

So many demands are made on a leader like Bishop Egan, and he gives every day of his life to this service. So when I vote for this resolution I'm going to be voting for the 200-year anniversary of the diocese and for a really remarkable leader that they have in Bishop Egan.

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

Mr. DAVIS of Illinois. Mr. Speaker, we have no further requests for time, and I was just thinking that I spent last evening with about 800 black Catholics at the Knights of Peter Claver at their convention in Detroit. Of course, many of them were indeed from the east coast, from New York and New Jersey and Connecticut, and we just simply had a wonderful time. So I join in support of this resolution and urge its passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 345.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHAYS. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### PROVIDING FOR CONSIDERATION OF H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 558 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 558

*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. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During

consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, 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. 3074 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 (Ms. JACKSON-LEE of Texas). The gentleman from Vermont (Mr. WELCH) is recognized for 1 hour.

Mr. WELCH of Vermont. For the 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.

#### GENERAL LEAVE

Mr. WELCH of Vermont. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today, the House will take up the ninth of 12 appropriation measures where we will continue the effort to take America in a new direction, where we focus on priorities of concern to average Americans throughout this country.

Through these bills, the new Congress is restoring our focus on a domestic agenda that helps all Americans, not just the wealthy few and not just the well-connected corporations.

We will make sure, as we have, that our veterans have the care they need. We'll reverse neglect in environmental protection that's been abandoned, been neglected for the past several years, and we'll fund housing programs for low- and moderate-income Americans. We will provide resources to ensure that children arrive at school ready to learn and have the health care that they need, and we will make certain that our law enforcement officials have the tools that they need to protect our citizens.

Madam Speaker, House Resolution 558 provides for consideration of H.R. 3074, the Transportation and Housing and Urban Development Appropriations Act for 2008. This will be done under an open rule. This is a bipartisan bill that was presented before the Rules Committee by Chairman OLVER

and Ranking Member KNOLLENBERG. It was a pleasure, frankly, to see the cooperation of these two gentlemen and the members of that committee coming together to present to the House for its consideration a very impressive plan to meet our infrastructure and housing needs in the future.

As you know, demographic changes and growth patterns in the United States over the next decade will continue to have a major impact on transportation networks and the need for affordable housing. This bill seeks to ensure that our Nation's transportation system is safe and efficient and that our citizens have access to safe and affordable housing. The bill does so in a way that strengthens the economy and is environmentally and fiscally responsible.

The bill safeguards the regional needs of our Nation by rejecting administration proposed cuts that provide air service to rural communities, and it invests in transit projects for our urban areas that will help our commuters save time and money getting to work. The bill also rejects administration cuts to Amtrak, protects national rail service, and fully funds the highway and transit guarantees set forth in the SAFETEA-LU authorization bill.

The Transportation and Infrastructure Committee recognized the need to support rural airports, something very important to people like me from a rural State like Vermont. Investments in airports, like the Rutland State Airport in Vermont, are critical to rural States and an effective transportation system. The bill includes \$110 million for essential air service to continue service to small and/or rural communities as well as \$10 million for the Small Community Air Service Development Program that will continue the Department of Transportation grant program to help our small communities to attract commercial air services.

Among other things, the committee also includes \$75 million for the FTA's Clean Fuels Grant program, \$26 million above 2007 for clean fuel bus technology. Public transportation companies like the Chittenden County Transportation Authority in Vermont are taking responsibility for their fleet's emissions by making investments in new, fuel-efficient, low-carbon-emitting buses; and this legislation supports those efforts.

In housing, the bill rejects a \$2 billion cut proposed by the administration to eliminate housing programs for the poorest citizens in this country and, instead, aims to make sure that all Americans have adequate shelter. The proposed cuts that this bill would reject include deep cuts to HUD, Community Development Block Grants and programs that provide housing for the elderly and disabled. Funding is included so that anyone with a voucher will not lose it. The President's proposed cuts come at a time when fully three-quarters of households that are

actually eligible for HUD assistance are not receiving that assistance.

And more than 1 million low-income households across New England, including elderly, disabled and families, live in federally assisted housing. Most of these households have annual incomes of less than \$8,000, and they're obviously at serious risk of homelessness. Even larger numbers of households are struggling to survive in a private housing market and are paying more than 50 percent of their income for rent.

□ 1715

The Community Development Block Grant is a valuable resource for cities and States struggling to ensure opportunities for residents to live in safe and affordable communities. It's a tool that helps our local officials do, locally, something that builds up their communities. This program has funded projects that improve the quality of life across the country, including infrastructure improvement and economic development.

In 2007, again using Vermont as an example, we received \$8.4 million in CDBG funds. This bill provides \$4 billion for CDBG grants across the country. That's \$228 million above the 2007 appropriation.

The need to recommit to housing and transportation priorities is necessary in every State in the country. It's a priority we must address head on in this body. This bill takes a big step in the right direction.

I also commend the committee for including very strong language requiring HUD to incorporate strong green building and rehabilitation standards into its housing program, particularly focusing on improved energy efficiency, good for the environment, a pretty quick payoff and good for keeping costs down. While green building is relatively new, it's clearly vital to our Nation's homes and buildings, and to our country, that those homes and buildings become more environmentally friendly.

Finally, this bill also reinforces the link between housing and transportation. It establishes a new interagency working group to coordinate transportation and housing policies on the Federal, State and local level.

I again applaud Chairman OLVER and Ranking Member KNOLLENBERG for their hard and cooperative work in crafting this excellent bill, and thank them and their staffs for their attention to the needs of the people of Vermont and all States in this country.

I will be urging all of my colleagues to support the rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

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

I rise today in opposition to the rule and the underlying legislation, which

spends \$3.2 billion more than last year's Republican-crafted legislation. It also spends \$2.8 billion, almost 6 percent, more than requested by President Bush for this year's transportation and housing funding.

Madam Speaker, I insert for the RECORD the President's Statement of Administration Policy pledging a veto of this legislation due to its fiscal irresponsibility.

#### STATEMENT OF ADMINISTRATION POLICY

*H.R. 3074—Transportation, Housing, and Urban Development, and Related Agencies Appropriations Bill, 2008*

The Administration strongly opposes H.R. 3074 because, in combination with the other FY 2008 appropriations bills, it includes an irresponsible and excessive level of spending and includes other objectionable provisions.

The President has proposed a responsible plan for a balanced budget by 2012 through spending restraint and without raising taxes. To achieve this important goal, the Administration supports a responsible discretionary spending total of not more than \$933 billion in FY 2008, which is a \$60 billion increase over the FY 2007 enacted level. The Democratic Budget Resolution and subsequent spending allocations adopted by the House Appropriations Committee exceed the President's discretionary spending topline by \$22 billion, causing a 9 percent increase in FY 2008 discretionary spending. In addition, the Administration opposes the House Appropriations Committee's plan to shift \$3.5 billion from the Defense appropriations bill to non-defense spending, which is inconsistent with the Democrats' Budget Resolution and risks diminishing America's war fighting capacity.

H.R. 3074 exceeds the President's request for programs funded in this bill by \$3.4 billion, part of the \$22 billion increase above the President's request for FY 2008 appropriations. The Administration has asked that Congress demonstrate a path to live within the President's top line and cover the excess spending in this bill through reductions elsewhere, while ensuring the Department of Defense has the resources necessary to accomplish its mission. Because Congress has failed to demonstrate such a path, if H.R. 3074 were presented to the President, he would veto the bill.

The President has called on Congress to reform the earmarking process that has led to wasteful and unnecessary spending. Specifically, he called on Congress to provide greater transparency and full disclosure of earmarks, to put them in the language of the bill itself, and to cut the cost and number by at least half. The Administration opposes any efforts to shield earmarks from public scrutiny and urges Congress to bring full transparency to the earmarking process and to cut the cost and number of earmarks by at least half.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

#### DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration. The Administration strongly objects to increasing funds for the Federal Aid Highway program based on adjustments determined through a revenue aligned budget authority (RABA) mechanism. At authorized levels, the Highway Account is spending beyond its means and will be insolvent by 2009. Providing additional funding through RABA adjustments only exacerbates the situation, making the highway account oversubscribed by an additional \$500 million before the end of the SAFETEA-LU authorization in FY 2009. Fur-

ther steps will ultimately be needed, but withholding RABA is an important first step to avoid the threat of gas tax increases or a raid on the general fund.

Amtrak. The Administration strongly objects to providing \$1.4 billion for Amtrak, which will perpetuate a flawed model for intercity passenger rail. While the bill provides some funding for Intercity Passenger Rail Capital Grants, which will help encourage sustainable, demand-driven service, the bill fails to include reform provisions proposed by the Administration to improve accountability and encourage competition.

Federal Aviation Administration (FAA). The Administration is disappointed that the Committee did not adopt the President's proposal to align FAA's budget accounts with its lines of business and to delineate the specific uses of the General Fund contribution. These proposals would provide greater transparency, improve management of resources, and complement the reforms proposed by the Administration in the NextGen Financing Reform Act of 2007.

Aviation Insurance Revolving Fund. The Administration opposes the one-year extension for the war risk insurance program for domestic air carriers, which crowds out private sector mechanisms for diversifying risk. The Administration has proposed reforms in the NextGen Financing Reform Act that ensure that air carriers more equitably share in the risks associated with this program.

US-Mexico Cross-Border Trucking Pilot. The Committee report highlights a number of issues related to the U.S. Mexico Cross-Border Trucking Pilot. The Administration assures the Committee that the pilot will be conducted in compliance with the conditions and reporting requirements set forth in P.L. 110-28. However, the Administration would strongly oppose any amendment that is intended to delay or restrict the pilot program.

Reduction Proposals. The Budget proposed reductions in some programs, such as DOT's Essential Air Service program, FAA's Airport Improvement Program, and the Federal Transit Administration's Capital Investment Grants. These reductions are programatically justified and would reduce Federal spending. In addition, the House should consider reductions to unrequested items, such as the Rail Line Relocation and Improvement Program.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

The bill exceeds the request for HUD programs by more than \$3.5 billion. The President's Budget provides increases for high-performing and high-priority programs, ensures effective implementation of HUD programs, and reduces funds for lower performing programs.

Community Development Block Grant (CDBG). The Administration objects to the \$1 billion increase for the CDBG program through a formula that is long outdated and, in many cases, provides more money to wealthier communities than poorer ones. The Administration urges Congress to pass the CDBG legislative reform proposal that was transmitted on June 5, 2007, which improves targeting to the neediest communities and provides incentives to expand economic growth more strategically. In addition, the Administration recommends eliminating the \$180 million in funding for congressional earmarks.

HOME/American Dream Downpayment Initiative. The Administration objects to the more than \$200 million reduction to the request for the HOME Investment Partnerships Program. In spite of the growing need for affordable housing, the House bill would cut this high-performing program with an effective track record of housing production for

low-income families and flexibility for communities to tailor housing assistance to their unique needs. Moreover, the Administration objects to the lack of funding for the American Dream Downpayment Initiative, which provides crucial assistance to increase first-time homeownership.

**Tenant-Based Rental Assistance.** The House bill reflects support for the Administration's proposal to reform the Housing Choice Voucher program. This includes tying Public Housing Authority (PHA) administrative expense payments to the number of assisted families, maintaining rental assistance to the 2007 allocations based on the prior-year's actual expenditures, and providing incentive funds for smaller PHAs to consolidate. The House bill should also eliminate the cap on the number of families PHAs can assist to unlock PHA funds to permit greater housing assistance. The Administration's request would aid significant numbers of additional families and renew approximately 1.9 million vouchers currently in use, without the Committee's addition of \$330 million in unrequested funds.

**Reducing Chronic Homelessness.** The bill supports the Administration's goal of reducing and ending chronic homelessness; however, the House should also fund the Prisoner Re-Entry program.

**Federal Housing Administration (FHA).** The bill supports the Administration's proposal to increase multifamily loan limits in high-cost areas and lift the statutory cap on the number of Home Equity Conversion Mortgages that HUD can insure through the end of FY 2008. However, the Administration would prefer to permanently lift the cap to allow HUD to continue assisting the market in providing this financial vehicle. The Administration also is concerned that the Committee report purports to direct HUD to reverse its implementation of certain recently enacted asset disposition reforms for FHA multifamily programs, which would increase the deficit by \$38 million in FY 2008.

**Other Housing Programs.** The Administration's request provides a program base funding level for public housing that can be sustained in future years and, hence, the Administration does not support the substantial increases for these programs in the reported bill. The Administration also objects to the funding provided for the HOPE VI program. HOPE VI has accomplished its original goal. The Administration also opposes the unreasonably high amount of new section 202 and 811 housing unit construction in the bill, which simultaneously reduces resources dedicated to tenant services, threatens future preservation, and exacerbates a large and growing fiscal responsibility.

**Working Capital Fund.** The Administration strongly objects to the \$95 million reduction. HUD has made significant improvements in strategically and responsibly investing its IT system resources, with demonstrated success. The requested funds are needed to continue to improve HUD financial management and provide proper program delivery and compliance. In addition, the requirement for Committee approval of E-Government funding transfers should be removed. These systems support HUD's core mission and operations.

**Lower Performing Programs.** The Administration opposes the funding provided for lower performing programs such as section 108 loan guarantees, Brownfields, and Rural Housing. These programs are duplicative, lack long-term outcome measures, and have been unable to produce transparent information on results.

**Exemption from Credit Reform.** The Administration opposes section 218, which would prohibit using funds provided in this or any other act to implement the requirements of the Federal Credit Reform Act of

1990 beyond those already being implemented by the Government National Mortgage Association. Congress enacted credit reform in 1990 to more accurately budget for the full cost of credit programs and to bring greater transparency to credit programs in the budget process. This provision of the bill begins to unravel this important reform by setting a precedent that could undermine ongoing efforts to accurately estimate and report the costs of credit programs in the Federal budget and Federal financial statements.

#### EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM

The Administration supports the use of the Employment Eligibility Verification System, previously known as the Basic Pilot Program, but urges the Congress to provide for a transition period to permit agencies to effectively implement acquisition policies and procedures.

#### CONSTITUTIONAL CONCERNS

Sections 405 and 406 purport to require approval of the Committees prior to Executive Branch action. Since these provisions would contradict the Supreme Court's ruling in *INS v. Chadha*, they should be changed to require only notification of Congress.

This year House Republicans proposed an alternative budget that would have achieved balance by 2012 and ended the raid on Social Security without raising taxes, simply by raising a strong economy, reforming currently unsustainable entitlement programs and exercising accountability in government spending.

Unfortunately, this proposal was rejected by the majority of Democrats who have, instead, chosen to pass a budget containing the second largest tax increase in history and one that spends more than \$22 billion more than President Bush had proposed for our Nation's priorities.

While today's legislation does find a number of worthy projects across the country, it also spends \$1.4 billion, or \$600 million above President Bush's request, for a program that has proven to be one of the Federal Government's worst fiscal black holes, Amtrak.

For the last few years, I have worked to address the rampant cost overruns and fiscal mismanagement in Amtrak by offering amendments and legislation to cut funding for the 10 worst money-losing lines and to competitively source some of Amtrak services so that the private-sector efficiencies could be used to help fix this broken system.

This week I am going to take a much narrower approach to fixing the fiscal disaster at Amtrak by offering a very simple amendment to cut funding for the most fiscally wasteful train line in the country, the Sunset Limited, which runs from New Orleans, Louisiana, to Los Angeles, California.

If a passenger were to ride the Sunset Limited from New Orleans to Los Angeles, it would take 46 hours and 20 minutes to complete the journey, assuming, of course, the train runs on time, which is highly unlikely, as this happens only 10 percent of the time. According to Amtrak's most recent performance report, the Sunset Limited ranks as the third most delayed route in 2007.

Perhaps because of this poor performance, this route lost a staggering \$117 million between 2003 and 2006, losing an average of \$29.27 million a year for the last 4 years. Taxpayers across the country are being asked to subsidize the fares of each passenger on this train by a whopping 57 cents per mile for each passenger.

In 2006, the Federal Government spent \$524 per passenger getting these passengers from New Orleans to Los Angeles, meaning it would have been far cheaper, and, I'd add, faster, if we would just buy each passenger a plane trip ticket for their travel. The Federal Government could come out way ahead.

If my amendment were approved last year, Congress would have saved taxpayers \$20.4 million. I believe it is not too much to ask for Congress to show a small bit of common sense and fiscal restraint by prohibiting funds to continue to be spent on the absolute worst line in Amtrak's system.

Madam Speaker, I look forward to debating this amendment and many others that have been proposed on the Republican side of the aisle to pare down the excessive spending contained in this bill and to bring some fiscal sanity back to the appropriations process that will ultimately increase discretionary spending by \$82 billion, or a whopping 9 percent increase in spending if all the new spending proposed by the Democrat majority is signed into law.

This Congress must do better, especially for a large group of people who have been jumping up and down talking about how spending money and balanced budgets are important. But, once again, I know what happens here on this floor of the House of Representatives. Democrats want to tax, and they want to spend. What they want to do is they want to grow the Federal budget, and what I want to do is keep it from encroaching on family budgets and taxpayers from my home State of Texas and those all across the United States.

I oppose this rule and the underlying legislation as it's currently drafted.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, to respond to a couple of comments that my friend from Texas said, this bill complies with PAYGO. It absolutely meets the commitment that this Congress made to pay the bills that go along with the legislation we propose. It is a commitment to fiscal responsibility.

The past Congresses, as is well known and is just factually beyond dispute, abandoned PAYGO, and it has resulted in the largest deficit of this country. That's number one.

Number two, there really is a bipartisan desire to keep taxes as low as possible and spending as low as possible, but this bill also reflects a bipartisan commitment to build our infrastructure, to provide our citizens with the transportation that they need and

the housing that we need. It was passed on a very strong voice vote, bipartisan work by this committee.

Madam Speaker, I yield 4½ minutes to the distinguished Chair of the subcommittee, Mr. OLIVER from Massachusetts.

Mr. OLIVER. Madam Speaker, I thank the gentleman from Vermont for yielding time and for his good work along with Chairwoman SLAUGHTER, Ranking Member DREIER and Members on both sides of the aisle in granting this open rule for the debate governing the fiscal year 2008 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

We requested an open rule with some necessary waivers. The Rules Committee has granted that, and for that we are grateful. The Transportation, Housing and Urban Development bill is a bipartisan, nonpartisan bill, as it should be. I urge the adoption of the rule and passage of the bill.

Let me briefly summarize the highlights of the bill. With regard to Transportation, the bill meets the highway and transit funding guarantees mandated by the authorizations, SAFETEA-LU. In meeting the guarantees, we were required to increase above the President's request the highway obligation limit by \$631 million and funding for transit programs by \$334 million.

Airport development grants are funded at \$3.6 billion, which represents an increase of \$850 million over the budget request, but only \$85.5 million over the last year. The Essential Air Service program is funded at \$110 million, which will preserve all existing air service at small and rural communities.

The President's request for Amtrak was woefully inadequate and would have resulted in the loss of intercity passenger rail service to many communities. Therefore, this bill includes \$1.4 billion for Amtrak in order to preserve a national system and to assist the railroad in making capital investments to improve the railroad's overall service and reliability.

For the first time, the bill includes \$50 million for State matching grants for intercity passenger rail and \$35 million for the Rail Line Relocation and Improvement Program.

With regard to HUD, each year the President's HUD budget arrives at severe cuts to vital programs, such as the Community Development Block Grant Program, known as CDBG, housing for the elderly and disabled, and Hope VI. In the face of this, the committee has done its best to restore the cuts to the programs that serve our most vulnerable citizens. In some cases we have frozen funding at last year's funding levels. In other places we have targeted increases where the people served by HUD programs were particularly harmed.

Funding is included to renew all current section 8 tenant-based vouchers so that no one who has a voucher will lose

it. To that end the bill provides an increase of \$330 million from the President's request for tenant-based rental assistance and nearly \$667 million increase for project-based rental assistance. Included within this amount is \$30 million for 4,000 incremental housing vouchers designated for nonelderly disabled individuals, but which will simultaneously serve 1,000 homeless veterans.

We have funded CDBG at \$4.18 billion, which is \$400 million over last year, but still \$400 million below the CDBG budget for fiscal year 2001. We have restored funding to last year's level of \$735 million for section 202 elderly housing construction and to \$237 million for section 811 housing construction for the disabled. We have also provided \$120 million for the redevelopment of severely distressed public housing through the Hope VI program, a slight increase over the last year.

Once again I would like to thank our colleagues on the Rules Committee for their assistance in moving this bill forward, and I urge the adoption of the rule.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to the ranking member of the Appropriations Committee, the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. I thank the gentleman for yielding me this time.

Madam Speaker, as we consider the rule for H.R. 3074, that's the bill, of course, that makes the appropriations for the Department of Transportation, Housing and Urban Development, crafting the underlying bill before us has not been easy. While there are both certain funding and policy issues in the bill that I have concerns with, this bill represents a reasonable approach at funding our highways, transit systems, airports and housing programs.

The chairman from Massachusetts and I have worked together to resolve our differences as best possible. While we don't agree on everything, this bill is something, I believe, I can support.

Under this bill, highway programs will receive \$40.2 billion. This meets the level guaranteed in the highway authorization bill called SAFETEA-LU, as required under House Rules.

Now, this is the next and most important line I am going to present this evening. For those that don't fully grasp the significance of this, if the bill does not meet the authorization levels, the bill can be struck on a point of order.

□ 1730

Further amendments that ultimately underfund the authorization levels will sink the bill.

One specific area I would like to highlight is the \$75 million for FTA's Clean Fuels Grant program, a \$26 million increase above fiscal year 2007. Promoting clean fuel bus technology such as hybrid buses can be an important aspect to reducing our carbon footprint, and I thank the chairman for

working with me to include this additional funding.

I also want to point out that all specific projects included in the report were requested and certified by Members. This open rule will provide Members with the opportunity to offer amendments that would strike some projects. I would just say that both the majority and the minority reviewed all requests closely and required certifications from requesting Members.

These projects are important for local communities. I am sure, if there is a mayor city council member, or county administrator who doesn't want these funds to improve their communities, I haven't met them; and I thank again the chairman for making that inclusion.

I would conclude by saying that I look forward to the debate on the underlying bill.

Mr. WELCH of Vermont. Madam Speaker, I yield 4½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy. I am pleased to stand in support of the rule and the underlying bill.

I deeply appreciate the work that the subcommittee has done, producing a critical piece of legislation for times of escalating energy costs, congestion, pollution. The work that the committee has done, in particular putting the big picture together looking at the intersection between transportation, land use, and energy, is to be commended.

I am particularly pleased of the work that the committee has done in zeroing in on three particular areas. One that is of a particular interest to me has been the Small Starts program, which permits things like street cars to be reintroduced into American communities. It was something that I was able to work on and insert in the last reauthorization. Sadly, it has been 3 years since that bill was enacted, and the Federal Transit Administration has been unable to get the rules together to be able what should have been a simpler small scale program to be able to operate.

I deeply appreciate the work that the committee has done to be able to make clear that the FTA needs to get its act together; that, rather than using a single means of cost effectiveness and disregarding all the other factors required under the underlying legislation, that the FTA must weigh economic development and land use effects of the project. This is critical. It is something that 82 communities across the country are now looking at for the reintroduction of street car and Small Start. This committee language is an important step in that direction, to help the administration obey the law, something they have been unable to do for 3 years.

I am also pleased that there is clarification of the utilization of the CMAQ, the Congestion Mitigation Air Quality.

The administration has unfairly limited the application of this funding simply to new bus services, leaving out rail transit all together. There are projects in my district and others around the country that would be unfairly impacted by the narrow implementation of this rule. It would be the wrong thing to do in a time of rising oil costs, transportation congestion, and the economic and environmental concerns. I appreciate that the committee directs the Federal Highway Administration to reinstitute the CMAQ eligibility regarding operating assistance for New Starts projects for up to 3 years. This is back to the original intent, it is a great step forward, and I appreciate them doing it.

Last but not least, "location efficiency," particularly as relates to HOPE VI programs, is very, very important to where a project is located and how it is constructed. The committee has taken some pioneering work to be able to look at the application, to be able to deal with the implementation in a location-efficient way that will stretch transportation dollars. It will make a huge difference for low-income families who spend more on gasoline in many cases than they do on food, on education, or any other major discretion. In fact, many low-income people actually spend more on transportation than on housing.

I must conclude by noting that there are still some who hold on to the pathological notion that the United States should be the only country in the world with unsubsidized rail passenger service. I would note that the airline industry has made a net profit of zero in its 75-year history despite massive Federal subsidies. I think this legislation is a step forward by simply giving a little bit of what is necessary for a national rail passenger network. It is cost effective, it is energy efficient. It brings us in line with where the rest of the civilized world is. And I commend the committee for it.

Mr. SESSIONS. Madam Speaker, at this time I yield 6½ minutes to the ranking member of the Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding me time. And I appreciate the work that the Rules Committee has done on this. I also appreciate the work of the Transportation, HUD, and related agencies appropriations subcommittee, and Mr. OLIVER, the gentleman from Massachusetts, and also the distinguished gentleman from Michigan, Mr. KNOLLENBERG.

And I am not here to criticize their work product. I am here, though, to set a marker, partly a historical marker; and I will speak in opposition to this rule and also the way the rule was crafted.

Madam Speaker, while the Committee on Rules calls this resolution an open rule, it is unfortunately extremely restrictive in nature. While the rule will allow for most amend-

ments, unfortunately it weighs most points of order against consideration of the bill.

Under clause 2 of rule XXI, the rules of the House allow for a point of order to be raised against any provision that is considered authorizing on an appropriations bill; however, this resolution that we are considering now waives that point of order.

Now, again, I come here because, as the ranking member, the Republican leader on the House Transportation Committee, I said we need to set a marker. I was checking with the Parliamentarian, and as far back as we can look, the Founding Fathers and those that preceded us in these Chambers separated the authorizing process, authorizing projects and policy, from the appropriations policy. And here, tonight, we abandon the prerogative of the authorizing committee to cite a point of order that should be raised against a number of provisions in this legislation that in fact authorize on an appropriations matter. What good is the transportation and infrastructure authorizing committee? It is the largest committee in the House of Representatives, and the action we take here tonight makes really chopped liver out of that process. I think that is unfair, and it also sets a bad precedent.

There are several provisions of the bill that we will consider tonight that are authorizing, as I said, in nature and that would be subject to a point of order if this is truly an open rule tonight. The most egregious of these provisions is the proposed rescission of \$3 billion of unobligated highway contract authority. A rescission of this size will have a very severe impact on the ability of our State departments of transportation to implement their highway programs throughout the Nation. To compound the effect of this rescission, the provision also restricts how a State can apply the rescission. During consideration of H.R. 3074 this evening, I will offer an amendment that will address this issue.

My amendment is simple. It will seek to provide the State departments of transportation maximum flexibility in how the rescissions should be administered. It is nice for us to make these rescissions, but we should give the States some prerogative in how they apply those rescissions to their own States and their priority of projects.

If the rule was truly an open rule and did not waive points of order, then I would not have to offer this amendment. I could have simply raised a point of order, which I have done in the past. Mr. YOUNG, who was the chairman, would have taken the same measure. He would have been out here if he was in the majority and Chair, Mr. SHUSTER before him, and the language would have been stricken from the bill. However, this rule waives that point of order, and for this reason I will vote against the rule this evening, and I encourage all of my colleagues to do the same.

I would insert in the RECORD at this point a letter from Chairman OBERSTAR of the T&I Committee dated July 18, 2007, to Mr. OBEY, and it states a whole series of concerns that he raised about, again, authorizing on a legislative appropriations.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

Washington, DC, July 18, 2007.

Hon. DAVID R. OBEY,  
Chairman, Committee on Appropriations  
Washington, DC.

DEAR CHAIRMAN OBEY: I would like to share my views on several issues related to H.R. \_\_\_, the Transportation, Housing and Urban Development ("THUD") Appropriations Act for fiscal year (FY) 2008, as ordered reported by the Committee on Appropriations last week. Although these issues include provisions that violate Rule XXI of the Rules of the House of Representatives, I have not asked that the Committee on Rules allow me to raise a point of order against these provisions. I would like to work with you to resolve these issues.

#### HIGHWAYS

I regret that the bill rescinds \$3 billion in unobligated balances of funds that have been apportioned to States under the Federal-aid highway program. However, I understand the funding constraints that led to this decision, and I appreciate that the bill requires the rescission to be applied proportionally to all Federal-aid highway programs, consistent with the approach taken in H.R. 2701, the Transportation Energy Security and Climate Change Mitigation Act of 2007, as ordered reported by the Committee on Transportation and Infrastructure.

Throughout the bill, there are a number of other rescissions of highway, motor carrier safety, highway safety, and transit funds that raise concerns for the Committee on Transportation and Infrastructure. In particular, section 124 rescinds \$172,242,964 of unobligated balances of contract authority for research programs conducted by the Federal Highway Administration (FHWA). Earlier this year, the House passed H.R. 1195, which provides additional resources to ensure that the FHWA research program receives the funding necessary to continue essential programs. Under SAFETEA-LU, the contract authority for research programs is available for a period of three fiscal years. A portion of this unobligated balance of contract authority is needed to conduct research programs in FY 2008. H.R. \_\_\_, the THUD Appropriations Act, rescinds some of these necessary research funds.

#### AVIATION

The Committee on Transportation and Infrastructure recently ordered H.R. 2881, the FAA Reauthorization Act of 2007, to be reported. Section 404(b) of H.R. 2881 amends section 41742(b) of title 49, United States Code, to require overflight fee collections in excess of \$50 million to be distributed as follows: one-half to the Small Community Air Service Development ("SCASD") program, and one-half to the Essential Air Service ("EAS") program, or if not needed for EAS, then for rural air safety improvements. In addition, section 121 of H.R. 2881 requires the Federal Aviation Administration to increase the overflight fee rates beginning on October 1, 2008. This provision will result in a significant increase in overflight fee collections in the future.

These provisions of H.R. 2881 could be undermined by the proviso on page 15, lines 1 through 5, of the Committee Print of the FY 2008 THUD appropriations bill. This proviso waives section 41742(b) of title 49, United

States Code, and instead requires overflight fee collections in excess of \$50 million to be carried over to FY 2009 and used to help satisfy the \$50 million funding requirement for EAS in FY 2009. With this language, and steadily increasing overflight fee collections, a balance of unexpended overflight fees would quickly build up over time, a situation I would strongly oppose. As the aviation reauthorization and FY 2008 appropriations processes continue to move forward, care must be taken to ensure that contradictions such as this do not remain in the final legislation.

Similarly, Title VII of H.R. 2881 extends the aviation war risk insurance program through 2017, followed by a transition to an airline industry-sponsored risk sharing arrangement after 2017. These provisions could be undermined by section 115 of the FY 2008 THUD appropriations bill, which extends the program for a much shorter period of time. This is another case in which the aviation reauthorization and FY 2008 appropriations bills must be carefully coordinated.

Aside from these issues related to the FAA reauthorization bill, there are several other aviation-related provisions in the FY 2008 THUD appropriations bill that are of concern to me. The paragraph beginning on page 5, line 23, of the Committee Print appropriates \$60 million for the EAS program. These funds are in addition to the EAS funding from overflight fees. While I support funding for this program, this is an unauthorized appropriation from the Airport and Airway Trust Fund. The EAS program does not exist for the benefit of aviation system users. Rather, it exists to help small communities maintain their link to the national aviation system and, therefore the economic life of this nation. As such, there is no compelling policy reason to fund the EAS program from the Airport and Airway Trust Fund, rather than the General Fund. Furthermore, the uncommitted cash balance in the Airport and Airway Trust Fund has dropped significantly over the past several years. The remaining balance in the Trust Fund must be preserved for expenditure on programs that are authorized to be funded from the Trust Fund. Therefore, I request that you consider deriving this appropriation from the General Fund, rather than the Trust Fund.

Regarding the Airport Improvement Program ("AIP"), I have three areas of concern. First, the proviso on page 13, lines 2 through 10, of the Committee Print earmarks AIP funds for several activities that, under H.R. 2881, are not authorized to be funded from AIP and would be a violation of the aviation capital funding guarantee. I am particularly concerned about the earmarking of AIP funds for research programs, and the expansion of this practice to include a new program—Airport Technology Research.

Second the bill rescinds \$185.5 million of AIP contract authority that remains unobligated due to the failure of the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5) to fully fund the AIP program. I will not object to this rescission because I do not want to further constrain the funding that is available for transportation programs in FY 2008. However, this AIP contract authority is within the guaranteed levels and should not be rescinded.

Third, the report accompanying the FY 2008 THUD appropriations bill includes a listing of 72 airport projects which the FAA is directed to fund. The law governing the AIP requires the FAA to establish a priority system to decide which projects will receive funding. The FAA's National Priority System, which has been in use for many years, gives highest priority to projects that will bring airports into compliance with safety standards. Second priority is given to

projects that are necessary to meet security requirements. Third priority is given to reconstruction or rehabilitation projects that are needed to preserve existing airport infrastructure. Fourth priority is given to projects needed to achieve compliance with current FAA standards. Fifth priority is given to capacity enhancement projects. Aviation projects are not like projects in other modes of transportation. For example, an improvement to a highway project in one city does not necessarily benefit highway users in any other city, but in the national system of integrated airports, an improvement in one airport, particularly a major hub airport, could benefit aviation travelers throughout the system. For this reason, the FAA should have, and does have, discretion to fund improvements to increase capacity, to improve safety, to meet standards, and reduce bottlenecks. To limit the FAA's discretion in this regard would only worsen the congestion and delays we are already experiencing today.

I want to make it clear that the language in a report cannot override a priority system established under the governing law. I would like to quote from the decision of the Comptroller General on a similar situation. The Comptroller General wrote: "It is our view that when Congress merely appropriates lump sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should be or are expected to be spent do not establish any legal requirements on Federal agencies."

Throughout my career, I have steadfastly resisted designating airport improvement projects in authorizing legislation and will continue to resist such designations. I urge you to resist including such earmarks, as well.

#### RAILROADS

The proviso beginning on page 39, line 22, of the Committee Print requires leases and contracts entered into by Amtrak to be governed by the laws of the District of Columbia. I recognize that this is intended to address a specific situation in Maryland, and I agree that there is a compelling reason to address that situation. In fact, a similar provision that is specific to Maryland was included in the rail security bill, and is expected to be included in the 9/11 Conference Report. However, this proviso is much broader and would preempt all state and local laws (except the District of Columbia's laws) dealing with contracts and leases with respect to Amtrak. To avoid any unintended consequences that may result from such a broad approach, this issue should be considered under regular order, and addressed in the Amtrak reauthorization bill currently being developed by the Committee on Transportation and Infrastructure.

Finally, I would like to comment on the proviso beginning on page 40, line 8, of the Committee Print which prohibits Amtrak from using Federal funds for supporting any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare. Oftentimes passenger travel providers will seek to maximize revenue on certain routes or travel times by offering travel discounts. For example, the airline industry has developed sophisticated pricing practices that maximize revenues by ensuring that seats that would otherwise fly empty (contributing nothing to revenues), are filled at whatever price point the market will support. Restricting Amtrak from employing similar pricing practices seems unfair, and contrary to the notion that Amtrak should operate in a more business-like fashion.

Thank you for your consideration of these views. Although there are numerous other legislative provisions that are included in the THUD Appropriations Committee Print, my principal concerns are with the provisions discussed above. I look forward to working with you to resolve the critical issues outlined in this letter.

Sincerely,

JAMES L. OBERSTAR, M.C.,  
*Chairman.*

May I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Florida has 45 seconds remaining.

Mr. MICA. I think in 45 seconds let me cite for the record, then, verbally here the provisions authorizing in nature and rescissions in this bill:

In addition to the \$3 billion in Federal Highway Contract Authority, a rescission of \$172 million in Highway Research Funding; a rescission of \$50 million in the Federal Motor Carrier Safety Administration; a rescission of \$20 million from the Highway National Traffic Safety Administration; a rescission of \$30 million from the Federal Transit Administration; a rescission of more than \$200 million from the Federal Aviation Administration; and, finally, there is authorizing for Amtrak that was poorly crafted in this bill that deals with the problem with MARC in Maryland.

In this poorly crafted authorizing on an appropriations legislative measure, they poorly drafted a provision that deals with the problem with MARC in Maryland, their transit system; and the bill requires that all leases and contracts entered into by Amtrak be governed by the laws of the District of Columbia, drafted in error, but authorizing that step in this important bill. So these are the points that I would raise and need to be addressed.

Mr. WELCH of Vermont. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank the gentleman from Vermont, my friend from the Rules Committee, for yielding.

Madam Speaker, I rise today in strong support of the rule and the underlying legislation for the fiscal year 2008 Transportation, Housing and Urban Development Appropriations Act.

I want to thank the distinguished chairman of the Appropriations Committee and the ranking member for reporting out the bill. It does not pay lip service, but makes critical investments in our Nation's transportation and infrastructure at the levels guaranteed under SAFETEA-LU.

Madam Speaker, this bill rejects the administration's proposed funding cuts to the FAA Airport Improvement Program, highway programs, and Critical Housing in Community Development programs. The bill provides \$140 million more than current funding for the Federal Aviation Administration, and \$850 million more than the President's



request for the FAA Airport Improvement Program, which provides grant and aid for airport planning, construction, and development.

Recipients of the AIP funds, such as Griffis Park Airfield in my Upstate New York district, have benefited greatly from the program. Over the last few years, AIP funds have helped Griffis continue to fully develop as a regional aviation facility, become the new home to Oneida County Airport, and create long-term regional economic growth for a region often strained to attract new investment.

□ 1745

The bill also maintains our commitment to keeping our airways safe by providing \$7 billion, 219 million more than the current funding, to hire more than 1,400 new air traffic controllers to replenish the workforce as the rate of retiring air traffic controllers continue to grow.

This bill also provides \$20 million more than the President's request to hire and train more safety inspectors and other aviation safety activities.

The bill boosts funding for the Federal Transit Administration by providing \$288 million more than the President's request for mass transit programs. Local transit authorities such as Central New York Regional Transit Authority and CENTRO in my district will now be able to expand their hybrid bus fleet and continue to provide low-cost, convenient, clean, energy-efficient transportation services to commuters in both upstate and New York City.

The President's budget request seeks to eliminate funding for the Hope VI program, but I am so pleased that this legislation will maintain our commitment to providing affordable housing for the many disadvantaged individuals across the country, individuals that still struggle daily to meet their families' needs, even while working full-time jobs.

H.R. 3074 restores funding for the Community Development Block Grant Program, which this administration has cut since 2001 by nearly 35 percent. This bill provides \$1.1 billion more than the President's request for CDBG grants, which allows local governments in cities such as Utica, Rome and Auburn, New York, to provide critical services to revitalize neighborhoods, promote economic development and improve quality of life for those starved of financial resources.

Mr. SESSIONS. Madam Speaker, at this time I'd like to yield 3 minutes to the gentlewoman from the Land of Enchantment, New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. For those of you sitting in your offices tonight, and for those staff members who are watching this debate, I'd like you to listen real carefully to what I have to say because I think it's important, probably more important than many of the things that we do around here.

We are going to have a vote tonight on the previous question on this rule.

And if the previous question is defeated, I will immediately bring to the floor an amendment that will update important elements of the foreign intelligence surveillance law.

On May 1, in an unclassified session in front of the Senate Intelligence Committee, Admiral Mike McConnell, who's the Director of National Intelligence, urged the Congress to modernize this law. And he said this: "We are actually missing a significant portion of what we should be getting."

And today the Attorney General of the United States wrote to the Congress and said that merely adding resources will not solve the critical problem that we face.

We are providing protections to foreign targets overseas. The law in this country should not require a warrant to use our communications systems to protect this country, and the irony is that is exactly what we're doing. Terrorists who are trying to kill Americans are using our communications networks, and we are forcing our intelligence agency to jump through hoops and get warrants to listen to foreigners in foreign countries communicating with each other.

We must update this law to protect Americans. Intelligence is our first line of defense in the war on terrorism. The administration has told us it is critical. The Members, Democrat and Republican, in the intelligence committees know that I'm telling the truth, and the leadership, both Democrat and Republican, know the same thing.

I would urge my colleagues to defeat the previous question, to immediately change these laws, and to protect Americans from terrorist attack.

Mr. WELCH of Vermont. Madam Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Vermont has 9½ minutes remaining, and the gentleman from Texas has 12½ minutes remaining.

Mr. WELCH of Vermont. Madam Speaker, I'm the last speaker on this side. I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time I'd like to yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, for the last 2 years, I've worked to kill funding for the bridges to nowhere, one connecting Alaska to an island with 50 people and the other to an island with just 22. These federally funded structures would be almost as long as the Golden Gate Bridge, and would be taller than the Brooklyn Bridge. Never in the history of the Congress has so much money been spent for so few.

Now, last year the House Appropriations Committee backed my amendment and put this House on record against funding the bridges to nowhere. We also completely deleted the Federal earmark that required spending on these projects, and that was the right decision.

The Federal Government spends too much, and higher spending leads to

higher taxes, higher taxes to a smaller economy and fewer jobs, and we should not follow that road. But that is the direction that the Bridge to Nowhere leads.

This year was different. A new party and a new leader promised change here in Washington. Amazingly, under the Republicans, this House came out against funding the Bridge to Nowhere. But under the Democrats, the Appropriations Committee now voted to block an amendment cutting off funding for the bridges.

Under this Congress, leaders promised to kill pensions for Members of Congress convicted of a felony, but after 7 months, no such reform has been enacted.

And now, under this Congress, many Members promised back home to kill the bridges to nowhere, but under this bill, they will be funded, and funded for years to come because these bridges will take at least \$400 million to build the structures. And one of the bridges is already \$37 million over budget, a number that will likely rise.

Madam Speaker, my amendment to kill the funding for the bridges to nowhere is technically out of order because, according to our Parliamentarian, he says it violates clause 3 of rule XXI because it would trigger Alaska losing funding guaranteed by the previously enacted transportation bill.

The Appropriations Committee, my committee, is at its best when it decides to appropriate taxpayer money and also when it decides not to appropriate taxpayer money.

Amazingly, it is not in order to offer an amendment to this appropriations bill to deny appropriations. Our rules do not make sense, of course, unless you support the Bridge to Nowhere or like government spending.

We will be at this again next year, and we'll look closely at the cost overruns already with the bridges to nowhere and their burden on American taxpayers. But today, a simple amendment to block funding for the bridges to nowhere, an amendment that would be overwhelmingly approved if offered, cannot be offered because a point of order would be leveled against it.

Americans should know that, despite promises to reform this House under new leaders, the new leaders of this House has flipped the House of Representatives from being anti-Bridge to Nowhere to now being for the waste of taxpayers' money.

Mr. SESSIONS. Madam Speaker, at this time I'd like to yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Speaker, I rise in opposition to the rule for the Department of Transportation, HUD and related agencies appropriations.

The ranking member of the Transportation Committee, Mr. MICA, has made compelling and passionate remarks regarding the objections shared by many members of the committee on both sides of the aisle. Numerous provisions in the underlying bill constitute

legislating on an appropriations bill and fall within the jurisdiction of the Transportation and Infrastructure Committee.

As the ranking member of the Railroad Subcommittee, pipelines and hazardous materials, I would like to voice my opposition waiving points of order under clause 2, rule XXI, which is the rule against authorizing on appropriations bills.

In House Resolution 558, I'm especially concerned about the language that places all Amtrak contracts and leases that make them subject to the Washington, D.C., law. This language should be removed from the bill because it is authorizing on an appropriations bill.

This provision was apparently intended to help resolve a pending Amtrak negotiation with the State of Maryland. That negotiation involved a dispute of a disputed clause in the MARC commuter railroad operating agreement. Amtrak wants all disputes handled under D.C. law, but Maryland State requires that it's handled under their jurisdiction, which is appropriate.

Instead of a narrowly tailored provision, this provision is unlimited in scope and states that all leases and contracts entered into by Amtrak shall be governed by D.C. law. This could be construed to include all D.C. laws, including building codes, environmental permits and security deposits, et cetera, et cetera.

In addition, Amtrak trackage agreements with computer railroads such as the New Jersey Transit, Long Island Railroad, Virginia Railway Express and freight carriers would ultimately be placed under D.C. law. This could lead to many unintended consequences such as changing the law on all rail leases, contracts and perhaps rail labor contracts.

Again, I voice my opposition for House Resolution 558 and the waiver of the point of order based on clause 2 of rule XXI.

Since the Democratic majority has taken over the House, we've seen a chipping away of the authority and the jurisdiction of the Transportation and Infrastructure Committee. So I would urge the chairmen of the committee to join together in a bipartisan fashion to oppose this rule which continues to erode the jurisdiction of the Transportation Committee and thus, I believe, sets a precedent for all committees in the House, all authorizing committees, to continue to see their authorities and their jurisdictions to erode and given away to the Appropriations Committee.

So again, I rise in opposition to this rule and urge my colleagues on both sides of the aisle to stand for the continuing erosion of our authorities and our jurisdictions to these committees that were given historically to these committees.

Mr. SESSIONS. Madam Speaker, under the agreement that we just had with the gentleman from Vermont (Mr.

WELCH), I'm going to go ahead and close, and then we are now through with our speakers and allow the gentleman to do the same thing.

Madam Speaker, I will be asking for a recorded vote on the previous question for this rule. Our country is facing a very serious problem that must be addressed before the House adjourns in August, and, to date, the majority Democrats have not shown a commitment to deal seriously nor quickly enough with one of the most serious threats facing America.

If the previous question is defeated, I will offer an amendment to the Foreign Intelligence Surveillance Act that clarifies one very simple and critical thing; that the United States Government will no longer be required to get a warrant to listen to foreign terrorists who are not even located in the United States.

The Director of National Intelligence, Michael McConnell and the Director of the Central Intelligence Agency, Michael Hayden, have testified to Congress that, under current law, their hands are tied. As Director McConnell recently testified, FISA is outdated and has been made obsolete by technology. Today our Intelligence Community is forced to obtain warrants to listen to terrorists outside of our Nation, and, as a result, "We are actually missing a significant portion of what we should be getting." I'll say it in my own way: The things that we would expect our government to know and be prepared for.

We simply cannot allow ourselves to be deaf and blind to terrorist communications that threaten our very existence because of a law that is woefully outdated. All of us have heard public reports from the Department of Homeland Security that terrorist chatter is at record levels that we have not seen since 2001. We have to open our ears, we have to open our eyes to keep this Nation safe. It can be done tonight with our part of this, Madam Speaker.

If my colleagues on both sides of the aisle are serious about facing down the threat, they will join me in defeating the previous question so that the House will be able to address this very real and very serious threat immediately.

I ask unanimous consent to include my amendment and extraneous material in the CONGRESSIONAL RECORD immediately 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. Madam Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I have a newfound respect for the Chair of this committee and the ranking member, Mr. OLVER and Mr. KNOLLENBERG. They have an incredibly difficult job, and that is to take the responsibility that this House of Representatives has, Democrats and Re-

publicans, to put together a transportation infrastructure program and a housing program, and to do that when they have 435 Members of Congress tugging on their arms every day asking them to include projects in their districts because the Members from those districts sincerely believe that those are essential to the economic development and the transportation needs and the housing needs of the people who live there.

□ 1800

And they managed to do it. They came in, treated every Member of this body with enormous courtesy and patience, listened to what our requests were, and then put together a bill that was bipartisan. It was quite extraordinary. And it was a pleasure to be a member of the Rules Committee and to see these two gentlemen come up and be mutually complimentary after a hard process of allocating \$50 billion of taxpayer money for infrastructure and housing improvement in this country. They are to be commended for that.

We then come down to the floor and we get into the back and forth about specific projects and try to pick and cherry pick examples of what is bad when it was the recommendation of the chairman of the committee that this be an open rule; so anybody who has got a problem with any particular project is going to have an opportunity to offer amendment to strike that project and make whatever arguments they want.

This issue of how we restore the transportation infrastructure of our country is vital. The fact is we spend too little, not too much, and it is the funding issue that is a challenge in every Congress. But our infrastructure compared to many of the countries with which we compete economically is woefully behind what the economy of our country needs and the citizens of our country deserve.

I applaud the work of this subcommittee, bipartisan work. And why it is that we have to beat up on the work of the committee by claiming it is partisan, Democrat and Republican, really escapes me. There is nothing partisan about meeting the infrastructure needs of our country. There may be fierce debates about the best way to do it, which projects should get funding, how much you allocate towards the air system versus rail; but the fact is we have got an obligation to improve a crumbling infrastructure in this country, and the bill that has been presented to this Congress on a bipartisan basis, under the leadership of Mr. OLVER and Mr. KNOLLENBERG, takes us a solid step forward.

I urge a "yes" vote on the previous question and on the rule so that the House can consider H.R. 3074.

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

AMENDMENT TO H. RES. 558

OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution insert the following:



SEC. 3. Notwithstanding any other provision of this resolution, it shall be in order to consider the amendment printed in section 4 of this resolution if offered by Representative Hoekstra of Michigan or his designee. All points of order against consideration of the amendment printed in section 4 are waived.

SEC. 4. The amendment referred to in section 3 is as follows:

At the end of the bill (before the short title), insert the following: Subsection (f) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended to read as follows—

‘(f) ‘Electronic surveillance’ means—

‘(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing surveillance at a particular known person who is reasonably believed to be in the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

‘(2) the intentional acquisition of the contents of any which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, if both the sender and all intended recipients are reasonably believed to be located within the United States.’.

(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 ordering 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 Con-

gressional 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. WELCH of Vermont. Madam 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. SESSIONS. Madam 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.

#### VACATING ORDERING OF YEAS AND NAYS ON H. RES. 535, COM-MENDING DAVID RAY RITCHESON AND RECOGNIZING HIS EFFORTS IN PROMOTING FEDERAL LEGISLATION TO COM-BAT HATE CRIMES

Mr. WELCH of Vermont. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and agree to H. Res. 535 to the end that the Chair put the question de novo.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 535.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGEN-CIES APPROPRIATIONS ACT, 2008

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110-255) on the resolution (H. Res. 562) providing for consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### RECESS

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

Accordingly (at 6 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1849

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas) at 6 o'clock and 49 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 404, by the yeas and nays;

H. Res. 553, by the yeas and nays;

H. Res. 519, by the yeas and nays.

The vote on H. Res. 345 will be taken tomorrow.

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

#### FEDERAL CUSTOMER SERVICE ENHANCEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 404, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 404, as amended.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 48, as follows: