

wage, giving the Federal Government the ability to negotiate cheaper prescription drug prices, making college more affordable by cutting interest rates in half on student loans, and fully implementing the 9/11 Commission's recommendations.

We have provided valuable oversight of the Bush administration's failings at both the Justice Department and at Walter Reed Hospital. Had we not conducted oversight hearings of the horrendous conditions at Walter Reed, several incompetent administration officials would still be on the job.

Then, last week, we approved an emergency supplemental spending bill that provides critical funding for our soldiers and our veterans while holding the Iraqi Government accountable for taking control of Iraq.

And this week, we will pass a budget which is balanced within the next 5 years.

Mr. Speaker, the American people asked for a change and a new direction, and this Congress is delivering.

STRYKER BRIGADE COMBAT TEAM

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

Mr. CARNEY. Mr. Speaker, today I rise to salute the Pennsylvania National Guard, in particular the Stryker Brigade Combat Team. Fielding the Stryker Brigade has been the largest program undertaken by the Pennsylvania National Guard in modern history.

The Stryker Brigade Combat Team is a combat force that provides division, corps, or joint task force commanders a unique capability across the full range of operations.

On this upcoming district work period, I will be visiting Fort Indiantown Gap, Pennsylvania, to have an opportunity to tour their Stryker program. The Stryker is a survivable and sustainable method of troop transportation. It can take soldiers safely into a range of environments, from war to humanitarian assistance. We must do everything we can to defend our troops from harm, and the Stryker provides that protection.

Pennsylvania has the largest Army National Guard in the United States, with the 28th Infantry Division being the premier division with a large number of soldiers in a high state of readiness.

I commend the Stryker Brigade Combat Team and the entire Pennsylvania National Guard for their fine service to our country and representing Pennsylvania with honor.

IRAQ BENCHMARKS

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

Mr. BRALEY of Iowa. Mr. Speaker, when hundreds of billions of dollars of

U.S. taxpayer money is being spent on a war overseas, it is important there be benchmarks and consequences if they are not met.

Last week the House approved an emergency war supplemental that will finally hold the Iraqi Government accountable by measuring its performance on standards that President Bush himself outlined earlier this year.

Under the plan passed here last week, the President must report to Congress this summer on the progress the Iraqi Government has made on these key benchmarks. If the Iraqi Government lives up to its promises, our troops will remain there until next year. If, however, they do not meet the President's own benchmarks by this summer, we will begin to redeploy our troops out of Iraq immediately. This accountability is particularly critical after the release of a Defense Department report showing that the Iraqi Government is not close to meeting any of these benchmarks.

Mr. Speaker, it is time that the Iraqi Government realizes that the American troops are not going to be in Iraq indefinitely, and that they have to begin seriously taking responsibility for their own nation.

PROVIDING FOR CONSIDERATION OF H.R. 835, HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 269 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 269

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 835) to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians. All points of order against the bill and its consideration are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. 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 with or without instructions.

SEC. 2. During consideration of H.R. 835 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 (Mr. BUTTERFIELD). The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. For purposes 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.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have up to 5 legislative days to revise and extend their remarks on House Resolution 269.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 269 provides for consideration of H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007, a closed rule providing 1 hour of general debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

The rule waives all points of order against the bill and against its consideration except for clauses 9 and 10 of rule XXI. The rule provides that the bill shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I do not intend to speak very long about this legislation other than to express my sincere hope that this body will move forward expeditiously with its passage.

As my colleagues know, the Hawaiian Homeownership Opportunity Act was placed on the Suspension Calendar last week after being unanimously voted out of the Committee on Financial Services by a voice vote. It was our hope, and the hope of so many Native Hawaiians, that the House would support it with as much enthusiasm as did the committee of jurisdiction.

Unfortunately, as we all now know, there are some in this body who believe that it is in their best interest to create a partisan divide where no such division should exist. They have in my opinion falsely accused my friends and representatives from Hawaii of ulterior motives, and in doing so, have delayed justice and fairness to some of our most loyal citizens.

Contrary to the false accusation made by its opponents, this bill is not a bill aimed at achieving Native American status for Native Hawaiians, no matter how important that issue may be.

This bill provides low-income Native Hawaiians access to the American Dream. They, just like all of us in this body, have had at one point in our lives a dream to own a home. This bill brings them one step closer to realizing that dream.

Shame on those who continue to paint this bill as anything other than what it is.

I urge my colleagues to support this rule and the underlying legislation which is so critically needed.

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

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

I rise today in opposition to this closed rule and the potentially unconstitutional measure that the Democrat

majority is presently bringing before the House.

I also rise in opposition to the majority's gaming of the system by bringing this legislation up under a closed rule with no input from the minority, even after this measure failed to win the support of two-thirds of the House when it was considered under the suspension of the rules just last week.

I believe that the 162 "no" votes that were cast last Wednesday prove that this measure carries with it some measure of controversy. I have heard the gentleman from Florida explain very clearly and carefully in addressing this issue his desire for us to understand that in fact nothing more other than the words that are on the paper are intended and implied in this bill. However, I would say there is also room to make sure that is not only correct, but also to improve this legislation.

I am also confident that an overwhelming number of Members would likely support the final measure if they were given a chance to improve it through the amendment that perhaps we are hearing that the majority intended perhaps in the first place or at least did not intend to make it happen.

Unfortunately, in what is becoming a standard practice for the Rules Committee, last night the Democrat majority rejected along party line the only amendment offered to this legislation that would have offered the solution on behalf of the 162 "no" votes. This amendment was offered by the gentleman from Texas (Mr. NEUGEBAUER) who simply would have made it clear that there is nothing in this legislation that should be constructed to confer a special relationship between the United States and the Native Hawaiian people for the purpose of establishing a government-to-government relationship.

This amendment is necessary because in 2000 the Supreme Court decided in *Rice v. Cayetano* that the current configuration of Justices would likely strike down most Federal benefits flowing to Native Hawaiians as an unconstitutional racial set-aside if, given a chance, by accepting Mr. NEUGEBAUER's amendment, or at least allowing its merits to be debated and voted on, Congress would have had the opportunity to make it crystal clear to any future court that this legislation should not be construed as Congress' abuse of its power under the Indian commerce clause to indirectly confer tribal status on the Native Hawaiian people.

I will take the words that have been given to me by the gentleman from Hawaii (Mr. ABERCROMBIE) as well as the gentleman from Florida (Mr. HASTINGS) from the Rules Committee that they do not intend this legislation in any way, and it should not be construed as told to the minority, that they would intend to pass power under the Indian commerce clause to indirectly confer

tribal status on the Native Hawaiian people. I will take them at their word as the understanding and the basis and the intent of this legislation.

But by shutting out this amendment, the Democrat majority has done nothing to address the concerns of the 162 Members of this body who do believe that this legislation under consideration is vague at best and unconstitutional at worst.

□ 1230

Nor have they done anything to clarify the intent of this legislation to the courts. While, Mr. Speaker, you and I recognize that courts in their deliberations would look at congressional intent, we would like for it to be so stated. While the majority has indicated they do not intend this, we wish it had also been in the form of an amendment.

Mr. Speaker, I am disappointed that, once again, the majority has silenced the minority in this effort. I am disappointed also that, by failing to include this amendment, Congress may very well be opening up this legislation to be overturned by the courts. In doing so, Congress would be depriving Native Hawaiians access to the loan guarantee programs provided for in this bill simply for the sake of speed at the cost of accuracy and good legislation.

I urge my colleagues to oppose this rule so that this legislation can be passed in a clear, constitutional way that makes it transparent to the courts that this is not a back-door attempt to lay the groundwork for other legislation to confer tribal status on the Native Hawaiian people. Native Hawaiians are just as much a part of America, this great land, as any of us. Their history is covered by the Constitution, and they are part of this country. I oppose this rule and the underlying legislation.

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

I would notify the gentleman from Florida I have no additional speakers. If he would engage with me in a quick colloquy, we can figure out where we are in terms of moving forward.

Mr. HASTINGS of Florida. I will be the last speaker on my side.

Mr. Speaker, I reserve the balance of my time until the gentleman has closed for his side and has yielded back his time.

Mr. SESSIONS. Mr. Speaker, I do appreciate the gentleman from Florida, his conduct on the Rules Committee, him working with the minority on a number of bills. We wish we could have been successful on this amendment, just the one amendment to add into this piece of legislation.

We will take them at their word that they do not intend for this to be any sort of a back-door attempt to form a government-to-government relationship with the tribal Native Hawaiians.

I will tell you that we do believe that public housing and housing for Hawaiians, who are many times faced with

increasing not only land costs but prices that escalate in the beautiful, beautiful State of Hawaii, that this is a good idea. We should be helping these people out. We simply wish that the amendment had been made in order for the proper clarification.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of our time.

I appreciate very much my friend's attitude with reference to this matter and his suggestion that he would accept the representation of our two colleagues from Hawaii as well as me and other members of the Rules Committee.

I would also urge that your concerns, albeit, I believe, likely to be taken care of on another day, have been addressed by the committee that reported this out unanimously, meaning the Republicans and the Democrats on the relevant committee voted this matter out.

I would also urge that the Hawaiian State legislature has indicated that there are no intentions at all to seek any special status; and the Governor of Hawaii, who is a Republican also, has made it clear that no special status is sought.

Toward that end, it would seem to me that this matter, having been supported, had the enjoyment of the support of 262 Members last week, and that is a total that I hope we will reach today, because this legislation is desperately needed. This is an issue of fairness and access.

I urge my colleagues on both sides of the aisle to support this appropriate rule and the underlying legislation and to clearly understand that it has nothing to do with citizenship and everything to do with housing.

Mr. Speaker, 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, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

Mr. HASTINGS of Florida. Mr. Speaker, may I inquire as to whether or not my friend from Texas is going to manage all the time on this rule.

Mr. SESSIONS. I appreciate the gentleman's inquiry.

At this time, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is intended to represent the minority on the Rules Committee. He is not here at

this time. So until further notice or until his arrival, it would be my intent to have the gentleman accept me in his stead.

PROVIDING FOR CONSIDERATION OF H.R. 1401, RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 270 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 270

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. 1401) to improve the security of railroads, public transportation, and over-the-road buses in the United States, 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 and 20 minutes, with one hour equally divided and controlled by the chairman and the ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the 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 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 to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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. 1401 pursuant to this resolution, not-

withstanding 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 Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague and co-Chair of Florida's congressional delegation, Mr. LINCOLN DIAZ-BALART, or his designee, my friend from Texas (Mr. SESSIONS). All time yielded during consideration of this rule is for debate only.

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

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members may have up to 5 legislative days to revise and extend their remarks on House Resolution 270.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 270 provides for consideration of H.R. 1401, the Rail and Public Transportation Security Act of 2007 under a structured rule. The rule provides 1 hour 20 minutes of general debate. One hour is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against consideration of the bill, except those arising under clauses 9 and 10 of rule XXI.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security shall be considered as an original bill for purposes of amendment and shall be considered as read.

The rule waives all points of order against the bill.

Importantly, the rule makes in order the eight amendments printed in the report accompanying this rule and waives all points of order against such amendments. The amendments may be offered only in the order printed in the report and by the Member designated in the report or his or her designee.

Mr. Speaker, I am pleased to have the opportunity to commence debate on this very essential piece of legislation. Five years have passed since the terrorist attacks of September 11. While we in this body have done a great deal of talking about Homeland Security, our record on the issue suggests otherwise.

Under Republican control, the majority maintained that mandating certain security enhancements was not necessary at the time. Democrats, on the contrary, believe that they are and will not allow this need to go unmet any longer.

The fact that this bill was reported favorably out of the Homeland Security and Transportation and Infrastructure Committees with near unanimity and the cosponsorship of the ranking Republican member of the Homeland Security Committee suggests that our concerns are almost universal in this body.

Moreover, this rule makes in order a total of eight amendments, half of which will be offered by the Members of the minority party. The rule and the process further prove that Democrats refuse to allow partisanship to supersede our responsibility to protect the American people.

Congress's prior reluctance to mandate certain security enhancements out of fear that it might rock the administration's boat has left us woefully behind the curve when it comes to rail and mass transit security. That is why I am very pleased that the Rail and Public Transportation Security Act makes the necessary investment in these absolutely critical enhancements.

The bill requires that the administration develop a security plan for all forms of covered transportation. The bill also creates a system and methods under which all agencies tasked with the responsibility of protecting our country can work together.

We don't stop there. The bill requires the Department of Homeland Security to expand its coordination network through enhanced communication and cooperation at all levels of government.

It requires DHS to develop security training programs for railroad and public transportation employees and extends whistleblower protections to all providers, public or private, who provide covered transportation services.

Under this bill, the number of surface transportation security inspectors will increase by six times by the year 2010, and the bill mandates that the administration issue regulations requiring enhanced security measures for the shipment of security sensitive materials and requires that these shipments not go through highly populated areas.

□ 1245

Perhaps most importantly, this bill pays for these improvements and authorizes \$7.3 billion in security enhancements to make America safer.

Mr. Speaker, the Government Accountability Office has determined that the United States must provide much more leadership and guidance in constructing a rail and security transit plan. This bill answers that challenge and fills the void left by the administration's failure to secure all modes of transportation in this country.

It, just like the rule, is worthy of the support of this body. I urge my colleagues to support both.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to