

going to be subject to Ethics Committee investigations.

I would say in this case that my principal concern would be that the sections of the farm bill that have gone to the President, since they were not part of an entire bill, could be subject to all kinds of future litigation. I do know in the litigation that the minority initiated in February, 2006, 2 years and millions of taxpayer dollars later, we finally ended that litigation at the court of appeals level with the court of appeals deciding that if the Speaker and the President pro tempore certified that this is what both bodies passed, it was what both bodies passed.

Here, we're moving forward with both bodies admitting that what this President has seen is not what both bodies passed. This idea that just because a portion of the bill has passed in a bigger bill means that the House was for that portion of the bill, that the Senate was for that portion of the bill, I don't think would stand any reasonable test of a way for us to move forward, and I think this bill does become subject to all kind of challenges from outside this building as well as perhaps from inside.

Mr. BOEHNER. I would just add, what has happened here raises serious constitutional questions, very serious. I don't know how we can proceed with the override as it occurred, nor do I think we should proceed with some attempt to fix it until such time as we all understand what happened, what are the precedents of the House, and how do we move forward.

As a result, I really believe that there ought to be a motion, I may make the motion, to vacate the vote that has occurred until we all understand better about what it is that we are dealing with.

Mr. HOYER. Will the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. My suggestion will be that we have another vote. We are going to have some other business coming. We discussed this briefly in the hallway. My suggestion is before we make any motions, that we take the time, your leadership and our leadership, let's sit down and discuss this and then we can come back and do whatever each decides to do.

Mr. DREIER. Would the gentleman yield?

Mr. BOEHNER. I would be happy to yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I would just like to raise one other point that should be part of those discussions. If I could remind our colleagues, one of the items that was debated vigorously during consideration of the farm bill happened to be the issue of the baseline numbers that were used. We are poised at this moment to bring up a budget resolution which will raise a question as to exactly what baseline level is used and what pay-fors

might be out there. So I think that we have some very serious questions that are raised.

My friend from Arizona (Mr. SHAD-EGG) just reminded us again that for us to conclude, as the distinguished Republican whip has said, that this bill somehow would have passed identically in the exact same form is a real stretch. For that reason, I think that we have lots of questions that need to be addressed before we do proceed.

I thank my friend for yielding.

□ 1845

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Ohio yield for that purpose?

Mr. BOEHNER. I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY AUTHORIZATION AND LEASE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5856, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5856.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 349]

YEAS—416

Abercrombie	Blumenauer	Capito	Culberson	Jefferson	Oberstar
Ackerman	Blunt	Capps	Cummings	Johnson (GA)	Obey
Aderholt	Boehner	Capuano	Davis (AL)	Johnson (IL)	Oliver
Akin	Bonner	Cardoza	Davis (CA)	Johnson, E. B.	Ortiz
Alexander	Bono Mack	Carnahan	Davis (IL)	Johnson, Sam	Pallone
Allen	Boozman	Carney	Davis (KY)	Jones (NC)	Pascarell
Altmire	Boren	Carson	Davis, David	Jones (OH)	Pastor
Andrews	Boswell	Castle	Davis, Lincoln	Jordan	Paul
Arcuri	Boucher	Cazayoux	Davis, Tom	Kagen	Payne
Baca	Boustany	Chabot	Deal (GA)	Kanjorski	Pearce
Bachmann	Boyd (FL)	Chandler	DeFazio	Kaptur	Pence
Bachus	Boyd (KS)	Childers	DeGette	Keller	Perlmutter
Baird	Brady (PA)	Clarke	DeLahunt	Kildee	Peterson (MN)
Baldwin	Brady (TX)	Clay	DeLauro	Kilpatrick	Peterson (PA)
Barrett (SC)	Braley (IA)	Cleaver	Dent	Kind	Petri
Barrow	Brown (GA)	Clyburn	Diaz-Balart, L.	King (IA)	Pickering
Bartlett (MD)	Brown (SC)	Coble	Diaz-Balart, M.	King (NY)	Pitts
Barton (TX)	Brown-Waite,	Cohen	Dicks	Kingston	Platts
Bean	Ginny	Cole (OK)	Dingell	Kirk	Poe
Becerra	Buchanan	Conaway	Doggett	Klein (FL)	Pomeroy
Berkley	Burgess	Conyers	Donnelly	Kline (MN)	Porter
Berman	Burton (IN)	Cooper	Doolittle	Knollenberg	Price (GA)
Berry	Butterfield	Costa	Doyle	Kucinich	Price (NC)
Biggart	Buyer	Costello	Drake	Kuhl (NY)	Pryce (OH)
Bilbray	Calvert	Courtney	Dreier	LaHood	Putnam
Bilirakis	Camp (MI)	Cramer	Duncan	Lamborn	Radanovich
Bishop (GA)	Campbell (CA)	Crowley	Edwards	Lampson	Rahall
Bishop (NY)	Cannon	Cubin	Ehlers	Langevin	Ramstad
Blackburn	Cantor	Cuellar	Ellison	Larsen (WA)	Regula
			Ellsworth	Larson (CT)	Rehberg
			Emanuel	Latham	Reichert
			Emerson	Latta	Renzi
			Engel	Lee	Reyes
			English (PA)	Levin	Reynolds
			Eshoo	Lewis (CA)	Richardson
			Etheridge	Lewis (GA)	Rodriguez
			Everett	Lewis (KY)	Rogers (AL)
			Fallin	Linder	Rogers (AL)
			Farr	Lipinski	Rogers (MI)
			Fattah	LoBiondo	Rohrabacher
			Ferguson	Loeback	Ros-Lehtinen
			Filner	Lofgren, Zoe	Roskam
			Flake	Lowey	Ross
			Forbes	Lucas	Rothman
			Fortenberry	Lungren, Daniel	Roybal-Allard
			Foster	E.	Royce
			Fox	Lynch	Ruppersberger
			Frank (MA)	Mack	Ryan (OH)
			Franks (AZ)	Mahoney (FL)	Ryan (WI)
			Frelinghuysen	Maloney (NY)	Salazar
			Gallegly	Manzullo	Sali
			Garrett (NJ)	Marchant	Sánchez, Linda
			Gerlach	Markey	T.
			Giffords	Marshall	Sanchez, Loretta
			Gilchrest	Matheson	Sarbames
			Gingrey	Matsui	Saxton
			Gohmert	McCarthy (CA)	Scalise
			Gonzalez	McCarthy (NY)	Schakowsky
			Goode	McCaul (TX)	Schiff
			Goodlatte	McCollum (MN)	Schmidt
			Gordon	McCotter	Schwartz
			Granger	McCrery	Scott (GA)
			Graves	McDermott	Scott (VA)
			Green, Al	McGovern	Sensenbrenner
			Grijalva	McHenry	Serrano
			Gutierrez	McHugh	Sessions
			Hall (NY)	McIntyre	Sestak
			Hall (TX)	McKeon	Shadegg
			Hare	McMorris	Shays
			Harman	Rodgers	Shea-Porter
			Hastings (FL)	McNerney	Sherman
			Hastings (WA)	McNulty	Shimkus
			Hayes	Meek (FL)	Shuler
			Heller	Meeks (NY)	Shuster
			Hensarling	Melancon	Simpson
			Hergert	Mica	Sires
			Herseth Sandlin	Michaud	Skelton
			Higgins	Miller (FL)	Slaughter
			Hill	Miller (MI)	Smith (NE)
			Hinchee	Miller (NC)	Smith (NJ)
			Hinojosa	Miller, Gary	Smith (TX)
			Hirono	Miller, George	Smith (WA)
			Hobson	Mitchell	Snyder
			Hodes	Mollohan	Solis
			Hoekstra	Moore (KS)	Souder
			Holden	Moore (WI)	Space
			Holt	Moran (KS)	Speier
			Honda	Moran (VA)	Spratt
			Hooley	Murphy (CT)	Stark
			Hoyer	Murphy, Patrick	Stearns
			Hulshof	Murphy, Tim	Stupak
			Hunter	Murtha	Sullivan
			Inglis (SC)	Musgrave	Sutton
			Inslee	Myrick	Tancredo
			Israel	Nadler	Tanner
			Issa	Napolitano	Tauscher
			Jackson (IL)	Neal (MA)	Taylor
			Jackson-Lee	Neugebauer	Terry
			(TX)	Nunes	Thompson (CA)

Thompson (MS)	Walberg	Weller
Thornberry	Walsh (NY)	Westmoreland
Tiberi	Walz (MN)	Whitfield (KY)
Tierney	Wamp	Wilson (NM)
Towns	Wasserman	Wilson (OH)
Tsongas	Schultz	Wilson (SC)
Turner	Waters	Wittman (VA)
Udall (CO)	Watson	Wolf
Udall (NM)	Watt	Woolsey
Upton	Waxman	Wu
Van Hollen	Weiner	Young (AK)
Velázquez	Welch (VT)	Young (FL)
Viscosky	Weldon (FL)	

## NOT VOTING—18

Bishop (UT)	Fossella	Rush
Brown, Corrine	Gillibrand	Tiahrt
Carter	Green, Gene	Walden (OR)
Castor	Kennedy	Wexler
Crenshaw	LaTourette	Wynn
Feeney	Rangel	Yarmuth

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining in this vote.

□ 1909

Mr. SIMPSON changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend remarks on general debate concerning H.R. 5658.

The SPEAKER pro tempore (Mr. POMEROY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

## DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1213 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5658.

□ 1910

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 1 hour.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House begins consideration of H.R. 5658, which is the National Defense Authorization Act for Fiscal Year 2009.

This bill is a collective effort in the bipartisan tradition of the House Armed Services Committee which approved the bill in markup by a vote of 61-0. It is an excellent bill.

I want to thank the members of our Armed Services Committee, particularly the subcommittee chairmen, the ranking members, and actually every member of the committee.

Let me take this opportunity to also, Mr. Chairman, recognize the ranking member and former chairman, DUNCAN HUNTER, for once again being a great partner on this bill, and he is certainly to be commended and thanked for it. I am proud that DUNCAN and I have worked so well together through the years and always with the common goal of enhancing American national security.

It is only fitting, Mr. Chairman, that as DUNCAN HUNTER plans to retire at the end of this Congress, our committee colleagues unanimously voted to name this bill in his honor, recognizing DUNCAN HUNTER's many years of service on the Armed Services Committee, and also recognizing his unflinching support of our men and women in uniform. And we thank him publicly for that.

Mr. Chairman, let me discuss some significant provisions of the bill. It reflects our committee's view that restoring military readiness must be our number one priority. This is serious business. If, after more than 6 years of war, our effort is to restore military readiness, then it must be sustained in order to meet not just current military challenges, which are monumental, but prepare for the unexpected conflicts we may face in the future.

We don't know what is around the corner. I might point out, in the last 31 years American military forces have been engaged in no less than 12 military conflicts, four of which have been major in size.

The bill directs approximately \$2 billion toward unfunded readiness initiatives requested by the services. It includes \$932 million to deal with equipment shortages as well as for equipment maintenance. The bill also provides for some \$800 million for National Guard and Reserve equipment, and \$650 million to keep defense facilities in good working order and to address urgent issues such as dilapidated military barracks.

□ 1915

To boost readiness and to reduce the strain on our forces, the bill increases the size of our military; 7,000 additional Army troops, 5,000 additional marines, and prevents further military to civilian conversions in the medical field by authorizing an additional 1,023 Navy sailors and 450 additional Air Force personnel.

The bill also maintains our efforts to support and honor the men and women who serve our Nation in uniform and their families, providing a much needed 3.9 percent pay raise increase, and again, prohibiting increases in health care fees, among a range of other initiatives.

I might point out, the administration recommended only a 3.4 percent pay raise, and we raised that, as we should have.

The authorization bill also keeps our focus on Afghanistan, which is the primary front in the war on terror. The bill requires the administration to submit separate budget requests to clearly lay out the requirements for the war in Afghanistan, and on the other hand, the war in Iraq. It requires a system be set up to measure the success of the U.S.-led Provincial Reconstruction Teams, and requires more robust congressional reporting on the training of the Afghan Security Force.

Finally, the bill requires the Department of Defense to address the issue of command and control for forces in Afghanistan operating under Operation Enduring Freedom, as well as the NATO International Security Assistance Force.

The bill authorizes a \$70 billion bridge for the fights in Iraq and Afghanistan. But we remain convinced that it's well past time for the Iraqis to step up and contribute more substantially to their very own security, as well as their prosperity. With the Iraqis' overwhelming budget and capital account surpluses, the bill requires Iraqis to invest more in their own reconstruction, as well as their own security efforts.

The bill also includes steps toward contracting reform after the substantial improvements in the law which we enacted in our previous bill last year.

This bill underlines our commitment to preventing the proliferation of weapons of mass destruction. It adds \$31 million for the Cooperative Threat Reduction programs of the Department of Defense, and some \$215 million from the Department of Energy's non-proliferation programs. That's important.

Finally, I want to say a word about the need for reforms in the way our government coordinates and executes its national security policy. Many here in Congress as well as the executive branch are working to improve our interagency system. It's a massive effort that cannot be accomplished in any one single year.

I remember well the now famous Goldwater-Nichols Act. It was an effort over 4 years in the Congress of the United States which, of course, made jointness part of the military culture, and this may well be along the same line, although hopefully it will not take 4 years to accomplish. But it cannot be done in one single year.

At the appropriate time during the bill's consideration, I will offer an amendment along with Chairman HOWARD BERMAN of the Foreign Affairs