

bishops are in jail in China. Two hundred Protestant pastors are in jail in China. They have plundered the Tibetans, and they're persecuting the Uighurs. This is not a government that is very friendly. And also they are the leading supporter of genocide in Darfur.

With that, knowing this will be dealt with, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just want to say that I serve on three committees. I serve on the House Administration Committee. And I am here today in that capacity. I serve on the Homeland Security Committee where I have participated in I would say dozens of hearings on cybersecurity at least over the years. And I serve on the House Judiciary Committee where we have had, we have a little bit of jurisdiction, but we have actually worked pretty hard on our spyware issues and cybersecurity issues. We have paid attention to that.

I know that the Armed Services Committee has also paid attention to the whole issue of cyber warfare and cybersecurity. The Intelligence Committee isn't allowed to tell the rest of us mere mortals who don't serve what they have done, but I certainly hope they are taking this seriously and believe that they are.

I know that the gentleman has the right to close. I would just say that I would like to provide to Mr. WOLF the material from the many, many hearings that we have had. I think that he would value seeing what we have done so far. And also it would be valuable to him to see what remains to be done.

As I said earlier, we have been yelling, actually yelling about this. We have, as a Nation, tremendous vulnerabilities. And you can't always know. You can detect, unless it is spoofed, where an intrusion is coming from. You can't always say who has initiated that intrusion. But I will tell you, these intrusions and hackers are coming from all over the world with all kinds of intentions. And we all ought to take all of this very seriously. And we have failed, I think, to do all of the things that we could have done.

We have worked with the private sector. And at this point, the private sector is so wary of the Department of Homeland Security that there is a reluctance, actually, to work with the department because the information provided to the department will be so insecure. So we have a long ways to go.

I am glad that the gentleman has a strong interest in this. I wish that every Member had a strong interest in it. And maybe after we are through having these presentations to the Republican Conference and the Democratic Caucus, we will have a higher level of Member interest. And maybe instead of just our few voices in the wilderness here in the House, Mr. EHLERS, Mr. LANGEVIN, myself and Mr. THORNBERRY, who have been working on this for so many years, will have more voices, and maybe we will have a better response. I certainly hope so.

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

MOTION TO REFER OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

Ms. ZOE LOFGREN of California. Mr. Speaker, I have a motion at the desk. The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. Zoe Lofgren of California moves that the House refer the resolution to the Committee on House Administration.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to refer.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to refer.

The motion was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 6063, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1257 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1257

*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. 6063) to authorize the programs of the National Aeronautics and Space Administration, 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 Science and Technology. 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 Science and Technology 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 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 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. 6063 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida 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 friend from Florida, Representative DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent, Mr. Speaker, that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1257.

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 1257 provides for consideration of H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008, under a structured rule.

The rule provides 1 hour of general debate controlled by the Committee on Science and Technology. It also waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI.

The rule makes in order the 12 amendments listed in the Rules Committee report accompanying the resolution. Finally, the rule provides one motion to recommit with or without instructions.

□ 1815

Mr. Speaker, the National Aeronautics and Space Administration Authorization Act is a commonsense and fiscally responsible authorization plan for NASA that will strengthen our ability to improve our Nation's economy, communities and programs, as well as our national security.

The bill authorizes \$20.21 billion for NASA for fiscal year 2009. This includes \$1 billion in funding to accelerate the development of the Orion Crew Exploration Vehicle and Ares 1 Crew Launch Vehicle. This ensures that we do not lose ground to Russia and China as we work to build the next generation of space flight vehicles.

I would take a point of personal privilege to point out, Mr. Speaker, that the husband of a Member of the House of Representatives, GABRIELLE GIFFORDS, is on the present space vehicle that is in outer space. I learned from, we call her "Gabby," that her husband will be home Saturday, and we wish him and the crew all safety and Godspeed.

Additionally, the underlying bill provides for programs in human space flight and exploration, aeronautics research and development and scientific research, including Earth observations and research.

The bill authorizes an additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station.

Lastly, the underlying bill contains important provisions related to education, space traffic management and astronaut health care.

Mr. Speaker, the underlying bill's bipartisan support is a testament to the fact that my colleagues on both sides understand the tremendous importance of supporting NASA. However, in this time of soaring drug and food prices, a plummeting economy and war, some are asking why Congress should invest in our Nation's space program. To put it another way, why are we going in space when I don't have gas to get to the grocery store? While I wholeheartedly disagree, I would be remiss if I did not at least acknowledge their concerns.

It provides us with the opportunity to recount the many lifesaving and life-altering methods and products that were made possible through space technology.

Mr. Speaker, people of all ages know that putting men on the moon in 1969 was one of NASA's pioneering achievements. Missions to space have given us all a sense of national pride and allow us to better understand the universe in which we live. Few know, however, that for 50 years space technology has laid the foundation for consumer products that help businesses run more efficiently and allow everyday people to live safer, longer and better lives.

Think about it. The United States has some of the most cutting-edge medical technology in the world because of NASA. The pacemaker, voice-controlled wheelchairs and the MRI all rely on technology that was first developed for space exploration.

More than 560,000 Americans will die from cancer this year, including over 40,000 in my home State of Florida. Space technology has led to life-saving advanced screening and treatment methods for breast cancer that are more accurate, cost-effective and less invasive.

Do you want more? We have all come to realize the consequences of not protecting our environment and conserving our resources. NASA has made significant contributions to the way that we adopt environmentally-friendly practices in our homes, businesses

and everyday lives. It has been at the forefront of documenting climate change.

Further, solar energy, environmental control sensors that monitor emission levels and water purification systems that could save millions in poorer countries from developing deadly and debilitating water-borne diseases were all made possible because of space technology.

Mr. Speaker, I could go on and on. I would be remiss if I didn't mention the microwave oven, food products and drinks that have been developed because of space technology.

The past 7 years have made us acutely aware, Mr. Speaker, of the importance of having the infrastructure and tools to respond to natural and man-made disasters. There too, NASA has played a crucial role in national security by providing the resources and technology to make our communities, borders, waterways and airways safer. We owe wireless technology, storm warning devices and radiation hazard detection in part to space technology that was developed and tested under NASA programs.

Mr. Speaker, for me, the future of the U.S. space program hits close to home. The Kennedy Space Center in Cape Canaveral has a profound impact on Florida's economy and well-being, and my colleague in the minority, Mr. DIAZ-BALART, and I know this all too well.

Again a point of personal privilege. Where Cape Canaveral, Cape Kennedy is, Mr. Speaker, as a child I fished there in the Haulover Canal, and I can't tell you what a tremendous, scintillating experience for me it is to see an area that was and still is pristine, now the place where our national pride is raised every time a space vehicle is launched.

In 2006 alone, the space program contributed nearly \$1.7 billion to Florida's economy. It provides thousands of direct and indirect jobs, encourages businesses and recreational travel, and also helps groom the next generation of mathematicians and scientists by providing learning and research opportunities for students of all ages.

Mr. Speaker, by supporting this rule and the underlying bill, we are investing in the welfare of our great country and installing the next chapter in the American book of creativity and innovation.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, the gentleman from Florida (Mr. HASTINGS), for the time, and yield myself such time as I may consume.

Mr. Speaker, next month we are set to celebrate the 50th anniversary of the creation of the National Aeronautics and Space Administration, NASA, in the beginning of its mission "to pioneer the future in space exploration, scientific discovery and aeronautics research."

Since then, NASA has sent men to the moon, established a permanent human presence in space aboard the International Space Station, sent robots to explore Mars for signs of life, and launched the Hubble Telescope that revolutionized astronomy by providing unprecedented deep and clear views of the universe. One can only imagine what NASA will accomplish in the next 50 years as we begin working building a permanent base on the moon and eventually sending astronauts to explore Mars and beyond.

Since the creation of the Kennedy Space Center in 1962, as my good friend Mr. HASTINGS has explained, Florida has played an integral role supporting NASA's mission through a partnership between Florida's academic and business sectors. Florida will continue to play an important role as the space flights to the moon and Mars begin their journey of exploration at the Kennedy Space Center in Florida. I am pleased that the underlying legislation, H.R. 6063, will continue this successful partnership.

Three years ago, Congress passed the NASA Authorization Act of 2005 which provided policy and programmatic guidance for NASA that made clear that NASA is and should remain a multi-mission agency, with a balanced portfolio of programs in space, aeronautics and human space flight, including human and robotic exploration beyond low Earth orbit.

Today's legislation reaffirms those basic principles, while emphasizing the importance of NASA leadership and Earth observations and research, aeronautics research and development to address critical national needs, and an exploration program strengthened by international cooperation under strong United States leadership.

The underlying legislation authorizes \$20.21 billion in funding for fiscal year 2009. That is a 2.8 percent increase in investment from fiscal year 2008.

As we all know, NASA intends to retire the shuttle fleet in 2010. The shuttle will be replaced with a 21st century exploration system, the Constellation Program, that will be cost-effective, reliable, versatile, and, most importantly, safe for our brave and brilliant astronauts.

Until the Constellation Program is ready for lift off in 2015, we will be reliant upon Russia to ferry our crews and equipment to the International Space Station. NASA has agreements to pay Russia \$760 million, and those costs could rise as high as \$2.8 billion during the gap. To reduce our reliance on Russia, the bill authorizes an additional \$1 billion to accelerate the development of the replacement Orion and Ares rockets and reduce the 5-year gap. Doing that will help retain thousands of well-paying aerospace, engineering and technician jobs and maintain American expertise in those areas.

The legislation also fully authorizes the administration's request for the International Space Station to ensure

its safety and long-term viability and funds additional shuttle missions, including one to deliver the Alpha Magnetic Spectrometer. The spectrometer is designed to search for unusual matter by measuring cosmic rays. Its experiments will help researchers study and unlock the mysteries of the formation of the universe.

This legislation fully authorizes NASA's Education Program, which seeks to inspire and motivate students to pursue careers in science, technology, engineering and mathematics. I believe it is vital to keep the United States competitive in science, math and engineering. Our children are our future, and by seriously funding math and science programs we ensure that our future generations will continue to excel, explore and discover.

I would like to thank Chairman GORDON and Ranking Member HALL and Subcommittee Chairman UDALL and Ranking Member FEENEY for their bipartisan work in the Science Committee on this important reauthorization bill. Unfortunately, Mr. Speaker, that bipartisan spirit didn't make it past the doors of the Rules Committee, where the majority only allowed one Republican amendment, while allowing 10 Democratic amendments. It is a new ratio, 10 to 1. And that one Republican amendment is just a sense of Congress, while many of the Democratic amendments call for substantive changes in policy.

One example of how the majority consistently blocks Republicans but allows Democratic amendments is illustrated with the disparate treatment of the Lampson and Gingrey amendments. The majority on the Rules Committee made in order the Lampson amendment exempting NASA from section 526(a) of the Energy Independence and Security Act, and yet when Representative GINGREY submitted two amendments to the Rules Committee regarding the same issue, they were both rejected.

So far this year, the majority on the Rules Committee has issued a record 54 closed rules, while only allowing one open rule. The majority had an opportunity yesterday to change their ways and provide an open rule for this legislation, thus doubling their amount of open rules, but instead they decided by a party-line vote that they are quite content blocking an open debate.

An open debate on the NASA reauthorization would be particularly helpful in getting this legislation signed into law. Prior to the hearing in the Rules Committee, the administration issued its Statement of Administrative Policy, or SAP, as it is known. The SAP stated that the administration has several areas of concern with the legislation. By allowing an open debate process, we could vet the areas of concern so we can produce a bill that can be signed into law. However, the majority decided against an open and fair debate, and now this important reauthorization may be delayed.

□ 1830

It didn't have to be like that. One of the central tenets of the Democrats' campaign in 2006 was that they would run Congress in a more open and bipartisan manner. On December 6, 2006, Speaker PELOSI reiterated her campaign promise. She said, and I quote, "We promised the American people that we would have the most honest and open government, and we will."

Yet here we are, three-fourths of the way through the 110th Congress, and the majority has come forth with one open rule. What a shame that their promises were left on the campaign trail.

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

Mr. HASTINGS of Florida. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman, a member of the Rules Committee and my good friend from Florida (Ms. CASTOR).

Ms. CASTOR. I thank my good friend from Florida (Mr. HASTINGS) who is a strong supporter of the space program.

Madam Speaker, I rise today in strong support of H.R. 6063, the National Aeronautics and Space Administration Act of 2008.

NASA is celebrating its 50-year anniversary this year, and I salute and congratulate everyone at NASA for their contributions to American life and science. Space exploration and research comprised the foundation of technological advances in America that have greatly improved all of our lives.

For example, in early NASA missions, large-scale integrated circuits were created that today are the basis for all modern computers, and how would we live without computers today? NASA also helps the United States maintain its competitive edge in the global marketplace. More engineers now come from outside the United States that are produced by our colleges and universities.

America can do better. NASA is one of the keys to doing so. NASA scientists and researchers keep America focused on innovation and better-paying jobs. In addition, fewer and fewer children are interested in entering science fields, even though our world today is dominated by science and technology. We must encourage young people and students to stay interested in science and enter scientific fields of study. The fantastic NASA missions and research also plays a vital role here.

There are currently seven astronauts aboard the Space Shuttle *Discovery* preparing to return to earth after a highly successful mission. I had the privilege of watching the successful launch of the Space Shuttle *Discovery* a week and a half ago at the Kennedy Space Center in Cape Canaveral, Florida. I was thrilled to share that day with our colleague, Congresswoman GABRIELLE GIFFORDS, as her husband, Mark Kelly, is the commander of the Space Shuttle *Discovery*.

Congratulations to the *Discovery* crew, the mission team on the ground as well, as they have successfully delivered the Japanese Kibo scientific lab to the International Space Station and have now completed their mission. The personnel at the Kennedy Space Center and their partners throughout Florida have an unmatched dedication to our country's space program.

They are a highly trained workforce with a record of achievement and tradition that cannot be matched. That's why it troubles me that President Bush has threatened a veto of this important NASA bill.

I urge President Bush to reflect on these facts before he picks up his veto pen, which he threatened to do yesterday in a letter to us. Before President Bush vetoes this outstanding NASA reauthorization bill, I would urge the White House to consider the economic impact of such a bill.

The SPEAKER pro tempore (Ms. CLARKE). The time of the gentlelady has expired.

Mr. HASTINGS of Florida. I yield the gentlelady an additional 30 seconds.

Ms. CASTOR. I thank the gentleman.

Before President Bush picks up his veto pen to veto this outstanding NASA reauthorization bill, I urge the White House to consider the economic impact of such a veto on the State of Florida, Florida's economy, and aeronautic research and science throughout this country.

I congratulate Chairman UDALL and all in the committee for this fantastic bill. Congratulations to everyone at NASA for their 50-year anniversary.

I urge a "yes" vote on this important bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, at this time I would like to insert into the RECORD the Statement of Administration Policy.

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

Washington, DC, June 10, 2008,

STATEMENT OF ADMINISTRATION POLICY

H.R. 6063—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

(Rep. Udall (D) Colorado and 7 cosponsors)

The Administration supports maintaining a strong national civil space science and aeronautics enterprise and is committed to advancing the quest for new knowledge, discovery, and exploration that is embodied in NASA programs and activities. However, the Administration strongly opposes H.R. 6063 because it mandates specific Space Shuttle flights that greatly threaten NASA's ability to retire the Shuttle in 2010, an action that is critical to implementing the President's Vision for Space Exploration. In addition, the Administration has other serious objections to several provisions of H.R. 6063 that must be satisfactorily addressed prior to final congressional action on reauthorization legislation.

The bill contains provisions that mandate two contingency logistics flights and an additional Shuttle flight for the Alpha Magnetic Spectrometer and require that these flights take place before Shuttle retirement,

thus effectively superseding the 2010 Shuttle retirement date that is a critical step to enabling successful development of the Crew Exploration Vehicle as called for by the President's Vision for Space Exploration. Consistent with the Vision, the current Space Shuttle flight manifest is a measured and carefully balanced plan to allow the completion of the International Space Station (ISS), a safe and orderly retirement of the Shuttle, and the smooth transition of facilities and personnel to Exploration Systems programs by September 2010. The direction in this section would almost certainly result in several serious impacts and risks to NASA's exploration programs and other activities, including: (1) significantly increasing costs of the Shuttle program, not including potential recertification activities; (2) delaying the operational capability of the Orion CEV well beyond its current projected dates; (3) exacerbating transition challenges, including facilities and workforce; and (4) exposing astronaut crews to increased risks. In addition, statutorily mandating additional flights regardless of safety assessments and costs sets a dangerous and unwise precedent.

The Space Shuttle must be retired by the end of 2010, and the NASA Administrator's authority to make the final determination on Shuttle flights based on safety considerations must be preserved. In addition, any increased cost of an additional Shuttle flight must be satisfactorily accommodated within the President's proposed discretionary spending total.

The FY 2009 budget request of \$17.6 billion is sufficient to achieve NASA's goals, and the additional \$2.6 billion authorized in the bill above the President's request is inconsistent with the Administration's fiscal policies. Accordingly, the Administration opposes this increased authorization level.

In addition, H.R. 6063 directs several specific activities under the assumption that additional funding will be appropriated, making it likely they will become unfunded mandates. Directing activities in this manner would severely disrupt the budgets for NASA's ongoing, carefully-balanced programs and Centers linked to other high-priority goals and activities. For this reason and in view of associated problematic policy implications, the following requirements should either be removed from the bill or appropriately modified: (1) carrying out an additional procurement for Commercial Orbital Transfer Services (COTS) crew capabilities, and mandating that NASA purchase commercial services regardless of cost; (2) establishing an Exploration-related technology research and development program that would draw funding away from the Orion CEV, delaying its availability; (3) establishing a cross-cutting technology development program within the Science Mission Directorate at a level of five percent of the Directorate's budget; (4) requiring the continued operation and utilization of the ISS by the United States after 2016, without first mitigating significant budget implications in the outyears; and (5) prescribing specific roles and responsibilities regarding NASA's work with various advisory and external review committees and other Federal agencies that the Administration believes would be problematic and duplicative of already well-established roles and responsibilities.

The Administration also is concerned with the proposed wording of certain provisions and strongly urges that these provisions be modified before passage of the bill. For example, the direction in the bill to limit NASA's ability to dispose of Space Shuttle-related hardware is likely to severely disrupt ongoing Shuttle retirement and transition activities. Similarly, the specific wording of other provisions in H.R. 6063, including re-

quiring all space observatories to be serviceable regardless of practicality; overly-prescribed aeronautics research goals; and unproductive astronaut health surveys could lead to serious unintended consequences, including greatly increased costs to carry out these mandates. The Administration calls on Congress to modify these provisions to provide NASA sufficient flexibility to make programmatic and management decisions as necessary.

In addition, the bill directs NASA to initiate discussions with foreign nations on "space traffic management." This provision directly infringes upon the President's authority to conduct foreign affairs. The United States already actively promotes international cooperation to enhance spaceflight safety and supports consideration of voluntary transparency and confidence building measures in appropriate venues under the leadership of the Department of State, with appropriate assistance from the Department of Defense. These provisions accordingly should be removed. A similar objectionable provision is contained in the bill's section governing "exploration crew rescue."

Finally, in addition to the significant concerns highlighted above that must be satisfactorily addressed prior to final congressional action, the Administration has an overarching concern about the highly prescriptive nature of the bill and the significant number of reports and studies that this legislation would require. The Administration understands the need for timely information for Congress to conduct its oversight responsibilities; however, the burden that would be placed on various agencies of the Executive Branch, including NASA, is of concern. The Administration looks forward to working with Congress to modify these aspects of the bill.

The President does not threaten to veto the legislation. He enumerates in this statement a number of concerns with the legislation and finalizes the statement by saying that the administration looks forward to working with Congress to modify these aspects of the bill.

Madam Speaker, at this time I would like to yield 3 minutes to a distinguished colleague from Michigan, whose father was an aeronautical engineer and always has demonstrated great leadership on the issue of NASA and cutting-edge space technology, Mrs. MILLER.

Mrs. MILLER of Michigan. I certainly appreciate the gentleman yielding time to me.

Madam Speaker, I am opposed to the rule, but I do wholeheartedly support the underlying bill.

As my colleague said, my dad was an aeronautical engineer and actually worked for the Chrysler missile plant that was down at Redstone with Wernher von Braun and was one of the original rocket scientists. So I certainly have always marveled at everything that NASA has done.

I do support this bill, H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008. I think a strong and a vital space program is absolutely crucial to ensuring America's place at the forefront of technological advancement. Most people today take for granted so many of the incredible contributions that our

space program had made toward improving the quality of our every day lives.

Many of them have been articulated today, but we certainly recognize GPS, global positioning systems, and weather forecasting and advanced medicine, cell phones or BlackBerries, satellite TV and even microwave ovens. They all exist today in large measure due to America's space program.

From Mercury, to Gemini, to Apollo, to the Skylab, to the space shuttle, to the International Space Station, NASA has led the way in sending Americans from the earth to the moon and our technology to heights unimagined, I think, by previous generations.

We currently are on the edge of a very exciting new scientific breakthrough as NASA begins to shift, really, to the technologically advanced Orion Crew Exploration Vehicle and to the new Ares I Crew Launch Vehicle, which could eventually lead to a manned mission to Mars.

And I recognize that while some might debate the cost of the space program, or they might argue that money can be better spent elsewhere, I would also respond with the fact that those same arguments were presented more than a generation ago. Where would we be today if in the 1960s America had not answered President Kennedy's call to reach for the stars?

In fact, I would bet that Columbus may have had some debate with the Queen of Spain that the Spanish Treasury needed to finance his exploration of the New World when everybody was absolutely convinced that the world was, in fact, flat.

So who knows what discoveries or advances to the world that we might miss if we do not continue to challenge the scientific and creative imaginations of the entire world? I absolutely believe that it is in the best interest of this Nation to continue our commitment to space exploration, and I wholeheartedly support this bill.

Again, I do oppose the rule. I am distressed that it has been brought to the floor like this, but I certainly would urge all of my colleagues to support the underlying legislation and to continue to reach for the stars.

Mr. HASTINGS of Florida. Madam Speaker, I am the last speaker for this side. I will reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my good friend.

Madam Speaker, at this time I would like to yield 3 minutes to a great leader from the State of Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

Madam Speaker, I came down a couple of minutes ago and listened to the opening comments of the distinguished gentleman from Florida as he went through the litany of successes of the space program in the past, and it was a good recitation and a good reflection

on those things that we can really be proud of as Americans that the space program has accomplished. I jotted down a couple of notes, the pacemaker, solar energy, environmental control systems, MRIs, microwaves, wireless technology and so forth and so on.

I am here as a supporter of the space program and as someone who wants to see that innovation and that creativity deployed in a way that not only has an impact on these types of things, but also has an impact on the great struggle that we are facing as a country and that my district and many, many other districts around the country are facing, and that is the cost of aviation fuel. I had an amendment that I offered to the Rules Committee that unfortunately was just swatted away in a partisan fashion, and I was very disappointed in that. Not a single Democrat was willing to vote for it, and I was just disappointed.

My sense is let's take the NASA program and develop that talent and tilt that talent that the gentleman from Florida cited so eloquently a few minutes ago, and let's get it working on alternative fuels as it relates to aviation. Because, you see, I represent O'Hare Airport in the Chicago metropolitan area. I represent thousands and thousands of passengers, thousands of airline employees.

The airline industry is now under the crushing weight of excessive costs of aviation fuel. Fuel is up 40 percent to the point of a ticket price, 40 percent now is that of the ticket price, of the ticket on an airplane, up from only 15 percent back in the year 2000. American Airlines spent \$61 billion this year in fuel, whereas last year they spent only \$41 billion.

My amendment simply said this, to direct NASA, to say, look, don't allocate resources at this time when we can't afford it, to the Deep Space Climate Observatory. Instead, direct those resources to alternative fuels for commercial aviation with a three-prong test, the need to reduce our dependence on foreign sources of energy, the need to develop a fuel that will provide greater stability for the airline industry and also that will reduce the emissions.

I think that's an area where the entire Congress can come together. For the life of me, I don't understand why it was swatted away in such a partisan fashion, and I hope that on future evaluations by the Rules Committee that they will have a little bit of an open mind.

Mr. HASTINGS of Florida. Madam Speaker, I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my privilege to yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I appreciate the gentleman for yielding and the previous gentleman that spoke, the gentleman from Illinois, talking about those air-

line prices. There is no question what's causing that is the cost of jet fuel.

Madam Speaker, I rise in strong opposition to this rule where the Democratic majority has once again denied the American people a full debate on the ramifications of our Federal policies on American energy independence. Unfortunately the rule for H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008, made only one Republican amendment in order and has effectively shut down debate once again, breaking the promise, as my distinguished colleague from Florida said, that Speaker PELOSI made that this would be the most open and honest Congress in history.

I, along with several of my Republican colleagues, offered two of the amendments that were not made in order. Our amendments would have worked to correct a misguided provision of the Energy Independence and Security Act of 2007, section 526, that prevents the Federal Government from developing and implementing alternative fuels from domestic sources that could help NASA reduce fuel costs.

Over the past 5 years NASA has seen an increase of almost 400 percent in spending for jet fuel from \$4.5 million in fiscal year 2003 to \$18.3 million in fiscal year 2007. Put simply, this growth is out of control. NASA has been actively researching alternative fuel sources to help reduce fuel costs, not only for itself, but for other Federal agencies as well. Indeed, listen to this, the Department of Defense uses 380,000 barrels of refined products per day, 380,000 barrels.

□ 1845

They estimate that its increased cost of fuel in 2008 will be approximately \$10 billion. Now this is just the delta. This is just the increase because of ballooning oil prices.

NASA, as my colleagues have pointed out, has historically been on the cutting edge of innovation with contributions that have been mentioned here, technologies this Nation uses on a daily basis. What a lot of people don't know, currently NASA is partnering with the Air Force on aggressive research to convert domestic energy sources—domestic, that means right here in River City—on aggressive research to convert things like coal, natural gas, biomass, oil shale into cleaner, yes, cleaner, and more economic alternatives to traditional jet fuel.

Gas prices continue to rise, and yet the Democratic majority, and I don't blame my colleague from Florida in the majority who I enjoyed thoroughly serving with on the Rules Committee, I blame the Democratic leadership. They have effectively stymied innovation at NASA that could potentially help us reduce our dependence on foreign oil.

We have this great opportunity, and yet the leadership of the Democratic Party has turned their back on the American people.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional minute.

Mr. GINGREY. My amendments, by either repealing section 526 or by providing a full waiver to NASA, just to that one agency as my amendments would have done, we could allow the agency to continue its ongoing work to develop emerging technologies and not be held hostage to baseless policies driven by out-of-control environmental extremists.

Madam Speaker, it is unfortunate that the Democratic majority again chooses to deny an open debate on important energy issues. So I urge my colleagues to defeat the previous question and this rule so we can help the Democratic majority live up to its promise to conduct the most open and honest Congress in history.

Mr. HASTINGS of Florida. Madam Speaker, I continue to reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, back on April 24, 2006, just over 2 years ago, now-Speaker NANCY PELOSI issued the following statement: "With skyrocketing gas prices, it is clear that the American people can no longer afford the Republican rubber-stamp Congress and its failure to stand up to Republican Big Oil and gas company cronies. Americans this week are paying \$2.91 a gallon for regular gasoline, 33 cents higher than last month, and double the price than when President Bush first came into office."

Madam Speaker, most Americans would be happy if they were paying \$2.91 a gallon today instead of over \$4 a gallon.

Reinforcing the fact that the majority has yet to confront the high price of gasoline, just over a month ago the newspaper Investor's Business Daily in an editorial said that this Congress "is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy."

Madam Speaker, I include for the CONGRESSIONAL RECORD the editorial from the Investor's Business Daily.

[From Investor's Business Daily, Apr. 29, 2008]

#### CONGRESS VS. YOU

We've said it before, but we'll say it again: This Congress is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy.

The media won't call either the House or the Senate on its failures, for one very obvious reason: They mostly share an ideology with the Democrats that keeps them from understanding how free markets and supply and demand really work. Sad, but true.

So we were happy to hear the president do the job, calling out Congress for its inaction and ignorance in his wide-ranging press conference Tuesday.

"Many Americans are understandably anxious about issues affecting their pocketbook, from gas and food prices to mortgage and tuition bills," Bush said. "They're looking to their elected leaders in Congress for action. Unfortunately, on many of these issues, all they're getting is delay."

Best of all, Bush didn't let the issue sit with just generalities. He reeled off a bill of particulars of congressional energy inaction, including:

Failing to allow drilling in ANWR. We have, as Bush noted, estimated capacity of a million barrels of oil a day from this source alone—enough for 27 million gallons of gas and diesel. But Congress won't touch it, fearful of the clout of the environmental lobby. As a result, you pay at the pump so your representative can raise campaign cash.

Refusing to build new refineries. The U.S. hasn't built one since 1976, yet sanctions at least 15 unique "boutique" fuel blends around the nation. So even the slightest problem at a refinery causes enormous supply problems and price spikes. Congress has done nothing about this.

Turning its back on nuclear power. It's safe and, with advances in nuclear reprocessing technology, waste problems have been minimized. Still, we have just 104 nuclear plants—the same as a decade ago—producing just 19 percent of our total energy. (Many European nations produce 40 percent or more of their power with nuclear.) Granted, nuclear power plants are expensive—about \$3 billion each. But they produce energy at \$1.72/kilowatt-hour vs. \$2.37 for coal and \$6.35 for natural gas.

Raising taxes on energy producers. This is where a basic understanding of economics would help: Higher taxes and needless regulation lead to less production of a commodity. So by proposing "windfall" and other taxes on energy companies plus tough new rules, Congress makes our energy situation worse.

These are just a few of Congress' sins of omission—all while India, China, Eastern Europe and the Middle East add more than a million barrels of new demand each and every year. New Energy Department forecasts see world oil demand growing 40 percent by 2030, including a 28 percent increase in the U.S.

Americans who are worried about the direction of their country, including runaway energy and food prices, should keep in mind the upcoming election isn't just about choosing a new president. We'll also pick a new Congress.

The current Congress, led on the House side by a speaker who promised a "common sense plan" to cut energy prices two years ago, has shown itself to be incompetent and irresponsible. It doesn't deserve re-election.

Today I will be asking each of my colleagues to vote "no" on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider any amendment that would actually do something to reduce gas prices for consumers, such as H.R. 5905, the CARS Act introduced by Congressman MARIO DIAZ-BALART, which would give commuters a tax break on their commuting expenses.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, before finishing my remarks, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Madam Speaker, I really appreciate my colleague on the Rules Committee yielding to me, and it is nice to see my buddies on the other side of the aisle looking so bright and cheerful tonight.

You know, if we don't do something about the price of gasoline and fuel, we will be able to go to the moon cheaper than we can drive down to the corner drugstore. I know that may sound like a joke, but the cost of fuel is going up so rapidly that everybody I have met, and I am talking about Democrats, Republicans, people on the street, everybody that I have met when I ask them what do you think about the price of fuel and gasoline, they say we have got to do something about it.

And I ask, What do you think about drilling here in the United States and the territorial possessions of the United States and offshore on the Outer Continental Shelf, and they say drill wherever you have to; drill wherever you have to, but get my gas prices down. And that is about 80-some percent of the American people that are saying that. Everyone I have talked to has said that.

You know, last night I spoke on the floor and as I left the floor, I talked to some of the people who work here. I am not going to tell you who they were because I don't want to get them in trouble, but a couple of them told me that they drive about 35 or 40 miles to work every day, and they can't afford to do it because the price of gasoline has gone up so rapidly. One of them told me he was going to buy a blow-up mattress so he can sleep someplace around here in the Capitol because he can't afford to go home at night. Now this isn't baloney.

People can't survive with gasoline at the prices they are right now. And not only that, the transportation of food-stuffs and other commodities are going up as well because of the cost of transportation.

So when I say, you know, that it may cost more to go to the store than it does to go to the moon, I am being facetious, of course, but it sure sets the point in hard concrete. The cost is unbelievable, and the American people want us to do something about it. And my colleagues on the other side of the aisle, you are not listening. You are not listening to the American people. They want to drill in the United States. They want energy.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BURTON of Indiana. May I have another 30 seconds?

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman another 30 seconds.

Mr. BURTON of Indiana. People in this country want their energy prices to go down, and they want them to go down now. You are not doing anything, and a lot of you guys are my friends, but I am going to tell you right now, this is going to be one of the major issues if not the major issue in this fall's campaign.

I talk about immigration and everything else. This dwarfs immigration and all of the other issues we talk about because it is hitting people right where they live in their pocketbook and we must not be controlled by the lobbyists around here that are concerned about the environment. There has to be some balance between the economy and the environment in this country, and you guys need to do something about the price of gasoline. You're the ones who are holding it up.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, precisely. In order to be able to take up legislation to give a tax break to commuters for the expenses, their expenses, rising expenses, daily rising expenses of getting to and back from work, I am going to ask all of our distinguished colleagues to vote "no" on the previous question so that we can take a stand against these high fuel prices and begin to give commuters a break in this country. I urge a "no" vote on the previous question.

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

Mr. HASTINGS of Florida. Madam Speaker, I yield myself the balance of my time, and I won't use it all.

Madam Speaker, this is a good rule for a great bill. And I was getting very confused as I heard my colleagues talking. The bill is the National Aeronautics and Space Administration Authorization Act of 2008. This measure has received overwhelming support across the political spectrum because it balances fiscal responsibility, oversight and advancement.

My colleagues protest rightly the accelerating price of gasoline for consumers in this country. And heating oil can't be far behind when winter comes.

But to stand and say that the Speaker of the House of Representatives has not done anything about this particular matter ignores the fact that in the other body on just about every measure that has been proposed, some that have passed out of this body, the other body in the minority have stopped them in their tracks. Now I know back in April that the Speaker called on the President to suspend purchases of oil for the Strategic Petroleum Reserve, and I regret that I am buying into the notion that you have accelerated that this good space bill now has become something to do with gas.

As you know, the ranking Republican of the Science and Technology Committee, Representative Mr. HALL, and the ranking Republican on the Subcommittee on Space and Aeronautics, Representative FEENEY, are both original sponsors of this bill. In fact, Representative FEENEY praised the Democratic members and staff for crafting the bill in a bipartisan fashion from the beginning. And I too join with praising the staff on both sides for this measure.

The underlying bill authorizes funds that will maintain NASA's current operations while allowing it to lay down

the foundation to achieve future goals in the areas of space exploration and scientific research.

Furthermore, the bill provides our need and desire for a better environment, educational opportunities, and improved national security. When we invest in quality programs like NASA, we are investing in the American people and the future of our country. NASA has undoubtedly contributed to the tremendous successes that America experienced in science and technology in the later part of the 20th century. If properly funded, NASA will ensure that America remains a world leader in science, space travel, and technology in the 21st century and beyond.

Madam Speaker, I want to take just one more moment to respond to my friends who want us to lower gas prices. They are correct, but this body has, through the leadership of NANCY PELOSI, sought to crack down on oil price gouging, hold OPEC accountable for oil price fixing, and repeal subsidies for profit-rich Big Oil so we can invest in a renewable energy future. I want you to know that those measures alone have passed out of this House.

Now let's just be for real here and stop scaring the American public. There is no Member of the House of Representatives or the United States Senate that does not want gas prices in this country to be lower. There is no Member that does not want food prices to be lower. All of us need to understand something, there is no short-term fix for the problem that we have gotten ourselves into, and the majority are the people that got us in most of this fix that we are in, and it is Democrats under NANCY PELOSI that are trying to pull us out of this hole that we got ourselves in.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. HASTINGS of Florida. I will yield to my friend.

Mr. BURTON of Indiana. I just want to ask you one question.

You are right, this is a major problem, energy, and you can blame anybody you want to all of the way back to the Carter administration and Reagan. But what do you think about drilling in the ANWR or off the Continental Shelf to get some of our oil? What do you think about that?

Mr. HASTINGS of Florida. I thank my good friend. Reclaiming my time, I think my good friend knows and doubtless has heard me talk about my opposition to oil drilling in ANWR.

What I would say in response to my friend, if we started drilling in ANWR today, it would be 10 years before a drop of oil would enter into an automobile if that is what we are still using. We need energy conservation. We need renewable energy. We need all of the things that everybody is talking about, and we need to understand that nothing is going to happen in the morning. It is going to take a very long time and an awful lot of sacrifice. And I personally just get tired of people

beating up on people here in this body. That is what leads to the partisan rancor. That is not what we are asking for.

I believe that we can get out of this problem. They ought to lock all 535 of us up here in this Capitol and require us to work together and require businesses to stop gouging people as they are doing.

Now this ain't the energy bill. This is the space bill, and this rule is about space.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of the rule for H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008. As we mark the 50th anniversary of the establishment of the United States space program, this legislation reaffirms the ever growing and changing role of NASA, providing resources to carry the agency forward with its ambitious agenda of research, exploration, and discovery. I would like to thank Congressman UDALL for introducing this important legislation, as well as Science Committee Chairman GORDON for his leadership in bringing this bill to the floor today.

This structured rule allows for the consideration of 14 amendments, including one that I offered. I would also like to thank Chairman GORDON for his support of my amendment, which modifies section 1108 of the bill, and it states:

(1) in subsection (a), strike "small businesses" and insert "small, minority-owned, and women-owned businesses"; and

(2) in subsection (b)(2), insert "giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns" after "to small businesses."

My amendment clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in selection of businesses to participate in the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. I would like to thank my colleague and fellow Texan, Congressman LAMPSON, for his leadership in authoring the important section describing the NASA Outreach and Technology Assistance Program, and for supporting my amendment.

Madam Speaker, today's legislation will allow NASA to continue to push the boundaries of what is possible, keeping our Nation on the forefront of innovation and exploration. After the Columbia disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. Space exploration remains a part of our national destiny. It inspires our children to look to the stars and dream of what they too, one day, may achieve. Space exploration allows us to push the bounds of our scientific knowledge, as we carry out research projects not possible within the constraints of the planet Earth. As a nation, we have made tremendous strides forward in the pursuit of space exploration since President John F. Kennedy set the course for our Nation in 1962, calling it the "greatest adventure on which man has ever embarked."

Despite the setbacks of recent years, including the tragedy that befell the Space Shuttle *Columbia*, NASA and the American people have refused to abandon the pursuit of knowledge of our universe. On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of \$100 million. Over the next 50 years, NASA and the Jet Propulsion Laboratory have been involved in many defining events that occurred which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when on May 25, 1961, President John F. Kennedy proclaimed: "I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to Earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish." The success of the United States space exploration program in the 20th century augurs well for its continued leadership in the 21st century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of the Houston area.

Today, NASA is the Nation's primary civil space and aeronautics research and development agency, and its current activities employ over 18,000 Americans. Today's legislation reaffirms the fundamental operating principles of NASA, emphasizes the importance of NASA leadership in a range of endeavors such as Earth observations and research, aeronautics research and development, and an exploration program. It authorizes \$20.21 billion in NASA funding for FY 2009.

Madam Speaker, in addition to this funding, H.R. 6063 begins to address what many of us believe is a serious problem that we will face in the coming years. Between 2010, when the space shuttle will be phased out, and 2015, when the next-generation human spaceflight vehicle is likely to become operational, the United States will have no method of transportation to the International Space Station, which we have already invested a great deal of American resources in. This legislation allows for an additional space shuttle flight to the International Space Station, to deliver important hardware (the Alpha Magnetic Spectrometer). The bill also authorizes \$1 billion in augmented funding to accelerate the development of the Orion Crew Exploration Vehicle, the successor to the space shuttle, in hopes of narrowing the gap.

Always on the forefront of technological innovation, NASA has been home to countless "firsts" in the field of space exploration. America has, countless times, proven itself to be a leader in innovation, and many technologies that have become part of our everyday lives were developed by NASA scientists. The benefits of NASA's programming and innovation

are felt far beyond scientific and academic spheres. Space technologies provide practical, tangible benefits to society, and NASA provides valuable opportunities to businesses in our community.

I strongly urge my colleagues to join me in support of this legislation, and in support of the future of American innovation and exploration.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1257

OFFERED BY MR. DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes 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 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

(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 im-

plications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

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

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

Mr. HASTINGS of Florida. 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. LINCOLN DIAZ-BALART of Florida. 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.

□ 1900

#### AUTHORITY TO ACCEPT DIESEL EMISSION REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS

Mr. BOUCHER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2146) to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2146

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EPA AUTHORITY TO ACCEPT DIESEL EMISSIONS REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS.

The Administrator of the Environmental Protection Agency (hereinafter, the "Agen-

cy") may accept (notwithstanding sections 3302 and 1301 of title 31, United States Code) diesel emissions reduction Supplemental Environmental Projects if the projects, as part of a settlement of any alleged violations of environmental law—

(1) protect human health or the environment;

(2) are related to the underlying alleged violations;

(3) do not constitute activities that the defendant would otherwise be legally required to perform; and

(4) do not provide funds for the staff of the Agency or for contractors to carry out the Agency's internal operations.

#### SEC. 2. SETTLEMENT AGREEMENT PROVISIONS.

In any settlement agreement regarding alleged violations of environmental law in which a defendant agrees to perform a diesel emissions reduction Supplemental Environmental Project, the Administrator of the Environmental Protection Agency shall require the defendant to include in the settlement documents a certification under penalty of law that the defendant would have agreed to perform a comparably valued, alternative project other than a diesel emissions reduction Supplemental Environmental Project if the Administrator were precluded by law from accepting a diesel emission reduction Supplemental Environmental Project. A failure by the Administrator to include this language in such a settlement agreement shall not create a cause of action against the United States under the Clean Air Act or any other law or create a basis for overturning a settlement agreement entered into by the United States.

#### SEC. 3. INCLUSION OF THE DISTRICT OF COLUMBIA IN CERTAIN STATE AND LOCAL GRANT PROGRAMS FOR DIESEL EMISSION REDUCTIONS.

(a) IN GENERAL.—Section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131) is amended by adding at the end thereof the following:

"(9) DEFINITION OF STATE.—The term 'State' includes the District of Columbia."

(b) CONFORMING AMENDMENTS.—(1) Section 793(d)(2) of such Act (42 U.S.C. 16133(d)(2)) is amended by striking "Governor" and inserting "chief executive".

(2) Subparagraphs (A) and (B) of section 793(c)(2) of such Act are each amended by striking "50" and inserting "51" and by striking "2 percent" and inserting "1.96 percent" in each place such terms appear.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill now under consideration.

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

There was no objection.

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

I rise to urge the passage of S. 2146, a measure which was previously approved by the Senate. The House counterpart legislation was sponsored by our California colleague, Mr. COSTA,