

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. CARDOZA. 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 ayes appeared to have it.

Mr. HASTINGS of Washington. 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.

#### PROVIDING FOR CONSIDERATION OF H.R. 4299, TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 862 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 862

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in

the House the bill (H.R. 4299) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 4299 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the 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 862.

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 862 provides for consideration of H.R. 4299, the Terrorism Risk Insurance Program Reauthorization Act of 2007. The rule waives all points of order against consideration of H.R. 4299 except those arising under clause 9 and clause 10 of rule XXI. The rule provides 1 hour of general debate controlled by the chairman and ranking minority member of the Committee on Financial Services.

Mr. Speaker, I will make my remarks brief. We have debated the substance of this bill before, and the House passed a similar version in September with the support of 312 Members of this body. The measure we will consider today contains many needed revisions to the terrorism risk insurance program to ensure our national and economic security.

The terrorism risk insurance program was originally enacted as a short-term backstop for an insurance industry hard hit by the terrorist attacks that occurred on September 11 of 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.

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 risks 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 of would extend TRIA for 7 more years. This is a shorter extension than the 15-year extension that the House originally passed but still far longer than the 2-year extension that was enacted in 2005. A 7-year extension will provide greater certainty and stability to the insurance and real estate markets than presently exists, and that is good for business.

The 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, where the government backstop kicks in, to \$50 million, where it was in 2006. 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 years following such an attack.

The TRIA bill which the House approved in September would have required insurers to include coverage for nuclear, biological, chemical, and radiological attacks in policies they offer. However, this provision has been removed from the bill because some insurers, particularly the smaller insurers, raised concerns regarding their ability to cover the additional risk when private reinsurance does not exist.

To address these concerns, the legislation will mandate a study by the Government Accountability Office on the availability and the affordability of private insurance coverage for nuclear, biological, chemical, and radiological attacks. This provision represents a commonsense first step in addressing the economic fallout of such an attack.

Mr. Speaker, this legislation is critical in protecting our national and economic security in the fight against terrorism. It will also help many of the small- and medium-sized insurance companies located in my congressional district provide coverage in this ever-changing 21st century.

I commend Financial Services Committee Chairman FRANK and Ranking Member BACHUS for their bipartisan effort to bring this vital, time-sensitive piece of legislation to the floor.

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

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

I rise in opposition to this rule, despite my long-term support for TRIA, because passing a bill that has already been pronounced dead on arrival in the Senate foolishly puts the reauthorization of this important program in jeopardy as its expiration date at the end of the year draws ever closer because

the Democrat House leadership has decided to continue to play political games on this issue.

By engaging in this game of what I call "legislative chicken" with the Senate, the House is setting itself up for potentially allowing this important program to expire, an outcome that I believe is bad for continued growth of the American economy and is an outcome that I strongly oppose.

But even if the Senate were somehow to miraculously pass this legislation, the Statement of Administration Policy regarding this legislation that was released by the Office of Management and Budget on Tuesday makes it clear that President Bush will veto this bill in its current form and that any extension of the TRIA program must be temporary and short term, include no program expansion and must increase private sector retentions.

□ 1215

At this time, I will submit a copy of the Statement of Administrative Policy for substantially similar legislation explaining the futility of today's legislative exercise in the CONGRESSIONAL RECORD.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT  
AND BUDGET,

Washington, DC, December 11, 2007.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2761—TERRORISM RISK INSURANCE PROGRAM  
REAUTHORIZATION ACT OF 2007

The Administration believes that the Terrorism Risk Insurance Act (TRIA) should be phased out in favor of a private market for terrorism insurance. The most efficient, lowest-cost, and most innovative methods of providing terrorism risk insurance will come from the private sector. Therefore, the Administration has set forth three key elements for an acceptable extension of TRIA: (1) the Program should be temporary and short-term; (2) there should be no expansion of the Program; and (3) private sector retentions should be increased.

The Administration continues to believe that any TRIA reauthorization should satisfy these three key elements. However, the Administration will not oppose the version of H.R. 2761 passed by the Senate on November 16, 2007. The Administration strongly opposes any amendments that move the Senate-passed version of the bill away from the Administration's key elements. Accordingly, if H.R. 2761 were presented to the President in the form to be considered by the House, his senior advisors would recommend that he veto the bill.

Mr. Speaker, the Senate version of this legislation is not perfect. However, I do believe that on behalf of terrorism insurance policyholders, American workers and businesses, the health of our insurance marketplace and the continued growth of the American economy, it is important for the House to stop playing games with TRIA and to pass a bill that can advance through the Senate and be signed into law by President Bush.

Mr. Speaker, I encourage all of my colleagues to reject this exercise in legislative futility so that the Rules Committee can instead bring to the floor a rule that would provide for con-

sideration of the Senate compromise bill that the House has already re-ceived.

It's time to stop playing games on this important issue and for the majority to finally grow up and lead to protect the American economy from the threat of terrorism.

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

Mr. ARCURI. Mr. Speaker, as a representative from New York, I can say that there is no nonsense about this. This is a critically important piece of legislation, something that is necessary not only for New York but for the entire country.

With that, Mr. Speaker, I would yield 6 minutes to the gentleman from New York, who has been a champion of this legislation, Mr. ACKERMAN.

Mr. ACKERMAN. Mr. Speaker, I thank the gentleman from New York.

I rise in strong support of this rule and the underlying legislation, H.R. 4299, which would extend the Terrorism Risk Insurance Act, or TRIA, for 7 years.

TRIA is a vital program that has made effective terrorism insurance coverage available across this Nation by creating a Federal backstop to share with the insurance industry the burdens of losses caused by catastrophic acts of terrorism upon our country.

The certainty and stability that TRIA has provided over the past 6 years has allowed large-scale developers to plan, to secure financing and insurance and, ultimately, to build the types of multimillion- or multibillion-dollar real estate development projects in our capitalistic system, projects that shape our cities and invigorate the American economy.

With TRIA set to expire at the end of the month, I am particularly grateful that our leadership and Chairman FRANK and our friends on the minority side are insisting that Congress renew this vital program before we run out of time and insurers are forced, in an act of self-preservation, to abandon our Nation's largest projects.

This rule will allow the House to consider legislation to reauthorize TRIA for the second time in 3 months. My colleagues may recall passing H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act. H.R. 2761 was a triumph for bipartisanship, regular order, good-faith bargaining and effective government. It sought to extend TRIA for another 15 years, added group life insurance to the program, lowered the program trigger, provided for nuclear, biological, chemical and radiological, the so-called NBCR coverage.

And most importantly, Mr. Speaker, H.R. 2761 included the so-called "reset mechanism," which, in the wake of a catastrophic terrorist attack, lowered the nationwide program trigger and decreased the deductibles for any insurer that paid out losses after an attack on our country. This provision was and is absolutely critical to meeting the de-

mand for terrorism insurance across our Nation, and especially in our high-risk areas.

On September 19, the House overwhelmingly passed H.R. 2761 with a bipartisan vote of 312-110. And with the clock ticking toward the program's expiration date, we waited for the Senate to act. And we kept waiting and we kept waiting, and we waited some more. Then, once the House had adjourned for Thanksgiving, and only once the House had adjourned for Thanksgiving, the Senate quickly passed, by unanimous consent, a shell of a bill that simply extended the program to 7 years, stripping out the key provisions that were vital and put in there on a bipartisan House-passed bill.

We believed that we would have had the opportunity to negotiate on many of the issues in a conference with the Senate, but the Senate unacceptably and irresponsibly has refused again and again to conference with the House on the Senate bill, leaving us with few, but not zero, options.

Mr. Speaker, this rule will allow the House to consider a compromised bill that accepts the Senate's position on the extension period, as well as the Senate's opposition to protecting us with NBCR coverage. This compromised bill, however, does stand firm on the House's key priorities, the reset mechanism, group life insurance, and lower program triggers.

Passage of this rule will allow the House to reaffirm its equality in the legislative process and reject the Senate's take-it-or-leave-it attitude. I urge all of our colleagues to support the rule and the underlying legislation.

Mr. SESSIONS. Mr. Speaker, we urge the legislation to be passed, also. And that's why we're encouraging for the House to agree to the Senate version so we can get this done before the expiration at the end of the year.

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

Mr. ARCURI. Mr. Speaker, I yield 1 minute to my colleague from the Rules Committee, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, I am here to say thank you to the good work of the committee, Republicans and Democrats, but also for making an adjustment in the bill that is going to make a real difference to small Vermont insurers.

This bill calls for a study instead of an imposition of an obligation for the NBCR. That's the right thing to do. Second, it lowers the trigger when the TRIA program will kick in from \$100 million to \$50 million. That is enormously helpful to cash-strapped companies that are on the small size.

So, I thank the chairman, I thank the members of the committee, Republican and Democrat, on behalf of small businesses and small insurance companies.

Mr. ARCURI. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Massachusetts, the chairman of the Committee on Financial Services, Mr. FRANK.

Mr. FRANK of Massachusetts. Mr. Speaker, there are times when we will have arguments across the aisle. I don't think there is any need for us to engage in that now because our differences are across the building, not across the aisle.

Let me begin by saying to the gentleman from Texas, we agree, we will not let this program die. And as the gentleman from Texas knows, he has had to sit through this on the Rules Committee three times this year, twice this past week, because we did originally think about taking the bill the Senate had passed, amending it, and sending it back. I am disappointed to say that we heard from all points that if that happened, the Senate might be so unable to function as to kill the program.

The United States Senate has perfected something I call "the strength of weakness." They labor to do anything whatsoever, and having done it, tell people that if we ask them to change one bit of it they will collapse in a heap. It's like the song from "MacArthur Park," someone left the bill out in the rain, and they won't be able to remake it because they will never have the recipe again. That's what we keep hearing.

But, on the other hand, and here's where I do disagree with my friend from Texas, I know we've had some disagreements here about the role of preemptive strikes in foreign policy. Here our disagreement is on the role of preemptive surrender in interbranch negotiations.

I agree that if all else fails and the Senate does not act on this bill, we will have to acquiesce. I regret that. I think it would be much less good public policy than we could do if we had the normal legislative process. But I have spoken to the Senators from New York. They report to me that the Governor of New York and the mayor of New York, and New York is not the only entity covered by this, and indeed, some of these things, they're all universal. But people are concerned, and so we have reluctantly agreed not to endanger the chances of this if the Senate is unable to act.

On the other hand, and here's where I differ, I am unwilling at this point to let it end without the Senate once again being given a chance to function on several issues. The gentleman from Vermont just talked about the smaller companies. The reduction of the trigger from \$100 to \$50 million was done unanimously, I believe, or overwhelmingly, by our committee at the request of small insurance companies who wanted to be able to insure. The argument is, if they do not have the smaller trigger, many of them would not feel able to bid on insurance for these building projects. So, I think that's important.

We had the inclusion of group life insurance. I am afraid that in the Senate version, this is kind of the analog of the old neutron bomb. Remember the

neutron bomb; it killed people and left the buildings standing. The Senate would have us have a provision that ensures buildings but ignores people. Well, people die in these terrorist attacks. We all remember that this Congress, in 2001 or 2002, passed a program that cost us billions of dollars to compensate those who lost their lives. Why should we not allow that to be done to the insurance system? That's another thing we would like to have in there.

And as part of the life insurance, as has been noted by a colleague, there is a provision that was not contested in our committee that would prevent discrimination against people who are traveling to places that some companies might think inappropriate to travel, particularly Israel. There is a provision in here that says you're not going to be penalized for, and this was brought to our attention by some of our colleagues from Florida. Now, all of those are in the bill we want to send back.

Also, a reset mechanism that, obviously it applies to New York where they've already had a terrorist attack, would apply nationally so that you don't get only one bite at the apple if the terrorists choose to strike again. And I think the major reason for doing TRIA is to neutralize the effect that murderous thugs who wish this country and its people ill can have on our policies. That's why we want terrorism insurance. This is part of national defense. This is to make it a government program as part of our defense against this activity.

But there are other parts of this where we have accepted this. Frankly, this looks like what a conference would look like if we were in a rational world where we could have a conference. We said 15 years, they said 7. We've accepted 7. By the way, I will say that in the prior Congress, we only had 2.

The reason for a longer term is that this is important if people are to be able to build in our large cities and other areas which are threatened by terrorism. Because you cannot get the building without a loan, you cannot get the loan without insurance, and a 2-year timeline is obviously too short for major building projects. We accepted that. We wanted protection against nuclear, biological, chemical, radiological attacks. No one thinks that's out of the picture. The Senate said no to it. We accepted that. So, we compromised with them.

And finally, a PAYGO issue arose at the last minute. We didn't do it well here, and the Senate did it well, and I congratulate them for that. It was good legislating. So we accept their term of 7 years. We accept their version of PAYGO. We accept their jettisoning of nuclear, biological, chemical and radiological. But we would like to include group life, and we would like to accommodate the smaller companies, and we would like to have the reset mechanism.

In the end, as I said, we understand we can't compel them, but we believe it

is worth another try. Passing this bill will in no way jeopardize our ability in the end, if nothing else fails, to accept the 7 years that the Senate sent us.

But I appeal to the Members here out of an institutional concern. Let's understand that in the end, if the Senate refuses to do certain things, they may have an advantage. But let's not make it easy. Let's not continue a process by which Senators can avoid tough issues. Maybe some Senator will raise some of these issues. Maybe, I know it's "maybe" in a land of fantasy, the Senate would vote on some of them and Senators would have to decide if they wanted to say no, it's okay if you can't travel to Israel with your life insurance, it's okay if the smaller companies are kept out, it's okay to insure buildings but not people. Maybe it won't work, but no harm will be done.

I would also add this: In terms of the rule, nothing in the bill that we are proposing today is new except for the Senate PAYGO, and the Senate PAYGO, we all agree, I believe, is superior, given the need to do a PAYGO.

This is a bill that was voted on in subcommittee and in committee and came to the floor. It was amended in various ways. It was a bipartisan product. In the end, the vote was something like 300-plus to 100-plus when the bill passed here in the House; not unanimous, obviously, but with a lot of bipartisanship.

Everything in the bill today, with the exception of the Senate PAYGO, has already been through subcommittee and committee and the floor. But we are saying to the Senate there are important issues here, on group life, on the reset, on travel, on smaller companies. And we are simply, I hope, not ready to say to them we roll over and play dead without giving them another chance to address these issues.

□ 1230

Mr. SESSIONS. Mr. Speaker, I have great respect and admiration for the chairman of the committee, and I think that virtually everything the chairman said I agree with. I think the question is of timing. The fact of the matter is that the majority has chosen to not have a conference. They have chosen to negotiate among themselves, and they have chosen to wait until the last minute. With great respect to the gentleman, these are lots of arguments I could have been making or our chairman could have made just several years ago for a number of years.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would only ask to amend one thing. It is not the majority. Here we wanted a conference, and in the Senate, it was both parties that refused. It was not the majority. Indeed, there was objection more from the minority side. So I would only differ with the notion that

it was somehow a majority decision. We asked for a conference, and we were told on a bipartisan basis over there they wouldn't give us one.

Mr. SESSIONS. Reclaiming my time, we are not negotiating with the Senate, we are negotiating with ourselves, and I believe that what we need to do is get it done.

Now, there are reasons why the gentleman has chosen to do what he has done. I really can't disagree with him. I really don't. From an institutional perspective, for making the bill better, I think every one of these are great arguments. I think my point would be similar to what we are trying to make on our side: Let's get our work done so the rest of the world and the rest of the marketplace can get their work done. It's pretty late. We are now moving on to the middle of December and this expires at the end of December. There are lots of paperwork issues, there are lots of legal issues, there are lots of contract issues. There are lots of things that need to be done, and it takes some period of time. We are doing the same thing with the AMT. We are trying to say, why don't we not rock the boat because what you are going to do is put in jeopardy the ability this next year for the IRS to even get their work done. So the wake-up call, the head snap is, today it's darn near the middle of December. I could have completely bought off on everything the chairman said, every single word, every single philosophy, everything he said if this were November 15. It is not. It is 1 month later. It is time that we get our work done so that the marketplace can get their work done so that investors can know that they are taken care of, so that we can have certainty in the marketplace and so that we know what we are going to pass. And that is the only disagreement.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman.

If it were up to me, obviously, we would have done this earlier. The only thing I can say is, and I appreciate the spirit of cooperation, I only regret that he cannot love me in December as he did in May.

Mr. SESSIONS. Retrieving my time, I would say to the gentleman that we believe we should not continue doing what the gentleman is doing. We should do what the agreement should be and get it done, because we believe that there are overriding considerations, Mr. Speaker, in the marketplace, with people who need an answer today to be able to get their work done. And waiting until the end, whatever that means, does not help the marketplace.

We are not the start-all and end-all of the world by being the United States Congress. There is a marketplace out there. There are people who need things done. New York City is a fine

example of where the business community and those that own property need TRIA. Let's get the thing done. I would have agreed completely with what the gentleman said 1 month ago. It is now time. We are asking, please, let's get this thing done. Let's come to an agreement.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, there is probably, timing-wise, no greater, no more important piece of legislation for the protection of this country than this TRIA risk insurance program. It is very important that I just start my remarks by responding to some of the concerns that the gentleman raised.

First of all, in our Financial Services Committee, this is indeed a bipartisan product. Republicans and Democrats worked on this together. This is also a bicameral institution. It is important for the House to have its input. It is important for the Senate to have its input.

As a timing matter, it is critically important for us to make sure that we have incorporated into this legislation important issues that the Senate has left out. So what we have before us, Mr. Speaker, is simply a joint product. We asked for the conference. The conference was not permitted. So we have no other choice except to take what the Senate has offered, and we are accepting that. But there are some other important points of this legislation that need to be incorporated into this bill. And so this revised bill is not a repudiation of what the Senate has done. It is an acceptance of what the Senate has done. And it is also recognizing and acquiescing to some of the issues that they raised that we agreed with. The nuclear, biological, chemical and radiological we agreed with that we would not include.

So what do we have here? And I think it is important for the American people to know exactly this product that we have that we are putting forward at this point. This revised bill would extend TRIA for 7 years just as the Senate favors. Now, we in the House asked for a 15-year renewal for this. You talk about stability. You talk about making sure that we are responding. This is a heavy, heavy issue with the terrorist attack.

We also feel genuinely that if we are going to offer this insurance protection for property, for buildings, my Lord, the most valuable commodity that we lose in a terrorist attack is human life. Group life insurance should be included in this. We are just simply taking what the Senate has offered and again extending back and saying group life insurance must be offered in this bill. The reset mechanism and lowering of the trigger, the Senate wants \$100 million. We say \$50 million to increase the capacity by encouraging smaller insurers to provide coverage. This is very

important as well. And as Chairman FRANK just mentioned, life insurance for foreign travel. Why shouldn't people who decide they want to go to a somewhat dangerous destination as Israel have that life insurance covered? So we are certainly adding the reset mechanism for significant terrorist attacks, over \$1 billion, to lower the deductibles and triggers to rebuild market capacity and then gradually increase private sector obligations over time.

We took a lot of time, my colleague. I am on the Financial Services Committee. We have worked very hard. We had hearings on it. We heard from every factor of the community in the financial services, and this product that we offer reflected that. All we are simply saying is, timing is important. But why not allow the House, which has just as much right as the Senate, to perfect this important legislation? We are taking what they want, we have accepted some of the things that they felt were excesses, and we are simply adding these four major components back to the bill, reset mechanism, group life insurance, lowering the trigger and life insurance coverage for foreign travel.

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

Mr. SCOTT of Georgia. I yield to the gentleman from Texas.

Mr. SESSIONS. The question that I would have for the gentleman is, whom are you negotiating with in the Senate? You talked about these negotiations. Whom is the negotiation with?

Mr. SCOTT of Georgia. We are negotiating with whoever would present themselves to negotiate on the Senate side. But, unfortunately, that has not been successful.

Mr. ARCURI. I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I would just say on this, and I didn't want to make it in any way partisan, but what we have been told is that the senior Republican on the committee, the gentleman from Alabama, has said this is all he will accept. I have talked to the chairman of the committee, the Senator from Connecticut, I've talked to the Senator from New York, and they were ready to discuss it. But they said that given Senate rules, they could not get the Senator from Alabama to do anything else, and they didn't feel they could change that.

There were also concerns that even if we were to send back exactly the bill that he had wanted, another Senator might object, because that is a volatile place. But we did talk to the Senator from Connecticut, we talked to the Senator from New York. The Senator from Alabama, the ranking minority member, was the major opponent.

I would yield to my friend.

Mr. SESSIONS. I thank the gentleman. So we are going to keep playing ping pong?

Mr. FRANK. No, this is not ping pong. This is ping. We're keeping pong

over here. That is, we are going to send them and give them one more chance. But we are keeping their version over here if all else fails.

Mr. SCOTT of Georgia. In conclusion, I would just simply say that I urge that we support this rule. It is very important and timely.

Mr. SESSIONS. Mr. Speaker, I appreciate both the gentlemen from the Financial Services Committee offering their explanation about this process. I would once again remind my friends in this great body that there is a lot of work that needs to be done after this bill leaves both of these bodies, including a signature of the President of the United States. What we do does matter and is important. But it is time we get our work done to allow the people who really do matter, and that is the people who are in the marketplace to be able to buy the insurance, to make it available and to get it ready days from now. It is time to put aside our differences. It is time to enter the real negotiation, and that is either to have a real conference where we know where people are to get it done, or to find a way to cut a deal. And, instead, to come back to this body and to once again change the rechange of the change I think is a bad deal.

So we're going to vote "no." We would like to get the deal done, but not to continue to deal.

You see, Mr. Speaker, in the world where I come from, it is results that matter, not just reworking the work to rework the work, just like what this body has gotten used to this year with 10 out of 11 spending bills not being done. I would remind the majority, you got a lot of work to do there, too, so that we can have the confidence of the American people that we can not only run the railroad on time, but we can make wise decisions.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I would inquire from the gentleman from Texas if he has any additional speakers.

Mr. SESSIONS. I thank the gentleman, and responding to the gentleman, I have no additional speakers.

Mr. ARCURI. All of our speakers have spoken, so I would reserve the balance of my time and ask my colleague if he wishes to close.

Mr. SESSIONS. I thank the gentleman.

Mr. Speaker, the conversation that has taken place today is one that was important. The Republican Party does support and thinks what the gentleman is doing is of a worthy nature. The gentleman, Mr. FRANK, has, for a number of years, not only spoken about this issue but has worked hard for its resolution. We know that if we continue to work together on issues like this, we can get things done. But getting things done is also important, and we think that a bill should have been done, an agreement should have been reached before now and negotiations should have ended because it is now time to give to the President, it is now time to give to the marketplace.

But I also recognize that this is the 44th closed rule of this session, that somebody is not really interested in what we think. That's why we have 44 closed rules this year. So we come to the floor, once again, the Republican Party, saying, you can have it your way, we know you have the votes, 44th closed rule this year. But let's get our work done. Let's not have the American people waiting on the House of Representatives.

I know the Speaker of the House wants to do things in the way that she sees fit. But let's get our work done. The American people are waiting. They are waiting not just on AMT. They are not just waiting on this bill that we have today. They are waiting on, like the rest of the government, the other 10 out of the 11 spending bills. And I do think that the American people don't confuse a lot of work that is being done with progress. Progress is the end result where you get something done and then say, We're proud of our effort. All I have heard all today, notwithstanding the prior arguments, and these arguments, that everybody is trying to take credit for everything. We are far short of the runway. We are far short of the runway because what we do here must be done right, but must be finished and done so that the American people and the economy can move forward.

I know this is a closed rule. If it had been an open rule, and that is okay, we understand. If it had been an open rule, we would have said, let's get this thing done. Let's close it. I offered an amendment in the Rules Committee the other day that said, let's take the Senate language, let's decide we will just accept what they have done so that we can get it done in proper timing. On a party-line vote that was defeated. So there is a reason why the Speaker wants to continue this dialogue. There's a reason why the Speaker wants to wait and to hold this out. I don't understand it. But the Republican Party once again today is saying, we think we ought to get our work done. We think we should do what we said we were going to do, and we should then let the American public see what we have done and not hide things in secret.

□ 1245

Let's get this done, let's get TRIA done, let's get our AMT done, let's get the 10 out of 11 spending bills done, and let's show the American people we can do the work which we were sent here to do. That is the position of the Republican Party.

Mr. Speaker, we yield back the balance of our time.

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

Frankly, all we have heard lately, especially in the Rules Committee debate, is that this bill is not going to pass the Senate, this bill is going to get vetoed by the President, and therefore the House should follow what the

Senate is going to do and the House should follow what the President suggests. That is not the reason 435 Members of this House were elected. We were elected to do what we think is best for this country, and not what the Senate thinks is best, and not what the President thinks is best, but what the House of Representatives thinks is best. That is what this bill is attempting to do, give what the House of Representatives thinks is best in this important piece of legislation.

Protecting the safety and security of America is, without question, a top priority of this institution. The horrific terrorist attacks of September 11, 2001, had a devastating effect on many people in this country. The attacks also had a devastating economic effect on the commercial insurance market. 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 at the end of the month and we will be back where we started after the September 11 attacks. We have debated this bill before and the House passed a similar version in September, with the support of 312 Members. I hope that the TRIA legislation we will consider here today will enjoy the same overwhelming bipartisan support. We must not allow the threat of future terrorist attacks to endanger or close valuable businesses because they cannot afford insurance. This is not an exercise in futility, as my colleague said in his opening, but rather an exercise in necessity.

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

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

The previous question was ordered.

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

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

Mr. SESSIONS. 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, this 15-minute vote on adoption of House Resolution 862 will be followed by 5-minute votes on ordering the previous question on House Resolution 860; adoption of House Resolution 860, if ordered; ordering the previous question on House Resolution 861; and adoption of House Resolution 861, if ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 189, not voting 19, as follows:

[Roll No. 1145]

YEAS—223

Abercrombie	Baca	Berkley
Ackerman	Baird	Berman
Allen	Baldwin	Berry
Altmire	Barrow	Bishop (GA)
Andrews	Bean	Bishop (NY)
Arcuri	Becerra	Blumenauer

Boren  
Boswell  
Boucher  
Boyd (FL)  
Boyda (KS)  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Castor  
Chandler  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis, Lincoln  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly  
Doyle  
Edwards  
Ellison  
Ellsworth  
Emanuel  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Giffords  
Gillibrand  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Herseth Sandlin  
Higgins  
Hinchev  
Hirono  
Hodes

NAYS—189

Holden  
Holt  
Honda  
Hoyer  
Inslie  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick  
King (NY)  
Klein (FL)  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loeback  
Lofgren, Zoe  
Lowey  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Markey  
Marshall  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNerney  
McNulty  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor

NAYS—189

Payne  
Perlmutter  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Tsongas  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Vislosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Wynn  
Yarmuth

Heller  
Hensarling  
Herger  
Hill  
Hobson  
Hoekstra  
Hulshof  
Inglis (SC)  
Issa  
Johnson, Sam  
Jones (NC)  
Jordan  
Keller  
King (IA)  
Kingston  
Kirk  
Kline (MN)  
Knollenberg  
Kuhl (NY)  
LaHood  
Lamborn  
Latham  
LaTourette  
Lewis (CA)  
Lewis (KY)  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul (TX)  
McCotter  
McCrery  
McHenry

McHugh  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Moran (KS)  
Murphy, Tim  
Myrick  
Nunes  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Royce

Ryan (WI)  
Sali  
Saxton  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shays  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walberg  
Walden (OR)  
Walsh (NY)  
Wamp  
Weldon (FL)  
Weller  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Boucher  
Boyd (FL)  
Boyda (KS)  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Castor  
Chandler  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis, Lincoln  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly  
Doyle  
Edwards  
Ellison  
Ellsworth  
Emanuel  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Giffords  
Gillibrand  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Herseth Sandlin  
Higgins  
Hill

Hinchev  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson, E. B.  
Jones (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick  
Klein (FL)  
Kucinich  
Schwartz  
Lampson  
Langevin  
Lantos  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loeback  
Lofgren, Zoe  
Lowey  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Markey  
Marshall  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNerney  
McNulty  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone

Pascrell  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Tsongas  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Vislosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Wynn  
Yarmuth

NOT VOTING—19

Carson  
Cubin  
Gutierrez  
Hinojosa  
Hooley  
Hunter  
Jindal  
Johnson (IL)  
Jones (OH)  
Kind  
Linder  
Matheson  
Miller, Gary  
Musgrave

□ 1311

Mr. BROUN of Georgia, Mrs. BACHMANN, and Messrs. BILIRAKIS and BURGESS changed their vote from “yea” to “nay.”

Ms. DEGETTE and Mr. RODRIGUEZ changed their vote from “nay” to “yea.”

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 860, 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 226, nays 191, not voting 14, as follows:

[Roll No. 1146]

YEAS—226

Abercrombie  
Ackerman  
Allen  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry

Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Coble  
Cole (OK)  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Davis, David  
Davis, Tom  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett  
Fallin  
Feeney  
Ferguson  
Flake  
Forbes  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gilchrist  
Gingrey  
Gohmert  
Goode

NAYS—191

Doolittle  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett  
Fallin  
Feeney  
Ferguson  
Flake  
Forbes  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gilchrist  
Gingrey  
Gohmert  
Goode