them were actually executed, the sixth one cooperated, but it was all through a military tribunal. So what is it that President Obama sees that President Lincoln and President Roosevelt and really all our entire U.S. judicial history, all the judges have signed off on it? Why is it that suddenly we want to go over to Afghanistan and Iraq and give Miranda rights to prisoners of war?

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

Mr. LEWIS of California. Madam Speaker, I am glad to yield the gentleman 1 additional minute.

Mr. KINGSTON. I thank the chairman.

Therefore, the first thing they're going to be trying to say is, I am not going to say anything until you give me a lawyer. And then they're going to come home to America and they're going to be all lawyered up. It's going to cost taxpayers money. It's going to hurt our investigations and interrogations. We're not going to be able to get the intelligence that we need, the background information that will prevent future terrorist attacks.

There was a lot of criticism by this administration about the Bush-Cheney administration, but I will say one thing about it: during 9/11, and I think those of us on the floor, most of us, were here then, we felt assured that we

would have another attack on American soil. That did not happen. And I remember those dark days. We all felt like there would be another domestic attack. That was prevented, in part, because of what we were able to find out from prisoners who were being held and detainees at Guantanamo Bay.

So I wanted to make those points, Madam Speaker, and I thank the gentleman for yielding the floor.

Mr. LEWIS of California. Madam Speaker, I am proud to yield 3 minutes to my colleague from Missouri, ROY BLUNT.

□ 1100

Mr. BLUNT. I thank the gentleman for yielding.

Madam Speaker, I certainly want to talk about the comments that have already been made on Guantanamo. It's a facility that should be kept open. Clearly, a campaign promise is easier to make than is the reality of the world we live in. Nobody wants these people. Nobody in my State, nobody in any neighboring State. Other countries don't want these people. They are dangerous. They are enemies of the United States. They are not people who have a right, with the actions they've taken, to have the protections that have already been so well-discussed by Mr. KINGSTON, by Mr. LUNGREN and by others. Frankly, the fact that there is not money in this supplemental, at least as I understand at this point, to close that facility is a good thing. I'm glad the chairman and the others worked to see that that was not in there. This is a debate that suddenly is a lot harder, from the administration's point of view, than it was during the campaign.

Troops in the field need our support. The House acted quickly. It was a large bipartisan vote to support the troops in the field. Where is that bill now? That bill is in a committee somewhere. They're trying to figure out what else can be added to a bill designed to support our troops. People talking on those topics understand that Members of Congress have a history of supporting our troops in the field—our troops in Iraq, our troops in Afghanistan.

So, suddenly, well, maybe, we could also put more money in the International Monetary Fund, a fund in which we would put that money by increasing our debt. We all know that one of the sources of that debt right now is foreign borrowing, borrowing from foreign countries. Some of those countries we borrow from, like China, actually would then qualify to get the money back under the IMF. To borrow money from China to give it to China is not what we ought to be doing. If we were even going to talk about that, it shouldn't be in a military supplemental. It should be in a bill focused on that specific promise that the President apparently has recently made, and it deserves a debate of its own.

I hope it does not come back to the floor as part of this bill. I hope we get the job done of supporting our troops.

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Thank you. I appreciate that.

Madam Speaker, I want to speak briefly about the narrow aspect of the motion to instruct that would require us to recede to the Senate language in the Senate amendment that would restrict access to the photographs of detainees that have been swept up in the field of battle since 2001. These photographs are of a sensational nature. They will be used to spur actions by radical jihadists that will be dangerous to our troops.

If you will remember back recently, there was a cartoon that was very disrespectful to Mohammed. The reaction to that cartoon was irrational given the nature of what went on. How much worse would the reaction be to these actual photographs of the detainees and of their being treated however they were treated? Our own commanders on the ground, General Petraeus and General Odierno, have both said, in their professional judgment, that the release of these photographs will help recruit additional terrorists—additional jihadists—to the team and that the release of these photographs will be used to spur actions against our military and against our troops in the field, who might not otherwise be there. So I don't think it's too much of a stretch to say that the release of these photographs, in all likelihood, will result in additional deaths and injuries to American troops that don't have to occur.

The Senate language would restrict access to these photographs, which is the right issue, and the White House has agreed that these photographs should not be released. I encourage my colleagues on both sides of the aisle to support our motion to instruct because it does make sense not to release these photographs.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I would like to touch on the issue of Gitmo as well. I've been there a couple of times. Those people are well-treated, particularly when you consider that they are enemy combatants, that they are part of a group that has declared war on this country. Throughout the history of mankind, when a group declares war on another group and the group on which they've declared war is humane enough to take prisoners, then they are held until the group of which they're a part says that we're no longer at war.

Here, there are people in this country and in the administration who do not understand that these people still want to kill us. Look at the pleading of Khalid Sheikh Mohammed. In his words: We are terrorists to the bone.

You release those people. You bring them into the United States. We've already heard that the Supreme Court

majority is wanting to give them rights to which they're not or should not be entitled. That is why Justice Scalia said in his dissent, This opinion will cost American lives. That was a bold statement by Scalia, but he is right. We should not allow this to hurt American soldiers and American people and put innocent lives at risk even though it may get some applause overseas from people who would not mind seeing America disappear.

I want to touch very quickly on the photographs. We believe in America that guilty people should be punished and that people who torture prisoners inhumanely have been punished and are being punished; but if those photographs are released, there will be blood on this administration's hands for punishing innocent soldiers who had nothing to do with it, and we should not have or allow this administration to hurt innocent soldiers.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to a member of the Appropriations Committee, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Speaker, I appreciate the opportunity to speak on the supplemental. It's actually something that I voted on not so long ago, but things have changed. Things have changed radically. In fact, it seems that the Obama administration has included in this supplemental a request for \$108 billion, taking money away from defense and putting it into the International Monetary Fund. Now, they call that the IMF. A lot of people don't know what the IMF is, but here we are taking money away from our defense spending, away from our soldiers and away from our taxpayers, and we're going to put it into this International Monetary Fund.

Exactly what does that do?

Well, that allows some of our good friends, like Iran and Venezuela, to access this money to build their country and their programs and to use it according to the dictates of the way they run their countries. These are not only our competitors, but they are the countries that do the most they can to cause us trouble. So why in the world do we want to levy more taxes on our taxpayers, take the money that was for defense and give it away to our enemies? It doesn't make any sense.

This should not be included in the defense supplemental. This should be about taking care of our men and women in uniform. It should be about taking care of their equipment, their needs, their education, and the training that they need, not about giving money away to the international community to be used in who knows what way by who knows what country.

So as strong as I am on defense—and I've always been a strong defender. I've been on the Armed Services Committee for 9 years. I have three sons who've graduated from the Naval Academy. This will not stand. I will not vote for a supplemental that is giving money to some foreign country, money that should go to our soldiers.

GENERAL LEAVE

Mr. LEWIS of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the motion to instruct.

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

There was no objection.

Mr. LEWIS of California. Madam Speaker, if I could inquire of my colleague: Do you have any additional speakers?

Mr. OBEY. Just one briefly, myself.

Mr. LEWIS of California. Madam Speaker, I reserve the balance of my time.

Mr. OBEY. I yield myself such time as I may consume.

Madam Speaker, I had not wanted to take a lot of time here today, but I am moved to take a couple of minutes to respond to a couple of things that I've heard on the floor today.

We have heard several lectures about the President's fiscal policy and about his economic policy and about his international economic policy. I find it kind of difficult to take economic lectures from the same folks who have driven this country's economy into the ditch.

The President has inherited a very dicey situation both internationally and domestically. It is always hard in life to clean up other people's messes. It is especially hard to do that when you have the responsibilities as heavy as those that weigh on the shoulders of the President of the United States.

I don't understand why he should be expected to take lectures from the people who helped put the economy into the ditch or, for that matter, to take lectures from the same people who brought us the most unnecessary war in America's history, the people who took \$6 trillion in projected budget surpluses and turned them into the largest deficits in the history of the Republic, the people who are now sniping at virtually everything that the President does to try to deal with both his international challenges and his domestic challenges.

I don't think anybody wants to see any of those prisoners at Guantanamo "released" into the United States. I do think we have a legitimate question about where they should be tried and about where they should be imprisoned after they are found guilty. Because we wanted to have more specific answers from the administration on that score, this committee has already removed all of the money that could be used to close Guantanamo until we do get a specific plan from the administration.

Having said that, I would suggest that the average American family is much more in danger of being hit by the flu pandemic than they are of actually being hit by any person who would be imprisoned in a maximum security prison here in the United States. I,

frankly, would be kind of interested to see some of those terrorists exposed to the wonderful "charms" of some of our prison inmates in our own prisons. I don't think they would like the experience very much; but nonetheless, that is not what is at issue here.

What is at issue is simply whether or not we will go about our business of going to conference and of producing a supplemental appropriation bill that will meet the basic needs of our troops and that will meet our basic diplomatic necessities as well. That's why I think there is a problem with this motion.

This motion, by the time it sets aside money for military construction and defense, would not leave us with enough money on the table to respond sufficiently to the pandemic flu problem. It would not leave us with enough money on the table to deal with the necessity to provide assistance to Mexico in order to deal with the drug problem there, which is certainly a national security threat to us, and it certainly would not leave us with sufficient funds to strengthen and buttress our political and diplomatic activities in Afghanistan and in Pakistan. It would not leave us with enough money, for instance, to fully fund the funding for the new Embassy in Pakistan, which is desperately needed given the fact that we just had a bombing in Peshawar of the Pearl Hotel where most of the American diplomats stayed. We need to protect diplomats just as much as we need to protect soldiers. That's what the conference will try to do if we can ever get to it.

So I would simply say, Madam Speaker, as I said earlier, I intend to vote against this motion, but I am not going to be particularly bothered if other people want to vote for it because they supported one piece or another of this proposal. I, myself, would probably support two of the provisions in here but not all of them. So Members are certainly free to vote however they prefer. This is a place where we like to state our first preferences as often as possible, but sooner or later, we have to compromise. That means most of us, including the ranking member and the Chair, will not be able to get all of the first preferences that we would prefer.

So, if the gentleman is prepared to close, I will yield back my time.

□ 1115

Mr. LEWIS of California. Madam Speaker, I, for one, am looking forward to a number of celebrations. One of those celebrations that I hope to very much participate in in the near future will involve the gentledady who happens to be the Speaker at this moment.

But having talked about celebrations, I think it would be most interesting when we reach the point where the leadership on the other side of the aisle, including my own committee, would stop presuming that every problem in the world can easily be set aside because you can blame the past Presi-

dent about this. As I remember, I think we had a vote in the House in which there was broadly based bipartisan support, for example, for the incursion of Iraq in support of the then-President.

I must say we have had a lot of conversation about items that are not directly in this bill today having to do with Guantanamo. If I'm not mistaken, that issue would not be before us if the current President had not decided that he was going, and publicly committed, to his closing of Guantanamo. That's creating this horrendous problem.

Setting all that aside as I close, Madam Speaker, the bill before us or the item before us is an item that involves the conference that's about to take place between the Senate and the House having to do with the supplemental funding that was designed originally to give support for our efforts in Afghanistan and Iraq and, indeed, a very bipartisan support here in the House.

My consternation is that it appears as though we've set aside that bipartisan support for the convenience of the leadership and, indeed, will have a conference with the Senate that involves two things: a significant reduction of about \$5 billion in the money available to support our troops; and, above and beyond that, for all intents and purposes, about that sum of money is transferred for foreign aid, for funding for IMF, for providing access to all kinds of countries who are not friendly to the United States by way of funding that would be supported by our taxpayers.

Mr. VAN HOLLEN. Madam Speaker, I rise today in support of the President's decision not to make these photographs public for the reasons he has already expressed. Namely, the publication of these photos would not provide us with any additional benefit and may inflame anti-American sentiment and endanger our troops. However, the proper mechanism for this is through the courts or by issuing a Presidential Executive order, not through Congress.

The Freedom of Information Act (FOIA) has been an essential tool for promoting a more open, transparent, and accountable government. The Congress should not be addressing each separate FOIA request on an ad hoc basis. Amending FOIA through the legislative process sets an unwise precedent. I would urge my colleagues to allow the courts to rule on this very important matter.

Mr. LEWIS of California. With that, Madam Speaker, I yield back the balance of my time.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. LEWIS).

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

Mr. LEWIS of California. Madam Speaker, I object to the vote on the ground that a quorum is not present

and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 18 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1155

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 11 o'clock and 55 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: motion to instruct on H.R. 2346, and motion to suspend on H.R. 1687.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

MOTION TO INSTRUCT CONFEREES ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct on H.R. 2346, offered by the gentleman from California (Mr. LEWIS) which the Chair will put de novo.

The Clerk will designate the motion. The Clerk designated the motion.

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

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

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The vote was taken by electronic device, and there were—yeas 267, nays 152, not voting 14, as follows:

[Roll No. 329]

YEAS—267

| | | |
|--------------|-------------|-----------|
| Abercrombie | Barrow | Blackburn |
| Aderholt | Bartlett | Blunt |
| Adler (NJ) | Barton (TX) | Bocchieri |
| Akin | Bean | Boehner |
| Alexander | Berry | Bonner |
| Altmire | Biggart | Bono Mack |
| Arcuri | Bilbray | Boozman |
| Austria | Bilirakis | Boren |
| Bachmann | Bishop (GA) | Boucher |
| Bachus | Bishop (NY) | Boustany |
| Barrett (SC) | Bishop (UT) | Boyd |

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|-----------------|------------------|---------------|
| Brady (TX) | Herseth Sandlin | Olson |
| Bright | Hinojosa | Ortiz |
| Broun (GA) | Hodes | Paulsen |
| Brown (SC) | Hoekstra | Pence |
| Brown, Corrine | Holden | Perlmutter |
| Brown-Waite, | Hunter | Perriello |
| Ginny | Inglis | Peters |
| Buchanan | Issa | Peterson |
| Burgess | Jenkins | Petri |
| Burton (IN) | Johnson (GA) | Pitts |
| Buyer | Johnson, Sam | Platts |
| Calvert | Jordan (OH) | Poe (TX) |
| Camp | Kaptur | Posey |
| Campbell | King (IA) | Price (GA) |
| Cantor | King (NY) | Putnam |
| Cao | Kingston | Rahall |
| Capito | Kirk | Rehberg |
| Cardoza | Kirkpatrick (AZ) | Reichert |
| Castle | Kissell | Reyes |
| Carter | Klein (FL) | Rodriguez |
| Cassidy | Kline (MN) | Roe (TN) |
| Castle | Kosmas | Rogers (AL) |
| Chaffetz | Kratovil | Rogers (KY) |
| Chandler | Lamborn | Rogers (MI) |
| Childers | Lance | Rohrabacher |
| Coble | Latham | Rooney |
| Coffman (CO) | LaTourette | Ros-Lehtinen |
| Cole | Latta | Roskam |
| Conaway | Lee (NY) | Ross |
| Cooper | Lewis (CA) | Royce |
| Costa | Linder | Ryan (OH) |
| Costello | Lipinski | Ryan (WI) |
| Courtney | LoBiondo | Salazar |
| Crenshaw | Lucas | Scalise |
| Cuellar | Luetkemeyer | Schauer |
| Childers | Lummis | Schmidt |
| Dahlkemper | Lungren, Daniel | Schock |
| Davis (AL) | E. | Scott (GA) |
| Davis (KY) | Mack | Sensenbrenner |
| Davis (TN) | Maffei | Sessions |
| Deal (GA) | Manzullo | Shadegg |
| Dent | Marchant | Shea-Porter |
| Diaz-Balart, L. | Markey (CO) | Shimkus |
| Diaz-Balart, M. | Marshall | Shuler |
| Donnelly (IN) | Massa | Shuster |
| Dreier | Matheson | Simpson |
| Driehaus | McCarthy (CA) | Skelton |
| Edwards (TX) | McCarthy (NY) | Smith (NE) |
| Ehlers | McCaul | Smith (NJ) |
| Ellsworth | McClintock | Smith (TX) |
| Emerson | McCotter | Smith (WA) |
| Fallin | McHenry | Souder |
| Flake | McHugh | Space |
| Fleming | McIntyre | Spratt |
| Forbes | McKeon | Stearns |
| Fortenberry | McMahon | Tanner |
| Foxx | McMorris | Taylor |
| Franks (AZ) | Rodgers | Teague |
| Frelinghuysen | McNerney | Terry |
| Galleghy | Meek (FL) | Thompson (MS) |
| Garrett (NJ) | Melancon | Thompson (PA) |
| Gerlach | Mica | Thornberry |
| Giffords | Miller (FL) | Tiaht |
| Gingrey (GA) | Miller (MI) | Tiberi |
| Gohmert | Miller (NC) | Titus |
| Goodlatte | Miller, Gary | Turner |
| Gordon (TN) | Minnick | Upton |
| Granger | Mitchell | Walden |
| Graves | Moore (KS) | Walz |
| Griffith | Moran (KS) | Wamp |
| Guthrie | Murphy (CT) | Westmoreland |
| Hall (NY) | Murphy (NY) | Wexler |
| Hall (TX) | Murphy, Patrick | Whitfield |
| Halvorson | Murphy, Tim | Wilson (OH) |
| Harper | Murtha | Wilson (SC) |
| Hastings (WA) | Myrick | Wittman |
| Heller | Neugebauer | Wolf |
| Hensarling | Nunes | Young (AK) |
| Herger | Nye | Young (FL) |

NAYS—152

| | | |
|------------|---------------|---------------|
| Ackerman | Cleaver | Engel |
| Andrews | Clyburn | Eshoo |
| Baird | Cohen | Etheridge |
| Baldwin | Connolly (VA) | Farr |
| Becerra | Conyers | Fattah |
| Berkley | Crowley | Filner |
| Berman | Cummings | Foster |
| Blumenauer | Davis (CA) | Frank (MA) |
| Blunt | Brady (PA) | Fudge |
| Bocchieri | Braleley (IA) | Gonzalez |
| Boehner | Butterfield | Grayson |
| Bonner | Capps | Green, Al |
| Bono Mack | Capuano | Green, Gene |
| Boozman | Carman | Grijalva |
| Boren | Carson (IN) | Gutierrez |
| Boucher | Castor (FL) | Hare |
| Boustany | Clarke | Harman |
| Boyd | Clay | Hastings (FL) |
| | Edwards (MD) | |

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|-----------------|------------------|---------------|
| Heinrich | McCollum | Schrader |
| Higgins | McDermott | Schwartz |
| Hinchee | McGovern | Scott (VA) |
| Hirono | Meeks (NY) | Serrano |
| Holt | Michaud | Stetak |
| Honda | Miller, George | Sherman |
| Hoyer | Mollohan | Sires |
| Inslee | Moore (WI) | Slaughter |
| Israel | Moran (VA) | Snyder |
| Jackson (IL) | Nadler (NY) | Speier |
| Jackson-Lee | Napolitano | Stupak |
| (TX) | Neal (MA) | Sutton |
| Johnson (IL) | Oberstar | Tauscher |
| Johnson, E. B. | Obey | Thompson (CA) |
| Jones | Olver | Tierney |
| Kanjorski | Pallone | Tonko |
| Kildee | Pascrell | Towns |
| Kilpatrick (MI) | Pastor (AZ) | Tsongas |
| Kilroy | Paul | Van Hollen |
| Kind | Payne | Velazquez |
| Kucinich | Pingree (ME) | Vislousky |
| Langevin | Polis (CO) | Wasserman |
| Larsen (WA) | Pomeroy | Schultz |
| Larson (CT) | Price (NC) | Waters |
| Lee (CA) | Quigley | Watson |
| Levin | Rangel | Watt |
| Loebsack | Rothman (NJ) | Waxman |
| Lofgren, Zoe | Roybal-Allard | Weiner |
| Lowey | Ruppersberger | Welch |
| Lujan | Rush | Woolsey |
| Lynch | Sanchez, Loretta | Wu |
| Maloney | Sarbanes | Yarmuth |
| Markey (MA) | Schakowsky | |
| Matsui | Schiff | |

NOT VOTING—14

| | | |
|----------|------------|----------------|
| Baca | Himes | Richardson |
| Boswell | Kagen | Sanchez, Linda |
| Delahunt | Kennedy | T. |
| Ellison | Lewis (GA) | Stark |
| Hill | Radanovich | Sullivan |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1223

Messrs. KILDEE, CUMMINGS, PAYNE, SCOTT of Virginia, RUPPERSBERGER, BLUMENAUER, BECERRA, AL GREEN of Texas, ROTHMAN, CLEAVER, CROWLEY, TOWNS, GUTIERREZ, FATTAH, PALLONE, NADLER of New York, LARSON of Connecticut, JONES, ENGEL, ACKERMAN, Ms. MCCOLLUM, Mrs. MALONEY, Ms. VELAZQUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WASSERMAN SCHULTZ, Ms. FUDGE, and Ms. ESHOO changed their vote from "yea" to "nay."

Messrs. WITTMAN, ALTMIRE, WALZ, SALAZAR, BROUN of Georgia, RAHALL, Mrs. HALVORSON, and Ms. CORRINE BROWN of Florida changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in