

are in this program and who deserve the care. It is an extension of the program that we need; and, if it is not enacted, at least 12 States are going to find themselves without SCHIP funds.

There is a very simple solution to the SCHIP problem: Support the Barton-Deal SCHIP legislation.

#### NEW BUSH ADMINISTRATION RESTRICTIONS TO THE CHILDREN'S HEALTH INSURANCE PROGRAM

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

Mr. ARCURI. Mr. Speaker, last month the Bush administration dealt yet another blow to uninsured Americans, this time focused on millions of uninsured children in our Nation.

New guidelines set forth by the administration require that children must go without health insurance for at least 1 year before States will be allowed to provide them with coverage under the Children's Health Insurance Program. The administration also requires States to enroll at least 95 percent of the children below 200 percent of the Federal poverty level before they can provide health coverage to other low-income children, a standard that no State in the country can currently meet. The Bush administration is limiting the very flexibility that has made the CHIP program successful.

Mr. Speaker, it is unconscionable for the President to require low-income children to spend a year of their lives without health insurance, especially when we have a program in place that can provide them with the coverage they need today. It is time for the President to stop playing political games with the children's health care and to vow to work with us to strengthen, not weaken, the CHIP program.

#### CONGRATULATING MISS ANN MIRON

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, too often we heard about the negatives of America's teenagers, but today I rise to congratulate the work of a wonderful young accomplished woman from my district, the Sixth District in Minnesota. Her name, Mr. Speaker, is Ann Miron of Hugo, Minnesota. She is a very accomplished young woman, representing the next generation of American dairy farmers, being an American dairy farmer herself at age 19.

She descends from a long line of Minnesota dairy farmers, living on a country dairy farm, and she was just recently crowned Princess Kay of the Milky Way. In Minnesota, this is a pretty big deal at the county fair. She was crowned Princess Kay, and Ann Miron will begin a year of speaking and promoting Minnesota area dairy farms.

I am privileged to represent the area with the largest number of dairy farms in the State of Minnesota, and even more privileged to have married a dairy farmer myself.

Ann, I join your great parents, Mayor Fran Miron of Hugo, Minnesota, Mary Ann Miron, and the people of Minnesota to wish you a wonderful year promoting dairy farming in the State of Minnesota.

#### REAL PROGRESS IS NOT BEING MADE IN IRAQ—IT IS TIME FOR A CHANGE OF COURSE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, President Bush says progress is being made in Iraq, but many of the examples he pointed to in the nationally televised speech last week were overestimated or overly optimistic. Let me just cite a couple examples.

First, President Bush said, "Iraq's national leaders are getting some things done, such as sharing oil revenues with the provinces." But according to the Washington Post, the President's statement ignored the fact that U.S. officials have been frustrated that none of these actions have become law and that a possible compromise has collapsed.

The President also thanked "the 36 nations who have troops on the ground in Iraq." But if he had checked with his own State Department, he would have realized that only 25 countries are still involved in the war, supplying only 11,600 troops. Now, that is less than 7 percent of the size of the U.S. forces still on the ground.

Mr. Speaker, this is nothing new. The President has been painting rosy scenarios for the situation in Iraq from the very beginning. Time and time again they have been proven wrong. The status quo simply can't continue. It is time to change course.

#### REENACT FISA

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, yesterday in the House Judiciary Committee we heard from Admiral McConnell, who is the Director of National Intelligence, over the need for us to reenact that bill which we passed just 1½ months ago which reformed FISA, which of course is the Foreign Intelligence Surveillance Act.

Mr. Speaker, probably in the 3 years that I have been here, in my second tour of duty as a Member of Congress, no more important bill did I vote on than voting the passage of a reform of FISA.

The admiral indicated that two-thirds of our foreign terrorist targets were blinded from our review as a re-

sult of a FISA court decision under the old FISA. That is why we needed to pass the reform. We put a 6-month leash on it, that is, it will go out of existence in 6 months.

There is no more important thing for this body to do than to pass a reform of FISA that makes permanent the changes that we adopted just 1½ months ago. Our Nation depends on it. Our children and our grandchildren's future depends on it. Let's make sure we act responsibly.

□ 1030

#### MY FIRST VISIT TO ISRAEL

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, traveling to the Holy Land in August, I saw firsthand the challenges facing our ally and friend, Israel. From Syria, the terrorist state in the north, to Lebanon and the chaos existing there further to the north, to the enemies that surround the state, I saw the challenges traveling down the Galilee to the Jordan, down to the Dead Sea and going to the capital, Jerusalem.

While it was my great privilege to walk on that sacred holy ground, I also realized the eye-opening national security issues that they face as a nation. Israel is our greatest ally in the war against Islamic extremists, and it is our function to support them in Israel. It is our imperative to support them. That's why our 10-year security agreement that we recently signed between the United States and Israel is so necessary for the ongoing security, not just of Israel, but of the United States. Israel's enemies are our enemies. We share a common cause, and it is necessary that we stand strong for Israel because it makes us that much stronger.

I encourage the American people to support our greatest ally in the Middle East, Israel.

#### PROVIDING FOR CONSIDERATION OF H.R. 2761, TERRORISM RISK INSURANCE REVISION AND EXTENSION ACT OF 2007

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 660 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 660

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill

and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2761 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. PASITOR). The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of this rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 660.

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

There was no objection.

Mr. ARCURI. Mr. Speaker, House Resolution 660 provides for consideration of H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act of 2007 under a structured rule. The rule provides 1 hour of general debate to be controlled by the Committee on Financial Services. The rule also makes in order the substitute reported by the Committee on Financial Services, modified by the amendment in part A of the Rules Committee report, as an original bill for the purpose of amendment. The self-executing amend-

ment in part A would ensure that the bill complies with the new PAYGO requirements. It would require the enactment of a joint resolution to permit Federal compensation under the Terrorism Risk Insurance Act of 2002. The joint resolution, approving a certification by the Secretary of Treasury, in concurrence with the Secretaries of State, Homeland Security and the Attorney General, that there has been an act of terrorism, would be considered by Congress under fast-track procedures.

The rule makes in order two amendments printed in the Rules Committee report, each debatable for 10 minutes.

Mr. Speaker, the Terrorism Insurance Program was originally enacted as a short-term backstop for an insurance industry that was very hard hit by the terrorist attacks that occurred on September 11, 2001. In the years since, we have seen that the private insurance market is unable to cover the risk of both domestic and foreign acts of terrorism without assistance.

The original legislation, the Terrorism Risk Insurance Act, referred to as TRIA, was set to expire at the end of 2005. The Terrorism Risk Insurance Extension Act of 2005 extended the government backstop for two more years, through the end of this year, but left the long-term questions surrounding the program unanswered. Those unanswered questions include: whether the government-run terrorism insurance program is really necessary; how to manage the possibility of a nuclear, biological, chemical or radiological attack, and how best to allocate the risk of terrorist attack between the government and private insurers. The rule provides for consideration of a bill that answers those questions.

Experience has shown that there is a true need for government involvement in terrorism insurance. The exposure for private companies is just too great. In the wake of September 11, 2001, many companies opted to exclude terrorism risk from private insurance policies, leaving no coverage in the event of another attack. TRIA requires primary insurers to make terrorism insurance available to commercial clients that wish to purchase it while at the same time helping those insurers manage their exposure to risk of loss.

The legislation this rule provides for consideration will extend TRIA for 15 years and make necessary revisions aimed at furthering the development of a private market of terrorism risk insurance. Such a long-term extension is vital because it provides certainty and stability to the insurance and real estate markets.

People may think that TRIA is only an issue for businesses in New York City, but that is clearly not the case. In the upstate New York district which I represent, small insurance companies like Utica First, Preferred Mutual and Utica National felt the dramatic impact that 9/11 had on the private market. In the year that followed the Sep-

tember 11 attacks, Utica First saw the volume of policies they were writing in the New York City area increase 27 percent as other companies ceased offering coverage. In order to do so, they risked both their existing surplus and their industry ratings and also incurred greater expense because their own reinsurance required that they purchase a separate terrorism cover. Small companies like this, that continued to offer coverage, are to be commended for taking on greater risk exposure in order to provide the necessary coverage and allow businesses to continue in business and people to continue to work to support their families.

The legislation would also require insurers to offer coverage for nuclear, biological, chemical and radiological terrorist acts. Small insurers, like those in my district, are especially concerned about the effect of adding the nuclear, biological, chemical and radiological requirements to TRIA, but the risk of such an attack is real, and not having any system in place would enhance the devastating effect such a horrific attack would have if it were to happen again in our country.

This bill strikes a good balance because it not only phases in the nuclear, biological, chemical and radiological coverage beginning in 2009, but also provides small insurers, those whose direct earned premium is less than \$50 million, the ability to apply for an exemption of up to 2 years with the possibility of further extending that exemption.

This legislation would also make several other critical changes to the terrorism risk insurance program. It would change the definition of terrorism under TRIA to include domestic terrorism, and reset the program trigger level at \$50 million. It would expand the program to provide for group life insurance coverage, would decrease deductibles for terrorist attacks costing over \$1 billion, and reduce the trigger level in the event of such an attack. Finally, it would require studies on the development of a private insurance market for terrorism risk insurance.

Mr. Speaker, this legislation is a critical step in protecting our national and economic security in the fight against terrorism.

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

Mr. SESSIONS. Mr. Speaker, I rise in strong opposition to this modified closed rule that shuts down debate in the House to every Member of this body, except the chairman of the Financial Services Committee, who has already had ample time and opportunity to modify this legislation, and to one token Republican amendment.

Two nights ago, in the Democrat Rules Committee, which over the last year has truly solidified its reputation as the graveyard of good ideas in the House of Representatives, we had a wide-ranging discussion from Members on both sides of the aisle about their

proposals to improve this legislation. We adjourned this meeting without reporting out a rule so that alternatives to subverting the Rules Committee jurisdiction, while sticking to the Democrat pay-for rule, could be studied. Unfortunately, when the opportunity came for the majority to make good on its campaign promises to run the most honest, ethical and transparent House in history by providing an open and transparent legislative process, Members of this House were, once again, silenced by the heavy-handed Democrat leadership.

While I am no longer surprised by the Democrat leadership's decision to allow politics to prevail over good government, I'm still disappointed, because as the sponsor of legislation to extend the TRIA program in the 108th Congress, I fundamentally believe that it has helped the private sector to stabilize our Nation's economy by providing a functioning marketplace for policyholders to acquire terrorism insurance and for insurers to provide it to them.

In fact, many of the positive aspects of this bill mimic policy proposals included in my legislation, and in legislation introduced last Congress by my good friend from Louisiana, RICHARD BAKER. Like these Republican bills, today's legislation would extend the current program, providing both policyholders and insurers with the certainty needed for long-term projects and our domestic economic health to move forward.

And, like prior Republican legislation, today's bill would eliminate the false distinction between foreign and domestic acts of terror. As we have learned from the London bombings and from the recent foiled terrorist plots in Germany and in New Jersey, no country is insulated from home-grown terrorism, which can be just as destructive and as costly as terrorists from abroad.

Other aspects of this legislation, such as the inclusion of nuclear, biological, chemical, or radiological coverage, mimic past Republican proposals without including market-based modifications that our proposals also contained in order to make this coverage both taxpayer friendly and cost efficient.

Unfortunately, there's one proposal in today's legislation that is unprecedented and that I simply cannot support. Written in the Rules Committee, without any consideration or debate in the Financial Services Committee, and then self-executed by the rule so that it receives no up-or-down vote, this rule contains language that skirts recent Democrat promises to abide by their own self-imposed PAYGO rules by shifting the responsibility of funding TRIA onto future Congresses.

□ 1045

By including this mandate on future Congresses, which the Supreme Court has roundly rejected as unconstitutional, the market stabilization benefits of TRIA completely evaporate.

Rather than helping to provide insurers and policyholders with the certainty that they need to manage their exposure to the financial costs of terrorism, this bill simply kicks the responsibility down the road and by and large says "we will let somebody else worry about that."

Rather than clearly signaling to the private sector what the Federal Government will spend in the event of another attack on the United States and what their own costs and responsibilities would be, this hastily drafted language, shoved in in the middle of the night, reintroduces political risk into this financial transaction by leaving these hard decisions up to the whims of a future Congress.

Mr. Speaker, I think this Congress should do better and they can do better than this. Instead of closed rules and artful dodges of the PAYGO rule, I think that Members and their constituents deserve the openness promised by Democrat leadership. Instead of procedural trickery and inserting language of a mysterious origin into this rule without any minority input or open debate, I think that Members and their constituents deserve transparency, which was promised by the Democrat leadership. And, most of all, instead of leaving the hard decisions and potential costs of this program to future Congresses, I believe that Members and their constituents deserve a bill that deals honestly with one of the most serious problems facing the American economy.

Unfortunately, this bill provides none of these things and is a far less responsible approach to dealing with the real-world economic problems posed by terrorism to our country, more than past Republican proposals. In fact, about the best thing that can be said about this bill and the process under which it is being considered today is the fact that perhaps it will spur the Senate to provide the American people with a more serious proposal in dealing with TRIA so that all of the flaws of this legislation can be worked out in conference.

I oppose this rule and encourage all of my colleagues on both sides of the aisle to do the same.

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

Mr. ARCURI. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, there are several aspects of this. One is, of course, whether or not we should go forward with a renewal of terrorism risk insurance.

There are, in our midst, people who believe in the free market so firmly that they believe in it the way other people believe in unicorns. They believe in it even when it does not exist. There are people who oppose terrorism risk insurance from the outset and continue to because they say it should be up to the market. No one involved in the market thinks that makes sense.

Indeed, we received a letter from the head of Goldman Sachs in 2005 saying there is no evidence that this can become a market item. His name was Henry Paulson, and he quite clearly said at the time the market wouldn't do it. We then proceeded with a bill that took that into account.

By the way, if the market could do it, it shouldn't because here is what the market would do, and we are talking about the insurance market: If you left this to the market or if you try to phase this out so the market would take it over, the principle of insurance says it should be more expensive to do business in those parts of the country which are likeliest to be hit by terrorists than not because that's the insurance principle. If there is a higher risk, you charge people more. We should not allow murderous fanatics who seek to damage this country to dictate what the cost of doing business is in different regions. That's not a market decision; that's a national security decision. I don't want it to be more expensive because of the murderers who would try to undermine this country to do business here or there.

It is also the case that one of the principles of insurance is that you give it and you give incentives to the insured to reduce the risk and you price in a way that gives those incentives. People can't avoid the risk. There is nothing you can do to stop the terrorists as private citizens from attacking you.

So we were going ahead with the bill. Now, we had a set of markups in subcommittee and committee in which there were some disagreements but some agreements. A number of amendments offered by Republican Members were adopted and the bill had a very large vote coming out of committee.

We then ran into a surprising obstacle. The Congressional Budget Office issued what seems to me an intellectually quite weak opinion. They said this is going to cost \$10 billion over the next 5 years. Now, a \$10 billion terrorism attack is not within our contemplation. I could see their saying it is not going to cost anything for this period or that it is going to cost hundreds of billions. Apparently they calculated the probability of a terrorist attack and imputed that cost. There will, in fact, be no costs until there is an attack.

My own view, frankly, was that this would have justified an emergency waiver under PAYGO. If being attacked by terrorists, if September 11, 2001, was not an emergency, then I don't understand what the word means.

We have been forced now to try to deal with this in other ways, and I understand that. It has been forced on us by CBO. The notion that we can say something now and leave it to future Congresses, the gentleman from Texas said it was unconstitutional. I am aware of no Supreme Court decision that would invalidate what we have

proposed here. And it couldn't be binding. Nothing is binding of one on a future one. I think that would be a very high degree of probability.

So we do have this approach which came up suddenly. It came up suddenly. It wasn't debated in our committee because the issue of the CBO estimate hadn't come before us in the committee. So we now have Members on the other side complaining that the rule was too restrictive.

Mr. Speaker, when I hear Members of the Republican Party who ran this House in the most blatantly undemocrat fashion for so many years now complain about a lack of democracy, I feel like I am in a motion picture theater and I'm watching an Ingmar Bergman dark movie which features the Three Stooges. The incongruity of these masters of authoritarian legislative procedure now complaining because there isn't enough democracy is one of the great conversions of all time. And I would have to say to my born-again believers in an open process that in this case at the committee level, we had a hearing, we had a subcommittee markup and a committee markup, and we dealt very much with those issues.

My own preference would have been to allow a few more amendments, but the fundamental issues have been debated, and the key issue is, unfortunately, the one that has troubled them, is how do you deal with the CBO. Now, either you do a waiver of PAYGO or you make cuts now of \$10 billion in programs on the possibility of there being a terrorist attack. It seems to me that is a great favor to terrorists. Let them cut programs now by just threatening to blow us up. Or you try to come up with some set of procedures that say we really intend to do this but we can't make it absolutely binding.

I do not think the set of procedures we have here will be the final say. It was a difficult situation that we found with that, I thought, CBO estimate. And the CBO estimate basically says here is what we say but it's probably not going to be this way. And I hope, as we go forward, there will be meetings with industry. And, by the way, industry is not just the insurance industry. It's the commercial building industry. They are the ones who are at risk here. The insurance industry can walk away, but if they walk away, we won't get commercial buildings built, particularly in our big cities, which is why the mayors of the big cities are so concerned and others are concerned about economic development.

So we need further work to see how we can deal with this CBO issue, and I think we have a reasonable first cut. It is one where, it is true, we did not deal with it in our committee. What we dealt with in the committee in great detail with a number of amendments and a lot of compromise were all the other factors. And we now get this new issue. This is a good-faith effort to deal with the new issue but not in a way

that is final. So I hope we can go forward.

Mr. SESSIONS. Mr. Speaker, at this time I am going to yield to the gentleman from California, who will help us to understand a little bit more clearly about the uncooked and, I believe, sloppy work that was presented to the Rules Committee such that many, many, many Members on a bipartisan basis questioned the decision that was made, and it will help us to reflect upon an opportunity about how it could be done better.

I yield 5 minutes to the ranking member of the Rules Committee, the gentleman from San Dimas, California, the Honorable DAVID DREIER.

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

Mr. DREIER. Mr. Speaker, a week ago yesterday we marked the sixth anniversary of one of the most tragic days in our Nation's history, that being September 11, 2001. We all, in the wake of that tragedy, the likes of which we had never seen in our Nation's history, came together and united in a bipartisan way to deal with the aftermath of September 11 of 2001. One of the many things that we did was realize that we are a Nation at war, and in light of that, the private insurance industry, and I am a free marketeer, the private insurance industry needed to have some kind of Federal backdrop if another horrendous terrorist attack is thrust upon the American people. So I supported the notion of saying, you know what, when we are a Nation at war, the free market can't just automatically protect those who are victimized by that kind of attack. So I became a supporter of this and I worked on it early on and supported the extension of it. And as I stand here today, I still believe that we are a Nation at war and it is imperative that we do everything possible to ensure that we, the Federal Government, stand up and play the role that we have to in leading the fight.

Well, Mr. Speaker, unfortunately, what we are doing with this rule is undermining something that Mr. ARCURI said in his opening remarks that this bill creates: certainty. Mr. ARCURI said that this bill creates certainty. Mr. Speaker, what we are doing with this self-executed provision in this rule, and my friend Mr. ACKERMAN from New York understands this very well, is we are completely obliterating any kind of certainty.

Now, this was designed as a mandatory program. Mandatory, why? Because if we face the attack, there needs to be certainty that the Federal Government is behind it. Now, I know that many people will say, oh, of course the Congress is going to take action, of course the Congress will do it. You know what, Mr. Speaker? That is not good enough for people who are investors, people who are in an industry that is responsible for dealing with the aftermath of the kind of attack that we saw on September 11.

That is why I believe it is absolutely imperative that we oppose this rule. We need to do everything that we can in a bipartisan way to defeat this rule. Why? Because we have been given this multipage, self-executing provision which undermines the jurisdiction of the Rules Committee. And that is why I am really hard pressed to believe that any member of the House Rules Committee, the traffic cop for this institution, I believe the single most important committee in this institution, how any member could basically cede the authority that we would have on this. And you look at the other committees of jurisdiction that are completely ignored, the Judiciary Committee. The Budget Committee clearly should be involved in this process. We need to have budget process reform. Our committee, our Rules Committee, Mr. Speaker, should be holding hearings on this. We should look at the issue of dynamic scoring. Yes, the hands of the Congressional Budget Office are tied because they have to look at 5- and 10-year projections. What we need to do is we need to bring about the kind of responsible reform that can ensure, that can ensure that we have the kind of certainty that is necessary.

So, Mr. Speaker, I have got to say that I know that there is strong bipartisan concern about this issue. This is not the way to deal with it. I said if given a simple choice in the Rules Committee between a waiver of PAYGO, which is, I believe, a very flawed rule that was put into place at the beginning of this Congress, or this provision, this self-executing provision, sure, I'd prefer that waiver over that. But there has got to be another solution. And the reason is that this new Congress put into the rules this PAYGO provision, very well intentioned but very, very badly flawed, Mr. Speaker. So I think that if we look at what it is we are doing on this in the name of trying to avoid a waiver of PAYGO, this self-executing provision actually waives PAYGO completely.

□ 1100

And so I've got to tell you, this is a horrible rule; it is a horrible process; it is unprecedented. And I hope the Democrats and Republicans alike will join in saying, yes, we need to have a responsible terrorism risk insurance measure passed, but we need to come down with a provision that responsibly budgets that, and this is not it.

Mr. ARCURI. I think the gentleman is right, this may be unprecedented; but the attack on 9/11 was unprecedented as well, and sometimes unprecedented events require unprecedented action, and that's what we are attempting to do today, create a rule to enact legislation like TRIA to create a backstop so that insurance companies can continue to create a stable environment for business to thrive in New York City.

Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

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

Mr. KANJORSKI. Mr. Speaker, I rise to support this resolution setting forth the terms of debate for considering H.R. 2761 on the House floor.

The adoption of this rule will allow the House to debate this must-pass legislation to extend the Terrorism Risk Insurance Program. We need to move this process forward as quickly as possible.

I know that some participants in today's debate will raise concerns about the structure of the rule concerning the method by which it addresses issues related to the PAYGO rules. I must concede to them that the proposed rule is imperfect in this regard.

Throughout the debate on this legislation, the chairman of the Financial Services Committee, the gentleman from Massachusetts, and I have agreed that the Terrorism Risk Insurance program is very important. It protects America's economy from terrorist attacks. Certainly, the Federal Government has a role in protecting our Nation from terrorist events.

Moreover, this Federal backstop only responds to an emergency situation and only becomes implemented after a terrorist attack. Because TRIA plans ahead for an emergency caused by terrorists, Congress should treat spending under this law as an emergency.

PAYGO is an important rule that keeps Congress fiscally responsible. PAYGO, however, should not apply to all pieces of legislation, especially those bills that plan ahead for national emergencies caused by terrorists. My view is that all legislation should be fiscally responsible to the maximum extent possible.

Accordingly, I have had concerns about costs throughout the development and debate of this legislation. In fact, I voted, in many instances, to control those costs, such as limiting the length of the extension and increasing the private sector's responsibilities after a reset.

TRIA is not an entitlement program. It is a program for protecting the economic security of our Nation. H.R. 2761 is a necessary piece of legislation that will maintain stability in our economy after a terrorist attack on our Nation, rather than waiting for the government to develop an ad hoc plan after an event.

While we cannot predict when or where the terrorists may choose to attack us, we can prudently plan ahead for such a possibility. Like many participants familiar with this debate, I have concerns about the requirement in this rule to have a separate vote of Congress on funding for the program after an attack. With Federal payments conditioned on a congressional vote even under expedited procedures, much of the certainty of the program is taken away. It is my hope, therefore, that we will continue to work on a better solution before this bill comes back

to the House floor in a conference report.

That said, Mr. Speaker, we must move the process forward. I, therefore, urge my colleagues to support this rule on H.R. 2761.

Mr. SESSIONS. Mr. Speaker, I would like to congratulate the gentleman for his fine remarks. As a matter of fact, I agree with him, that I do not believe that it is proper or correct to have a mandatory bill which requires mandatory spending, but discretionary funding that's available. And that is exactly what this new Democrat majority is doing. They are saying we would be absolutely required, mandatory, to spend the money, but discretionary as to whether we're really serious about providing that or not. And I believe that that is a serious question that comes under question today about the serious nature of the policy of this.

I don't attack the underlying legislation at all. The legislation does not bother me. I've supported this for years. That's what will be the underpinning of making our country stronger and better and preparing us for what may be in our future. But you can't require something and then not provide the money, especially under PAYGO rules that you had initiated yourself.

So this is simply a debate that the new Democrat majority is having within itself about whether they're really serious about their opportunity to bring to the table serious policy issues that face this great Nation.

Mr. Speaker, at this time, I would like to yield 5 minutes to the gentleman from Georgia, Dr. PRICE.

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

Mr. PRICE of Georgia. Mr. Speaker, I appreciate my colleague from Texas and his leadership on this issue.

Mr. Speaker, I rise to oppose this remarkable rule, this martial-law rule.

Mr. Speaker, as you likely know, the new majority is becoming much more creative with their rule writing, and frankly it would be humorous if it weren't so serious.

At the beginning of this Congress, this new majority promised us a fair and an open process, but again the majority has failed to live up to that promise. Speaker PELOSI said, "Because the debate has been limited and Americans' voices silenced by this restrictive rule, I urge my colleagues to vote against the rule." That's what she said before the election last year. Well, I agree with the Speaker, we ought to vote against this restrictive rule.

Chairman LOUISE SLAUGHTER of the Rules Committee said before, "If we want to foster democracy in this body, we should take the time and the thoughtfulness to debate all legislation under an open rule. An open process should be the norm and not the exception." Well, I agree, Mr. Speaker. Now, is that a broken promise, or is it political expediency?

Democrat Caucus Chairman RAHM EMANUEL said before the election,

"Let's have an up-or-down vote. Don't be scared. Don't hide behind some little rule. Come on out here. Put it on the table, and let's have a vote." Well, Mr. Speaker, I agree.

Mr. Speaker, there were five amendments in total that were submitted to the Rules Committee last night. Two were made in order. What's the rush, Mr. Speaker? Which idea was so scary that the new majority decided to shut down debate? In the wake of a terrorist attack, as a result of this legislation, the liability of the American taxpayer is over \$100 billion. So this legislation represents a dramatic increase in exposure to the taxpayer. And that may be appropriate.

I offered an amendment that would have allowed for appropriate PAYGO rules to make certain that we funded this bill. It went down by a partisan vote. My amendment would have protected the taxpayer dollars of hard-working Americans. There would be real offsets, a commonsense approach. If there is to be a taxpayer subsidy, as good stewards of the American hard-earned taxpayer dollars, we should provide the specific spending decrease to offset any new spending required by this legislation. Instead, Mr. Speaker, we get a budget gimmick that many of my friends and I believe is likely unconstitutional.

And that's not only the opinion of those on our side of the aisle. I have here a letter to Speaker PELOSI and Majority Leader HOYER from the office of Congressman ACKERMAN, a respected Member on the other side, who said, "It is our strong belief that making the entire program contingent on Congress passing a second piece of legislation completely undermines the intent and the desired effect of the legislation." Not only unconstitutional, Mr. Speaker, but irresponsible.

Well, welcome to the theater of the absurd. Only in Washington would someone believe that requiring an additional vote at some point in the future for Congress to be able to release funds, where PAYGO won't apply, that it would diminish the cost to the hard-earned American taxpayer, or even that it's possible to do so.

Mr. Speaker, rules aren't rules if you only follow them when you want to. The Democrats promised to use PAYGO rules for everything. Instead, they're picking and choosing when they do so. At home, we call that breaking a rule and breaking a promise. Fiscal responsibility shouldn't just be something that we trump out there during campaigns and on the campaign trail.

What idea, what amendment was so scary that it inspired this incredibly draconian and restrictive rule? I urge my colleagues not to be scared. Don't hide behind, as Mr. EMANUEL said, some little rule. Vote "no" on this rule so we can have real PAYGO, real fiscal responsibility on this legislation. The American people deserve no less.

Mr. ARCURI. Mr. Speaker, the gentleman from Georgia asks, What is the

rush? He then talks about the theater of the absurd. What I find to be absurd is the fact that we are doing everything that we possibly can to try to prevent this legislation from being passed.

This is critical legislation. This is important not just to New Yorkers, this is important to the entire country. This is a critical piece of legislation that must get passed, and the steps that we are taking today are necessary if we are going to create the stability in business that is necessary to continue and allow our economy to grow.

I don't think it's absurd for the people who were there on 9/11. I don't think it's absurd for the insurance companies that now want to begin to insure the businesses and buildings in New York City. Oh, no, this is not absurd at all. This is the business of Congress. This is what we do, and this is what we do best.

Mr. Speaker, I now yield 5 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. I thank the other gentleman from New York.

Mr. Speaker, there are equities on both sides of this issue.

First of all, I think that we all have to and do understand that in order for any major development project to go forward, developers have to put together a plan, they have to put together their financing. Financing has to be secured in order for financing to be assured. Insurance has to be issued for any major project to go forward. There is no insurer that I can think of that would put \$10 billion on the line without some backup in this day and age by the Federal Government, and I think that we're all pretty much in agreement to that.

In this argument of what to do on this rule and how to proceed, there are equities on both sides. It has been my view that the first thing that we should do is fix the rule so that in case this country is under a terrorist attack anywhere in the country, and this is not just New York City, we've been attacked, we've been attacked already, but anywhere in the country where a terrorist attack involving huge amounts of money, that the Federal Government would step in and we would not worry about the budget and the bottom line and balancing. Any city, any town, any State, any American community deserves to know that if America is attacked, and attacked in their city, in their neighborhood, in their community, that America stands behind them and will help make them whole and help put them back together again.

So it makes tremendous sense that the rule on PAYGO that was instituted and put into the rules of this House be made to accommodate the situation that says, in the case of war and in the case of a terrorist attack, nothing is going to stop us from moving forward, doing the business of America and assuring the American people.

My friends on the Republican side understand that, and they were helping to try to put this together. But the approach that we have taken up until this very moment, and, that is, putting the bill forward and then looking to find a fix later on down the road in my view was putting the horse in back of the cart. That has to be fixed, and that has to be addressed.

I originally came down here with the intent of opposing the rule, opposing the rule not because I oppose the bill, because I serve on the Financial Services Committee and worked very hard under the leadership and tutelage of Chairman FRANK who has done an immense job together with our Republican colleagues on the committee to bring a great bill to the floor only to find that it was subject to PAYGO.

I've come to the conclusion, Mr. Speaker, that we should not be looking to sidestep PAYGO. We should not be looking to make an exception to PAYGO. We should not be looking to work around PAYGO. What we should be doing is bringing common sense to the process and amending the PAYGO rules so that in the case of a terrorist attack, PAYGO is not applicable, not that we make an end run around it.

In the last few moments, Mr. Speaker, I have, after consultation with the majority leader, received a letter from him, and he has been in meetings with the Speaker of the House on this up until this very moment. And those who have intended to oppose the rule have received in writing from the majority leader, after consultation with the Speaker, an assurance in writing in this letter to us that this process will not go forward in its final form for a second vote in the House until we not sidestep PAYGO, but address the issue of PAYGO and make it right so that it makes common sense to the House and to the American people.

I have that assurance, Mr. Speaker, that this process will be fixed and that we are engaged in an ongoing process, that this vote will not be the final step, that the vote after the rule on the bill will not be final, that this bill will not be brought before us in the conference, that we will reverse and put the horse in front of the cart.

□ 1115

I would urge those with whom I have conferred, New Yorkers and others who were very, very concerned about this process, that with the assurance of the Speaker of the House and the majority leader of the House with whom I have worked for 25 years and whose word is gold, that we will bring common sense to this process and fix it before this process is through.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman, once again, another speaker from our friends on the Democrat side, talking with us about how they are going to fix it. We appreciate that.

That is what we are asking for today. The best I can tell you is that the Re-

publican Party is in favor of fixing it. We believe the best way to do it is on the floor of the House right now, because right now we could fix it where all the Members will understand what the ramifications are. The ramifications are either that we are going to say that terrorist attacks don't apply under PAYGO rules or that terrorist attacks would be in fine print, that now perhaps the Democrat majority wants to put in that all this spending applies but perhaps not under certain circumstances. I think we could craft a deal here.

But now what the gentleman is asking us to do is "just trust me." Well, the first thing I would like to do is get a copy of the letter. It would be appropriate for me to ask for that. I know the gentleman, Mr. ACKERMAN, does not oppose my getting a copy of that letter. But what we are now being told is, "now trust us that it will be brought back in a forum where there is debate, but it is either an up or down vote." We can't change that decision, nor can any other Member of this body change that. We have heard enough people talk today about how what is happening is wrong, should not happen, is bad policy. We ought to fix it today here on the floor if we are going to move forward and not say, "trust me, trust me, wait for fine print or disagreement later."

I appreciate the gentleman, Mr. ACKERMAN. I thought it was not only very nice what he did but well spoken, and I appreciate the gentleman very much.

Mr. Speaker, I yield 5 minutes to my friend, the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Texas for yielding.

I rise in strong support of the underlying legislation and certainly with very strong questions and reservations about the rule. Like Mr. ACKERMAN, I certainly came to the floor intending to oppose the rule. I will study the letter which Mr. ACKERMAN obtained from the majority leader. I agree with Mr. SESSIONS that this is a very uncertain way to proceed, relying on a promise from a letter. Not that I, in any way, question the intent to follow through on the promise, but again, how that could be interpreted, what the final language will be, does raise serious issues.

Having said that, I commend Mr. ACKERMAN for his efforts. I do believe it is important that this process continue to go forward.

The reason I support the underlying legislation, Mr. Speaker, is that this is not a New York issue, even though it is often focused that way because of the fact that there have been two major terrorist attacks on New York City, but it truly is a national issue. I want to commend Chairman FRANK for his efforts at the committee level. I also want to emphasize that this was a bipartisan vote which voted this bill out of committee. I particularly appreciate



the fact that, in the committee, an amendment was offered by myself and Mr. ACKERMAN which extends TRIA 15 years, passed by a bipartisan vote.

I know that, certainly on my side of the aisle, a number of Members are concerned about the reason that the 15-year term is essential. The fact is that any significant project is going to be of 15 years' duration. Both the preliminary work and the construction itself is going to go to 15 years. The insurance money, for instance, in New York, where they are attempting to rebuild Ground Zero, would not be available at this time unless TRIA is extended. And also the insurers have the certainty that TRIA will be there for the 15 years, for the duration of the project.

I have to emphasize that there will be not one nickel spent of this money unless New York or Chicago or Los Angeles or any other city in the country is attacked by terrorists. So if any city were attacked, we know the government would step in. Why not have that precaution now? Why not give the insurers the certainty, and the municipalities the certainty, so they can go forward with this development? Otherwise, we are allowing the terrorists to set the terms and conditions. We are letting them determine what is going to be built and not rebuilt. If this 15-year extension does not go forward, if TRIA is not extended, the reality is that there will not be a rebuilding of Ground Zero. If Ground Zero is not rebuilt, then this is a magnificent victory for a horrible, horrible force, Islamic terrorism. So we should be the ones determining what our economic security is and what our homeland security is. Passage of TRIA is an essential component of that.

As the former chairman of the Homeland Security Committee and its ranking member, Mr. Speaker, I am very much aware how New York and other cities in other parts of our country are in the crosshairs of Islamic terrorism. We know that attacks are inevitable. Whether or not they are successful is another story, but certainly attempted attacks are inevitable. I believe it is essential that no matter what part of the country you are from, you have the assurance that if, God forbid, you are attacked, that there will be insurance in place for you to rebuild. Because otherwise, you are not going to find insurers stepping forward. Places like New York, which was attacked, will not receive insurance that it needs to go forward. And the terrorists will have scored and attained not just the victory they attained on September 11 where almost 3,000 people were murdered, but they will have the additional victory in that the area that they attacked will not be rebuilt.

It could be New York. As I said, it was New York in 1993. It was New York in 2001. It could be any one of a number of other cities in the future. So let us protect ourselves in the ultimate essence of homeland security and have a complete component of security, and TRIA is essential to that.

Mr. Speaker, I urge adoption of the underlying legislation. I look forward to examining the letter which Mr. ACKERMAN procured and see what that signifies for the future. But the reality is that we have to have the absolute assurance. We cannot be relying on a vote sometime in the future. The government itself could be attacked. The Capitol may not be here. There may not be a quorum of Members attainable. We have to have that absolute assurance in place now.

With that, again, I thank Chairman FRANK. I thank, certainly, Mr. SESSIONS for his courtesy. I thank Mr. ACKERMAN for his efforts. I also thank Ranking Member BACHUS for his cooperation and courtesy throughout this hearing.

Mr. ARCURI. Mr. Speaker, I thank my friend and colleague from New York (Mr. KING) for his words. He has worked hard on the TRIA legislation, and we appreciate that.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, reasonable people have differences of opinion on the base bill. There are a lot of things in here that I think different people can have different opinions on, the 15-year time limits and the triggers in the deductibles. A lot of them, almost all of them, are reasonable best guesses based on experience, and that is it. They are open to discussion. They are open to debate. There is no definitive answer as to which one is right. This bill is the classic example of compromise upon compromise to try to get to a bill that as many people can support and feel comfortable with as possible.

If the debate here right now or later on is on the base bill, that is hard to argue. That is a gut feeling. There are no definitives and no real answers. But I will tell you that when the argument turns to fiscal responsibility and there is this false argument that someone is more fiscally responsible than someone else, it bothers me. It bothers me a lot, because I think that is beginning to get into the great lie to the American people: "We are more responsible than you. We are more responsible. We do this; you do that." Well, the truth is, not a single penny of taxpayers' money will be paid out in this bill under this rule unless Congress acts again. Not one penny.

Now, I understand that some people find that uncomfortable. I respect that. If there is another route to take, fine. I am open to discussion. I am open to the proposals. But to pretend this bill is somehow going to spend taxpayers' money when it is not is ludicrous. To pretend that people here are more fiscally responsible than others when they are not bothers me even more.

We had one major vote on PAYGO. One. And that was November 14, 2002, when the Republican-led House put forth a bill on this floor that basically gutted and terminated PAYGO. Only 19

Members of this House voted against that bill. Not a single Republican voted against it. Not one. And it gutted and killed PAYGO, according to CRS, to the tune of \$560 billion. That was real money and real PAYGO that threatened a real sequestration over 5 years. Yet, the Republican-led House then, after the 9/11 attack, while we were in the middle of war, decided PAYGO was not important then. They killed it. If it wasn't important then, and yet today we are taking an action that we guarantee that no taxpayer money gets spent without additional action by this House, then I don't understand the logic. I see it as nothing but hypocritical.

Mr. SESSIONS. Mr. Speaker, you know, I do appreciate my good friend, the gentleman from Massachusetts, coming in and arguing, but his side has already given in on this point. They have already conceded that they don't like the way the bill is, the self-executing rule. There is already agreement on his side, "Whoa, this is wrong. We don't agree with this. We will agree to fix it."

So, I love the gentleman from Massachusetts, he and I are very good friends, but they have already conceded that point. They have already said, "We think there could be a better way to do it. We agree to fix it." So what did we say on this side? "Thank you very much, Mr. ACKERMAN. We appreciate this. That is what we have been asking for. We are pleased that we got it."

I wish we had the agreement here today. I wish we knew what that deal was going to be before you brought the bill to the floor. That's why we held off in the Rules Committee for an extra day waiting for a better answer. Didn't get it, get to the floor.

I would say to my good friends on this side, if you want us to be a better minority, you are going to have to be a better majority. We took seriously what Speaker PELOSI said, "honest, open, ethical Congress." We are still waiting for that through the Rules Committee. When she said, "PAYGO is going to apply to everything," it implied that Republicans didn't do that. Then we took that at the surface of the words, not looking for fine print, not looking for how they are going to try and get out of it. So we are trying to make sure that we simply know what we are supposed to count on.

They have come to the floor today, and they have said, "We are going to work on it." I am pleased we are going to do that. I am simply saying that it should have been done before it got here. That is sloppy.

Mr. Speaker, at this time, I have no additional speakers on the rule. I yield to the gentleman from New York to run down his time, then I will make my closing statement.

Mr. ARCURI. I have no further speakers, Mr. Speaker.

Mr. SESSIONS. Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the

rule to allow for the consideration of H. Res. 479, a resolution that I have not heard talked about today but the concepts are in that that I will call the "Earmark Accountability Rule."

At the beginning of this Congress, a number of promises were made to the American people about the Democrats' supposedly new and improved earmark rules.

□ 1130

As the Congress has worn on, however, I have noticed that while the Democrats' rule changes definitely sound good, they have not really lived up to their promise and have not really accomplished much, since the majority has repeatedly turned their head the other way when it comes to their actual enforcement.

I acknowledge that the majority has given into the minority demands for enforcement of their own rules a handful of times when it comes to appropriations conference reports. Unfortunately, we continue to see non-disclosed earmarks in all sorts of bills, also.

This rules change would simply allow the House to debate openly and honestly the validity and accuracy of earmarks contained in all bills, not just appropriations bills. If we defeat the previous question, we can address that problem today and restore this Congress' nonexistent credibility when it comes to enforcement of its rules, like we have seen once again today.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

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

There was no objection.

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

Mr. ARCURI. Mr. Speaker, I am troubled by the fact that today, everything we hear from the other side is smoke and mirrors. They want to talk about everything except what we are here to talk about today, and that is the rule on the TRIA legislation.

My friend from Texas infers that the Rules Committee is not open, honest and ethical. Well, I resent that. I think we are very open, we are honest, and we are very ethical. He knows that, and he shouldn't put petty partisan politics ahead of what we are here today to do, and that is to pass a rule on TRIA legislation.

Protecting the security and safety of America is without question our top priority and the reason that we are here in Congress as Members of this institution. The horrible terrorist attacks of September 11, 2001, had a devastating effect on so many people in this country; not just New Yorkers, but people all over this country.

It also had a devastating economic impact on the commercial insurance market. Many primary insurers

stopped writing policies. Special guidelines were instituted when insuring buildings thought to be likely terrorist targets and other properties surrounding them. Reinsurers, those companies that insure the insurance companies, excluded terrorist events from coverage altogether.

To address this market failure, Congress passed the Terrorism Risk Insurance Act, and that was under the Republican Congress, because it was the right thing to do. And we will continue to do the right thing here today.

TRIA has been a success. Primary insurers are able to write policies and business owners are able to obtain coverage. Stability was restored to this vital market. If we do not act now to extend TRIA, this program will expire and we will be back where we were following the September 11 attacks.

H.R. 2761 extends TRIA by 15 years to provide added certainty to this vital sector of our economy that a mere 2-year extension cannot provide. The bill also lays the groundwork for the inclusion of coverage for nuclear, biological, chemical and radiological terrorist acts, while at the same time allowing for an exemption for small insurers that would be unfairly impacted by this necessary expansion.

The circumstances before us are unlike anything we have confronted in our Nation's history. We must not allow terrorist attacks to force valuable businesses to fail because they cannot afford insurance.

Mr. Speaker, I am proud to stand here today as a member of the new Democratic majority, watching out for the interests of our Nation's business community by providing much-needed predictability in the terrorism risk insurance market.

Mr. Speaker, I urge a "yes" vote on this rule and on the previous question.

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

AMENDMENT TO H. RES. 660 OFFERED BY MR.  
SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution 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 chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(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 or-

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

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

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

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

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

Mr. ARCURI. Mr. Speaker, 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 noes appeared to have it.

Mr. ARCURI. Mr. 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.

# 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: on approving the Journal, de novo; on ordering the previous question on H. Res. 660, by the yeas and nays; on adopting H. Res. 660, if ordered.

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

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

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

Mr. ARCURI. 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 228, nays 192, not voting 12, as follows:

[Roll No. 878]

### YEAS—228

Abercrombie	Crowley	Hodes
Ackerman	Cuellar	Holden
Andrews	Cummings	Holt
Arcuri	Davis (AL)	Honda
Baird	Davis (CA)	Hooley
Baldwin	Davis (IL)	Hoyer
Bean	Davis, Lincoln	Inslee
Becerra	Davis, Tom	Israel
Berkley	DeGette	Jackson (IL)
Berman	Delahunt	Jackson-Lee
Berry	DeLauro	(TX)
Bishop (GA)	Dent	Jefferson
Bishop (NY)	Dicks	Johnson (IL)
Blumenauer	Dingell	Johnson, E. B.
Boren	Doggett	Jones (OH)
Boswell	Doyle	Kagen
Boucher	Edwards	Kanjorski
Boyd (FL)	Ellison	Kaptur
Boyd (KS)	Emanuel	Kennedy
Brady (PA)	Engel	Kildee
Brown, Corrine	Eshoo	Kilpatrick
Buchanan	Etheridge	Kind
Butterfield	Farr	Kingston
Cannon	Fattah	Klein (FL)
Capps	Filner	Kucinich
Capuano	Forbes	Kuhl (NY)
Cardoza	Fortenberry	Lampson
Carnahan	Frank (MA)	Langevin
Carson	Giffords	Lantos
Castor	Gillibrand	Larsen (WA)
Chabot	Gonzalez	Larson (CT)
Chandler	Green, Al	LaTourette
Clarke	Green, Gene	Lee
Clay	Grijalva	Levin
Cleaver	Gutierrez	Lewis (GA)
Clyburn	Hall (NY)	Lipinski
Coble	Hare	Loeb
Cohen	Harman	Loeb
Conyers	Hastings (FL)	Lofgren, Zoe
Cooper	Hereth Sandlin	Lowey
Costa	Higgins	Lynch
Costello	Hinchey	Mahoney (FL)
Courtney	Hinojosa	Maloney (NY)
Cramer	Hirono	Markey
		Marshall

Matheson	Payne	Smith (WA)
Matsui	Perlmutter	Snyder
McCarthy (NY)	Pomeroy	Solis
McCollum (MN)	Porter	Space
McDermott	Price (NC)	Spratt
McGovern	Rahall	Stark
McIntyre	Rangel	Sutton
McNerney	Reyes	Tanner
McNulty	Richardson	Tauscher
Meek (FL)	Rodriguez	Taylor
Meeks (NY)	Ross	Thompson (MS)
Melancon	Rothman	Tierney
Michaud	Roybal-Allard	Towns
Miller (NC)	Ruppersberger	Udall (CO)
Miller, George	Rush	Udall (NM)
Mollohan	Ryan (OH)	Van Hollen
Moore (KS)	Salazar	Velázquez
Moore (WI)	Sánchez, Linda	Visclosky
Moran (VA)	T.	Walz (MN)
Murphy (CT)	Sanchez, Loretta	Wasserman
Murphy, Patrick	Sarbanes	Schultz
Murtha	Schakowsky	Waters
Nadler	Schiff	Watson
Napolitano	Schwartz	Watt
Neal (MA)	Scott (GA)	Waxman
Oberstar	Scott (VA)	Weiner
Obey	Serrano	Welch (VT)
Olver	Sestak	Wexler
Ortiz	Shea-Porter	Wilson (OH)
Pallone	Sherman	Woolsey
Pascarella	Sires	Wu
Pastor	Skelton	Wynn
Paul	Smith (NJ)	Yarmuth

### NAYS—192

Aderholt	Frelinghuysen	Nunes
Akin	Gallegly	Pearce
Alexander	Gerlach	Pence
Altmire	Gingrey	Peterson (MN)
Bachmann	Gohmert	Peterson (PA)
Bachus	Goode	Petri
Baker	Goodlatte	Pickering
Barrett (SC)	Gordon	Pitts
Barrow	Granger	Platts
Bartlett (MD)	Graves	Poe
Barton (TX)	Hall (TX)	Price (GA)
Biggart	Hastert	Pryce (OH)
Bilbray	Hastings (WA)	Putnam
Bilirakis	Hayes	Radanovich
Bishop (UT)	Heller	Ramstad
Blackburn	Hensarling	Regula
Blunt	Herger	Rehberg
Boehner	Hill	Reichert
Bonner	Hobson	Renzi
Bono	Hoekstra	Reynolds
Boozman	Hulshof	Rogers (AL)
Boustany	Hunter	Rogers (KY)
Brady (TX)	Inglis (SC)	Rogers (MI)
Broun (GA)	Issa	Rohrabacher
Brown (SC)	Johnson, Sam	Ros-Lehtinen
Brown-Waite,	Jones (NC)	Roskam
Ginny	Jordan	Royce
Burgess	Keller	Ryan (WI)
Burton (IN)	King (IA)	Sali
Buyer	King (NY)	Saxton
Calvert	Kirk	Schmidt
Camp (MI)	Kline (MN)	Sensenbrenner
Campbell (CA)	LaHood	Sessions
Cantor	Lamborn	Shade
Capito	Latham	Shays
Carter	Lewis (CA)	Shimkus
Castle	Lewis (KY)	Shuler
Cole (OK)	Linder	Shuster
Conaway	LoBiondo	Simpson
Crenshaw	Lucas	Smith (NE)
Culberson	Lungren, Daniel	Smith (TX)
Davis (KY)	E.	Souder
Davis, David	Mack	Stearns
Deal (GA)	Manzullo	Stupak
DeFazio	Marchant	Sullivan
Diaz-Balart, L.	McCarthy (CA)	Tancred
Diaz-Balart, M.	McCauley (TX)	Terry
Donnelly	McCotter	Thompson (CA)
Doolittle	McCrery	Thornberry
Drake	McHenry	Tiahrt
Dreier	McHugh	Tiberi
Duncan	McKeon	Turner
Ehlers	McMorris	Upton
Ellsworth	Rodgers	Walberg
Emerson	Mica	Walsh (OR)
English (PA)	Miller (FL)	Walsh (NY)
Everett	Miller (MI)	Wamp
Fallin	Miller, Gary	Weldon (FL)
Feeney	Mitchell	Weller
Ferguson	Moran (KS)	Westmoreland
Flake	Murphy, Tim	Whitfield
Fossella	Murphy, Tim	
Fox	Myrick	
Franks (AZ)	Neugebauer	

Wicker	Wilson (SC)	Young (AK)
Wilson (NM)	Wolf	Young (FL)

### NOT VOTING—12

Allen	Cubin	Jindal
Baca	Davis, Jo Ann	Johnson (GA)
Braley (IA)	Garrett (NJ)	Knollenberg
Carney	Gilchrest	Slaughter

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1159

Mr. KUHLMAN of New York changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

## PROVIDING FOR CONSIDERATION OF H.R. 2761, TERRORISM RISK INSURANCE REVISION AND EXTENSION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 660, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 197, not voting 11, as follows:

[Roll No. 879]

### YEAS—224

Abercrombie	Davis (CA)	Israel
Ackerman	Davis (IL)	Jackson (IL)
Altmire	Davis, Lincoln	Jackson-Lee
Andrews	DeFazio	(TX)
Arcuri	DeGette	Jefferson
Baca	Delahunt	Johnson, E. B.
Baird	DeLauro	Kagen
Baldwin	Dicks	Kanjorski
Bean	Dingell	Kaptur
Becerra	Doggett	Kennedy
Berkley	Donnelly	Kildee
Berman	Doyle	Kilpatrick
Berry	Edwards	Kind
Bishop (GA)	Ellison	Klein (FL)
Bishop (NY)	Ellsworth	Kucinich
Blumenauer	Emanuel	Langevin
Boren	Eshoo	Lantos
Boswell	Etheridge	Larsen (WA)
Boucher	Farr	Larson (CT)
Boyd (FL)	Fattah	Lee
Boyd (KS)	Filner	Levin
Brady (PA)	Frank (MA)	Lewis (GA)
Braley (IA)	Giffords	Lipinski
Brown, Corrine	Gillibrand	Loeb
Butterfield	Gonzalez	Lofgren, Zoe
Capps	Gordon	Lowey
Capuano	Green, Al	Lynch
Cardoza	Green, Gene	Mahoney (FL)
Carnahan	Grijalva	Maloney (NY)
Carson	Gutierrez	Markey
Castor	Hall (NY)	Marshall
Chandler	Hare	Matheson
Clarke	Harman	Matsui
Clay	Hastings (FL)	McCarthy (NY)
Cleaver	Hereth Sandlin	McCollum (MN)
Clyburn	Higgins	McDermott
Cohen	Hill	McGovern
Conyers	Hinchey	McIntyre
Cooper	Hinojosa	McNerney
Costa	Hirono	McNulty
Costello	Hodes	Meek (FL)
Courtney	Holden	Meeks (NY)
Cramer	Holt	Melancon
Crowley	Honda	Michaud
Cuellar	Hooley	Miller (NC)
Cummings	Hoyer	Miller, George
Davis (AL)	Inslee	Mitchell