

problem, Congress can solve this problem. Open up American sources of supply and fast-track the permitting process, take away the artificial timelines; we can begin drilling immediately, which is what the American people are demanding, and we can get gasoline prices back down to \$2 a gallon or less and get the economy moving.

PROVIDING FOR CONSIDERATION OF H.R. 1286, WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL DESIGNATION ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1317 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1317

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. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail. 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 Natural Resources. 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 Natural Resources now printed in the bill modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that 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 that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. 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 amendment in the nature of a substitute made in order as original text. 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. 1286 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.

□ 1030

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

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during the consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1317.

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

There was no objection.

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

Madam Speaker, House Resolution 1317 provides for consideration of H.R. 1286, the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act, under a structured rule.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources.

The rule makes in order two germane Republican amendments that were submitted for consideration and are printed in the Rules Committee report.

The rule also provides for the adoption of a germane Rules Committee amendment printed in part A of the Rules Committee report to clarify that the bill does not in any way limit access for hunting, fishing, trapping, or recreational shooting along the trail.

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

And, finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, the bill before us today, H.R. 1286, amends the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail.

The trail extends approximately 600 miles, spanning nine States and the District of Columbia, tracing the routes taken by the armies under the command of General George Washington and French Count Rochambeau on their march from Newport, Rhode Island, to face the British forces under General Cornwallis at Yorktown, Virginia.

After meeting in Philipsburg, New York, the combined armies traveled through New Jersey, Pennsylvania,

Delaware, Maryland, and the future District of Columbia before arriving in Virginia.

With a French fleet blocking the Chesapeake, barring British reinforcements from New York or a sea escape for Cornwallis' troops, the combined Continental and French armies' 3-week siege at Yorktown ended with General Cornwallis' surrender to General Washington on October 19, 1781.

Historians regard the Battle of Yorktown as one of the most decisive events in bringing an end to the American Revolution and the beginning of a new and independent Nation known as America.

H.R. 1286 is the carefully considered result of years of study by the National Park Service, which found that the trail is suitable and feasible for designation as a national historic trail.

I would add that H.R. 1286 includes specific language protecting private property rights, prohibiting the Federal Government from acquiring any land or interest in land without the consent of the owner.

In fact, the Park Service study found that "no Federal acquisition of lands or interests in lands is proposed or anticipated."

H.R. 1286 also states that nothing shall prohibit or hinder the development, conveyance, or transmission of energy along the trail.

Finally, there is a Rules Committee amendment to the bill that would clarify that Federal designation of the trail has no impact on State and local laws governing hunting, fishing, or trapping, or recreational shooting. This language is nearly identical to language that has already overwhelmingly passed the House of Representatives.

I would like to commend Chairman RAHALL and Mr. HINCHEY for bringing this widely supported legislation to the floor today so we can ensure that America's history is protected for future generations.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank my good friend from California (Mr. CARDOZA) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Madam Speaker, last week on July 4, our country celebrated its 232nd birthday, and this week the liberal majority in the House of Representatives marks the worst record in our country's entire history when it comes to allowing open debate, following the rules, treating each Member with respect, and acting in an honest way.

When control of the U.S. House changed a year ago last January, Democrat leaders promised, they promised, Madam Speaker, the American people that they would run the most open and honest House in history. They've not

kept that promise. In fact, they've done the exact opposite of what they promised the American people.

Democrats have passed, to date, 59 closed rules, rules that prevent every single Representative from even being allowed to offer an amendment on the House floor. There are no amendments, Madam Speaker, allowed under a closed rule, as you know. That means open deliberation is nonexistent, and the bill is just forced through the House.

These 59 closed rules are more than any Congress in the history of the United States, and every time we have a closed rule in the future, and we will, this liberal Congress will be setting a new record.

The rule that the House is currently debating allows only two amendments to be offered by just two Members of the House. It closes off any opportunity for the other 433 Representatives to come to the floor and offer an amendment to modify or improve this legislation.

Even more egregious is the fact that the Rules Committee set a deadline of 10 a.m. last Tuesday for Members to file amendments they may wish to offer on this bill. Yet, it wasn't until 4 hours later, 2 p.m. on Tuesday, that the actual bill and report were filed in the House.

But this pales in comparison to the Rules Committee action regarding an amendment that Mr. BISHOP of Utah filed actually before the 10 a.m. Tuesday deadline.

Mr. BISHOP's amendment was aimed at protecting the second amendment rights of Americans along the new 600-mile trail that this bill would create. Instead of allowing Mr. BISHOP to offer his amendment on the House floor, the Democrat Rules Committee took Mr. BISHOP's amendment, altered it, then automatically added it to the bill without ever, ever consulting Mr. BISHOP. This is not only an offense to Mr. BISHOP, it is a threat to every Member in the House.

Because Democrat leaders refuse to allow open debate under an open rule on the House floor, Members have only one way to get an amendment looked at, and that is for them to offer and submit an amendment to the Rules Committee for advance review.

But now, Madam Speaker, it appears that all Members must be aware that the Rules Committee may take, co-opt, edit or otherwise pilfer and steal their amendments and ideas. Sadly, Representatives of this House may need to get a copyright on their amendments before submitting them to the Rules Committee.

Now, Madam Speaker, to many across America this may seem like legislative inside baseball or petty parliamentary quarrels. But what this is really about is that the Democrat leaders are breaking their promise to the American people to run the most open and honest House in history. Instead, they are running the most closed and unfair House in our Nation's history.

Yet, Madam Speaker, these broken promises should not distract us from the even more pressing matter on which Democrat leaders have also broken their promise. It was on April 24, 2006, that then-Minority Leader NANCY PELOSI issued a press release claiming that the House Democrats "have a commonsense plan to help bring down skyrocketing gas prices."

Two weeks later, in May 2006, NANCY PELOSI said that the Democrats have "real solutions" that would "lower the price at the pump."

NANCY PELOSI has now been Speaker of the House for over 18 months, and this plan, this promised plan, is nowhere to be seen. Gas prices continue to set record highs, and this House has been and continues to be blocked from voting on legislation that would lower gas prices by producing more American-made energy.

Today, instead of voting on legislation to lower gas prices, the House is debating the bill to create a new 600-mile long scenic trail recognizing the Revolutionary War.

Speaker PELOSI and other liberal leaders who control this House may oppose drilling in Alaska or offshore, they may oppose more nuclear power, they may oppose hydropower dams, and they may oppose other ways of making more American-made energy—and holding these positions, of course, is their right as Members of this House—but they should not, Madam Speaker, have the right to block the House from even having a debate and a vote on this important issue.

Record gas prices are hurting Americans. It's hurting families. It's hurting seniors on fixed incomes. It's hurting college students. It's hurting small business owners and their enterprises. It's hurting schools who have to figure out how and what services to reduce to afford gasoline for their school buses. Yet these liberal leaders of this House refuse to allow an open debate on ideas to lower gas prices. They continue to block votes on drilling for oil in America that will increase supply and lower prices at the pump.

Madam Speaker, our Nation needs to invest in more nuclear power. We need to invest in more clean and renewable hydropower, as well as wind and solar energy, and we need to foster development of biofuels, hydrogen fuel cell technology, and the invention of other potential clean energy products.

Yet, Madam Speaker, we must recognize the fact that gasoline and diesel cannot be replaced overnight. New technologies and energy sources take time, sometimes years or decades to fully develop. Our economy is dependent on oil for Americans to get to work, for food to go from the farmer's field to the grocery store, to get kids to school safely and back home, to deliver the mail, to fly airplanes, to operate construction equipment, for police to patrol neighborhoods, and ambulances to transport patients.

The price of gas has an enormous impact on the lives of Americans and

families in every town, in every county, in every State in this country.

Madam Speaker, I spent last week visiting school districts and small businesses throughout my central Washington district.

□ 1045

I listened to the heavy impacts that gas prices are having on my constituents in Yakima, Wenatchee, Cashmere, Moses Lake, Orondo, Richland, Union Gap and Pasco. Madam Speaker, the message I heard was loud and clear, that Americans are hurting because of high gas prices and this Congress needs to act. Americans can't afford a Congress that does nothing to increase the supply of American-made energy. If there is price gouging, Madam Speaker, it must be fully prosecuted. If speculators are trying to unfairly profit, we must stop them, also. And yet we must also tap into America's enormous oil and gas reserves.

We have the resources right here in this country that can increase the supply of oil and reduce the price of gasoline at the pump, but our Nation's deep reserves have been put off-limits. With the national price of gas well over \$4 a gallon—and it's over \$4.29 a gallon in my district—Americans can't afford this off-limits policy any longer.

Madam Speaker, consider this: Alaska's ANWR region contains an estimated 10.4 billion barrels of oil; that's more than twice the proven reserves in the State of Texas. The oceans off America's coastline contain 240 trillion cubic feet of natural gas and 86 billion barrels of oil. Federal lands contain an estimated 31 billion barrels of oil. Simple economics tells us that the way to combat rising prices due to high demand is to increase the supply, and obviously it is to tap into these known resources. Yet proposals to increase American oil and gas production have faced years of opposition. Drilling in a tiny portion of ANWR in Alaska, for example, has been blocked since President Bill Clinton vetoed a like proposal back in 1995, and we are now paying the price.

It's time to stop saying no to solutions and start saying yes, not only to drilling for gas and oil, but to all parts of the answer, as I mentioned this previously, so let me repeat what I said earlier.

We need to license and build more American refineries. We need to expand wind, solar, hydrogen fuel cells and other new energy sources, reduce fuel blend mandates that increase costs, and invest more in nuclear and hydropower.

Now, Madam Speaker, it's interesting, some say we shouldn't bother because all of this will take years to produce results. Yet these same people claim that the answer is new Federal mandates, government control of the kind of car you want to drive and how far you can drive it, and pinning everything on the hope that a new technology breakthrough will eliminate

our dependence on oil. But Madam Speaker, that, too, takes time. But more importantly, such a course of action is not the American way, and it's a dangerous gamble that puts our economy at serious risk. We need to increase the supply of oil to decrease the price of gasoline, it's as simple as that. And we need to do it here in America. The longer we postpone producing more oil here, the longer we will pay higher gas prices.

Americans are hurting, and yet there is not a single solitary piece of legislation that this House will consider this entire week that even remotely relates to producing more American-made energy and lowering gas prices.

Americans are feeling the pain, and the liberal leaders of the House simply are not listening. They not only do nothing to help, but they block every attempt made to bring legislation to the floor that would help lower gas prices.

So, Madam Speaker, once again, I will attempt this morning to bring energy legislation to the House floor for debate and vote. If my colleagues will join me in defeating the previous question, I will move to amend the rule to allow a debate and vote on legislation that will help produce more American-made energy. The House apparently has time to debate the creation of the 600-mile trail about the Revolutionary War, so let's make time for the House to vote on solutions to lower gas prices.

Madam Speaker, with that, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, my good friend, my colleague from Washington State, has once again leveled a litany of accusations and, as usual, the rhetoric does not equate with the reality that we see.

Let's take the attacks one by one. There were a total of five amendments submitted to this rule, all by Republicans. Three amendments were submitted by Mr. BISHOP of Utah, one by Mr. FLAKE of Arizona, and one by Mr. PEARCE of New Mexico. Two amendments were made in order, Bishop No. 1 and Pearce No. 4. Two amendments were not germane to the bill and ruled out of order by the Parliamentarian, Bishop No. 3 and Flake No. 5. The subject matter contained in amendment No. 2 by Representative BISHOP was already being addressed by a self-executing provision in the rule which was based on language previously adopted in this House by a vote of 416-5, rollcall vote 171, with all Republicans, including my good friend from Washington, voting in favor of the amendment.

Let me take this opportunity to clear up what must be a further misunderstanding on the part of my colleagues on the other side of the aisle.

Contrary to what my good friend, the gentleman from Washington, would have us believe, the amendment was not the modified Bishop amendment. And I can assure you that the Rules Committee did not hijack any portion

of the amendment submitted by our good friend and former member of the Rules Committee, the gentleman from Utah (Mr. BISHOP). The provision in the rule was based on language passed on April 9, 2008 during consideration of H.R. 2016, the National Landscape Conservation System Act, and it was done to address a concern that a number of Members had about the bill. The amendment was offered by Mr. ALTMIRE of Pennsylvania, was adopted with an overwhelming rollcall vote, as I said before, with every Republican voting in favor of the amendment. If you don't take my word for it, I would be happy to share the Rules Committee report from that bill, which contains the text of the amendment. And I have copies of the section of the CONGRESSIONAL RECORD that contain the debate and the vote on the Altmire amendment.

I also want to point out that the self-executing language in the rule is not an unusual or unprecedented procedure. It was done numerous times when the other side was in the majority, as my good friend from California (Mr. DREIER) alluded to in committee testimony on Tuesday. It's a legitimate tool available to address concerns in a bill.

The amendment that we are self-executing is nearly identical to the Altmire language. The Rules Committee believes that this language improves the bill. And it is entirely reasonable to self-execute language with a track record of overwhelming bipartisan support in the House. Those Members who don't like the language are perfectly able to vote against the rule.

Now the question of gas prices. Certainly this is an important issue that has been addressed by this House a number of times. We have seen oil climb to record \$145 a barrel, and we have also seen big oil companies continue to post record profits. Let's go over a few of the points that have happened in the past years.

The President signed into law legislation including landmark provisions to make cars and trucks more fuel efficient and to promote more affordable American biofuels. That all happened because we passed it in this House and provided leadership on this. The new fuel standards will reduce our oil consumption by 1.1 million barrels a day in 2020, one-half of the current U.S. imports from the Persian Gulf, and will save American families \$700 to \$1,000 per year at the pump.

The House also passed legislation to suspend the filling of the Strategic Petroleum Reserve. And just this week, the Speaker called on the President to unilaterally start releasing oil from the Strategic Petroleum Reserve in order to try and bring down the cost of oil on the world market, a very responsible proposal.

We have also voted to invest in home-grown American biofuels in the farm bill. We voted to provide tax in-

centives for renewable energies and energy efficiency and plug-in vehicles, and creating hundreds and thousands of green jobs. We further voted to reduce public transit fares for commuters pinched by the pump. We voted to crack down on oil price gouging, and in fact we're looking into more of that. We've directed the CFTC to use its full authority to curtail excessive speculation in the markets and other practices which may be distorting the energy market. In fact, the Ag Committee, as we speak, is meeting to look into this matter and plans another hearing tomorrow. We have voted to hold OPEC accountable for oil price fixing, and we have called on the repeal of subsidies to profit-rich Big Oil so we can invest in renewable energy futures.

Further, I think it's important for us, as Members, to look at who, in fact, is moving to block the lowering of our prices at the pump. A general blanket statement that we can make, that I have observed, is you put oil people in the White House and you can expect oil prices to go up. President Bush and Republicans have blocked virtually every step that we have tried to make to lower gas prices for the American people. Some of these steps have been:

Cracking down on oil price gouging, which was opposed by 140 Republicans the first time and 145 Republicans the second time, including all the Republican leadership.

The Democrats in the House proposed "use it or lose it" for oil companies holding permits and not drilling. There are 68 million acres that are available for lease right now and to be drilled upon. That use-it-or-lose-it provision that was sponsored by House Democrats was opposed by 176 Republicans.

The motion to hold OPEC accountable was opposed by 67 Republicans the first time and by 82 Republicans the second time, including most of the Republican leadership.

The proposal repealing subsidies to profit-rich oil companies and investing in renewable energy and energy efficiency was opposed by 174 Republicans, including every member of the Republican leadership.

Increasing Commodity Futures Trading Commission oversight authority to prevent manipulation of energy prices, which was in the farm bill, was opposed by 94 Republicans.

The Bush administration has vetoed or threatened to veto each and every one of these price control bills.

In addition, the Republicans have initially opposed suspending the Strategic Oil Petroleum Reserve. And while the President signed it into law, it was only after issuing veto threats.

The President vetoed the farm bill twice, which included the CFTC provisions and the historic investment in American biofuels.

I mention all these in the context of my good friend from Washington bringing up that Mr. Clinton vetoed in 1995 a bill that was put forward on energy. The Republican Party in this House is

still blaming President Clinton for problems 13 years after the fact when they have been in control of this House and the Presidency for the last 7½ years for the Presidency and almost 14 for this House before we took over in 2006. I think it's time for us to understand who truly has culpability with this energy crisis that is at hand today.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, my good friend from California mentioned CAFE standards as one solution to the problem. CAFE standards, by a law that was passed here, would not take place until 2020. We can drill and produce in ANWR before 2020.

My friend also said that I made a litany of accusations and that the facts don't match the rhetoric. Well, the fact is—and he didn't refute the fact—that we've had 59 closed rules, and that is unrefutable. And I also mentioned that there was not an energy bill on the floor of the House this week; that is also irrefutable.

Madam Speaker, I want to yield 4 minutes to a good friend from Utah, a former member of the Rules Committee, Mr. BISHOP.

Mr. BISHOP of Utah. Madam Speaker, I thank the gentleman from Washington for yielding.

Bill Veeck was an old baseball owner and entrepreneur who used to say, "I don't ever break the rules, I just test their elasticity." Apparently the Democrats on the Rules Committee are doing that same standard of testing the elasticity. When the time for amendments to the Rules Committee was closed, I did have one that was filed that dealt with second amendment issues, the only one that dealt with second amendment issues. After the filing was closed, apparently Democrat staff then took that amendment, without public hearing, without any Member input, they amended that to leave the most important part of second amendment protection on the floor, and then introduced it as a self-executing rule.

Self-executing rules were originally intended for technical amendments only to help the process along, but more and more we see the Democrat Rules Committee using substantive amendments now under self-executing processes.

Now, in the good old days, I tried to get Chairman DREIER to do that for me, but he always said I had to give him my first born son, and it still had to be technical. I am willing to give the gentleman from California my first born son—actually, he's out of college now, it won't help me at all, but I'm still willing to do it if that's what it takes now to meet the process. But I realize, you're not breaking the rules, you're just testing the elasticity.

□ 1100

There are groups out there that rank Congressmen. There's even a fantasy

congressional league that's out there. They give us all points for how many bills we introduce, committee assignments, amendments that are passed. I've known the pain of having a fantasy baseball team where half of the members were on the DL.

So I'm asking the gentleman from California if he would have the courtesy of calling these groups and letting them know that this self-executing rule that is now part of the bill was actually mine so I could get those points. Not because of me, mind you. I'm just worried about my friends who have me as part of their fantasy congressional team because I know you're just testing the elasticity of it. In fact, it was suggested that sometime in the future we should start copyrighting our amendments before we actually give them to the Rules Committee staff.

This is not necessarily the first time this has ever happened, as the gentleman from California mentioned. There was another lands bill where I introduced an amendment with the same topic that once again was redrafted, this time refiled with a Democrat as the sponsor of it and it did pass this House and I was happy to vote for that because it was a good idea. It was my idea, but it was still a good idea. But I realize you're just testing the elasticity of it.

I'm not saying you're stealing, mind you. I am not saying anyone is stealing. But John Stockton has called and wondered if his NBA steal record still exists. The Patriot coaches are wondering why they're in trouble. The 1919 Black Sox want their title back. And Henderson has actually discussed it because he could have beat Ty Cobb's record years earlier had he had these same techniques in line. In fact, to be honest with you, I had a softball game last night that we won and we are now 9-1. And I'm wondering if the gentleman would actually do another self-executing rule to make us 10-0. That would actually do something for me. And since we're pulling stuff out of thin air without committee assignments, without floor discussion, I think it would fit within the concept.

Now don't get me wrong. I'm not saying that we're doing all the work and someone else is taking the credit. Because we're used to that. We work with the Senate all the time. We understand how that works. But if indeed we are becoming the Puff Daddy of legislative efforts in here, I would suggest that if the Rules Committee really wants to do something to further discussion and actually do something positive to make it worth the 4-hour flight we had to come back here for this particular bill, why don't you take my Americans for American Energy Act and do a self-executing rule to put that in. At least that would be a meaningful discussion that we would have on the floor of a meaningful bill and would make it worthwhile for us to come back here and finally start talking about something that is meaningful and useful for the American people.

Mr. CARDOZA. Madam Speaker, I would love to point out to the gentleman that there were a number of self-executing provisions put into bills while the current minority was in the majority in the 109th Congress. There were a total of 44 rules with self-executing provisions.

Let me read just a few examples of the self-executing rules that the Republicans did when they were in the majority just to show that this is not a unique practice:

H. Res. 75, the rule on H.R. 418, the REAL ID bill, self-executed major changes in the bill to gain votes on the bill and the rule.

H. Res. 151, the rule for an Iraq/Afghanistan/tsunami relief bill, self-executed the totally unrelated REAL ID bill to the supplemental after final passage.

H. Res. 248, a rule on the budget resolution conference report, self-executed a new budget point of order against appropriations bills in order to get the conservative Republicans to vote for the conference report.

H. Res. 258, a rule on the conference report on the Iraq/Afghanistan/tsunami emergency supplemental, contained a self-executing provision that authorized the Judiciary Committee to file a supplemental report on an extremely controversial report that had grossly mischaracterized votes taking place in the Judiciary Committee markup.

H. Res. 351, one rule, provided for separate consideration of four OSHA bills, each under a closed rule, and then self-executed language for two of the bills adopting the committee-reported substitutes. The rule also had a self-executing provision that combined all four bills into one text after passage of each bill separately.

H. Res. 365, a State Department authorization rule, self-executed an amendment that struck a section of the bill.

H. Res. 369, the PATRIOT Act reauthorization rule, made in order an entirely new substitute as base text.

H. Res. 387, a China trade rights enforcement rule, self-executed a new text that was considered under a closed rule.

Madam Speaker, I would suggest that my colleagues doth protest too much.

I would reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, we acknowledge that there is a practice of self-executing rules. That's been done. Principally they are done, however, on technical grounds but admittedly they are done on substantive pieces of legislation. But the fact is already in this Congress there have been more self-executed amendments by this Democrat Rules Committee than there was in the entire last Congress. Already. And we still have 6 months to go before this session is over.

With that, Madam Speaker, I would like to yield 3 minutes to my friend from California, the gentleman from

the Sacramento area, the former attorney general, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I appreciate the gentleman allowing me to get in the midst of this intramural squabble here on the Rules Committee.

It seems like it was just the night before last that we came back to work this—well, it was just the night before last that we came back to work this week. And it seems like we just—well, we are just leaving. We came in the night before last to do business, we were here yesterday, we're here today, we're going to get out by, I guess, about 3 in the afternoon. Meanwhile, the people of the United States are suffering because we have no energy policy.

Now this political cartoon graphically states what it is. It says:

We demand you energy companies do something about high energy prices.

We can drill in ANWR.

Forget it.

How about offshore.

Are you crazy?

Clean coal.

Out of the question.

Nuclear power.

You're joking, right?

Don't just sit there, do something.

Well, that's what I'm asking this Congress to do. Don't just sit there, do something.

I thought that maybe what I believe is now called the Natural Resources Committee—it used to be called the Resources Committee—the Natural Resources Committee, I thought it had jurisdiction over ANWR. And I looked it up and it does. And I thought it had jurisdiction over offshore drilling. And I looked it up and it does. And I thought it had jurisdiction over coal on Federal lands. And I looked it up and it does. And I thought it had jurisdiction over tar sands and other kinds of resources, natural gas, offshore. And it does.

So what does it bring today? A bill that talks about a historic trail. We've waited 227 years to designate it as an historical trail. You would think we could wait a couple of more months and do something on energy.

Madam Speaker, I will not violate the rules of the House by asking for a show of hands in the galleries, because that would be out of order, but I suppose that if the people in the galleries were like the people in my two town halls last week, they would answer the same. When I asked them do you think we should drill in ANWR, about 75 to 80 percent said yes. When I asked them do you think we should start drilling offshore, about 75 to 80 percent said yes. When I asked them do you think we should lock up the greatest natural resource we have for energy in this country, coal—we're the Saudi Arabia of coal—they answered 75 to 80 percent no. Nuclear power. Over 50 percent are for it now. But this Congress does nothing about that. In fact, they have created self-fulfilling prophecies. They

say, look, if we allow offshore drilling, it will take 10 years. Do you know why it would take 10 years?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 2 additional minutes.

Mr. DANIEL E. LUNGREN of California. They set up the formula for failure. They make it a reality that it will take 10 years because of all of the extensive environmental requirements, the continued legal challenges, and if you know how the system works, you can actually make a decision by not making a decision. If you can in court ensure that no decision is finally made, no one is going to make the capital investment.

Our friends on the other side say, well, wait a second, we've got the answer. All we're going to do is make them drill with the leases they already have.

Now let's think about this. The oil companies pay millions, billions of dollars for leases and they're not looking for it? The fact of the matter is just because you have a lease which is a tract of land on a map, a line on a map, doesn't mean there's oil there. Actually some of the Democrats on the other side of the aisle have said this. They've said, our leadership doesn't understand the reality of drilling oil. And so what do they leave us with? They leave us with a policy which says drive small cars and wait for the wind. The gentleman from California says look at all we've done. We've forced Americans to drive smaller cars. That's the solution. We're waiting for wind. We can wait for a long time.

I'm for solar energy. I'm for wind. I'm for all of the above. But the fact of the matter is we have to do something on the supply side. And here we have a bill out of the committee that has jurisdiction on this very matter, the one that would get us started, and it doesn't bring forth this. It has brought forth a mouse in comparison to what we need in terms of our energy. All the American people are asking for is some sense of reality. We cannot suspend the laws of economics.

The gentleman from California says look at all the price controls that we have adopted. I have to say, it was a Republican President, President Nixon, who tried to use price controls in the seventies. It didn't work. It didn't work. At some point in time we have to understand that what we have to do is increase supply.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. And if we come to the floor with the committee of jurisdiction bringing us bills that have nothing to do with energy, what are the American people to say except that, Don't just sit there,

do something. We are absolutely just sitting here and doing nothing. People back home are not waiting for 20 and 30 years. They're talking about what's happening now. It's not just the gas in their car. It is the cost of transportation embedded in everything. And it's going to get worse before it gets better.

This Congress should do something. It should act now. Act now. Maybe we could stay here longer than 2½ days to do something about energy for the American people who sent us here to do their work. Where's the 5-day workweek? Gone. Gone along with the opportunity to drill for oil and produce energy for the American people. Maybe they ought to pay attention to what's happening here on the floor of the House and insist that we do something. Drill here in the United States, not overseas. Produce here in the United States. Save America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not refer to or address occupants in the gallery.

Mr. CARDOZA. Madam Speaker, I would just like to observe once again that this Congress has approved and authorized 66 million acres for exploration and leasing throughout this country. Now, that may be hard for some folks to visualize that amount of property, so let's talk about it in something that people understand, the size of States.

Sixty-six million acres is virtually the size of New England, including New Jersey and Maryland and Delaware. That is the size of land that we have opened up to exploration. Can we do more? Possibly. Are there other alternatives? Absolutely. The Speaker this week proposed trying to bring down prices by opening up the Strategic Petroleum Reserve. That might actually bring down the cost of oil, and all we've gotten from the White House is a blanket "absolutely not."

Madam Speaker, there are a number of measures that this House has moved to try and bring down oil prices and bring relief to the American people. We started in our 6 for '06 with H.R. 6 that tried to bring down oil prices before it was ever even a crisis because we anticipated that this might be a problem. I would also suggest that it has been said that over 90 percent of the Bush-Cheney oil energy policy has been implemented by the prior 109th Congress and the Republican Congresses before that. Mr. Bush got 90 percent of what he wanted for American energy and we have this crisis. I submit to you what we need is a change at 1600 Pennsylvania Avenue to try and regain energy independence and with a change there we may just do that.

I will reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 6 minutes remaining. The gentleman from California has 13½ minutes remaining.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

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Mr. TERRY. Thank you. I appreciate this opportunity.

My friend from California, I'd like to clarify a little bit. The 66 million acres are land that hasn't been authorized by Congress. In fact, the efforts by my friends on that side of the aisle was to take away that 66 million acres of already leased land. So I think the public needs to be clear on that aspect.

Yes, some of the Bush plan on energy has been implemented. The part, conveniently, that has been left out of presenting to the President for signature is the part that increases supply. It's the lack of supply that is causing problems for American families today, with the price at the pumps.

I have had several meetings with constituents who have told me their stories about how the high price of gasoline is literally taking food off of their tables and making them to make decisions about what they are taking away from their family in order to be able to get to work and back.

Our reliance on foreign energy is destroying this country, and we have to become independent, folks. We use 20 million barrels a day. Twenty million barrels of oil per day, most of which is refined into fuel that we use in travels. Over 14 million of those 20 are imported today.

Let's look at what is on the foreign scene today with Iran sending missiles as a message to the United States and Israel about their might. Make no bones about it, my friends; the only reason they have missiles is because they get to sell oil. If we weren't reliant on foreign oil and we could get away from it with a comprehensive plan and, Mr. CARDOZA, I'd love to work with anyone on your side of the aisle to come up with conservation alternative fuels and to be able to open up our offshore drilling in the gulf coast, Alaska, and use oil shale. If we put all of that together, we can be energy independent.

Mr. CARDOZA. I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, can I inquire of my friend from California if he has any more speakers, or he is prepared to close?

Mr. CARDOZA. We have no more speakers.

Mr. HASTINGS of Washington. The gentleman is prepared to close if I close?

Mr. CARDOZA. I am, Madam Speaker.

Mr. HASTINGS of Washington. With that, Madam Speaker, I yield myself the balance of my time.

Madam Speaker, it's time for the House to debate ideas for lowering gas prices. By defeating the previous question, I will move to amend the rule to

allow the House to consider a bill that will help produce more American-made energy, H.R. 2208, introduced by Mr. BOUCHER of Virginia and Mr. SHIMKUS of Illinois, the cosponsors of that bill.

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

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

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, this House is on a course to complete its work by early this afternoon. The only legislation the House is even considering is this bill to consider a 600-mile scenic trail about the Revolutionary War. Tomorrow, the House won't even be in session. The House was originally scheduled to be in session, working tomorrow, but that was canceled yesterday.

The Democrat leaders of this House are choosing to do nothing for a day and a half, today and tomorrow, that was scheduled, and of course, do nothing about gas prices. They decided to just stop working and go home early rather than vote on legislation to lower gas prices by producing more American-made energy.

The House needs to confront the skyrocketing price of gasoline. It shouldn't be clocking out early and calling it a week. It's time right now for Congress to act on gas prices.

So, once again, Madam Speaker, I am going to ask my colleagues to vote "no" on the previous question so that we can amend the rule to take up serious legislation, bipartisan legislation, to bring down gas prices at the pump.

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

Mr. CARDOZA. I would just like to clarify for my colleague from Washington. Once again, he sort of mischaracterized what is happening in the House of Representatives with regard to the work that we are doing to lower gas prices.

I would invite the gentleman to join me in the Ag Committee as I leave this chamber today and go to hearings that will be going on all afternoon in the Ag Committee to get to the bottom of the trading issues that might be leading to increased speculative problems that are possibly causing increased gas prices and the hearings that we are going to have in the Ag Committee all day tomorrow with regard to the same subject. There are a number of us that will be working very hard the next 2 days to try and resolve to get to the bottom of this crisis.

Madam Speaker, I want to refer back to the bill at hand. We have gotten way far afield of what the topic was of discussion for this rule, and that is the National Trail System Act. That act was put in place 40 years ago to provide for the conservation of historic and culturally significant areas.

I think there is no more deserving historic designation than the one com-

memorating our Nation's struggle for independence. The bill that we are talking about deserves strong support by all Members of the floor. It's a good bill done by the Natural Resources Committee and chairman, Mr. RAHALL, bringing it to the floor. I would urge that we support it heartily.

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

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1317 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2208) to provide for a standby loan program for certain coal-to-liquid projects. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and the chairman and ranking member of the Committee on Science and Technology; and (2) an amendment in the nature of a substitute if offered by Representative Dingell of Michigan or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(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 Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

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

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

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

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

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

Mr. HASTINGS of Washington. 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.

MOTION TO GO TO CONFERENCE ON H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2008

Mr. CAPUANO. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Financial Services, I move to take from the Speaker's table the bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT

Mr. NEUGEBAUER. Madam Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. Neugebauer moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3121 be instructed, to the maximum extent possible within the scope of the conference, to (1) include in the conference agreement the provision in section 106 of the bill S. 2284.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Massachusetts (Mr. CAPUANO) will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Section 106 of the Senate flood insurance bill would reform the National Flood Insurance Program in a significant way by phasing out taxpayer subsidies and requiring that rates are based on an actual risk of flooding basis.

The Senate bill achieves this goal more quickly and fairly than the House bill, which does not begin phasing out premium subsidies for nonresidential properties and nonprimary residences until 2011.

We owe it to the American people whose lives get turned upside down in the aftermath of flood disaster to encourage an efficient, effective program, with adequate resources to be there for them when they need it.

Risk-based pricing will reassure taxpayers that they are not subsidizing those who choose to live in high-risk areas near coastal lowlands or flood plains where many property owners have repetitive losses.

Section 106 of the Senate version of the flood bill would also eliminate subsidies within 90 days of enactment for prospective policyholders of nonresidential structures, nonprimary residences, and severe repetitive loss properties.

It would also eliminate subsidies within 90 days for properties that undergo improvements or renovations that exceed 30 percent of the fair market value of the property, and any property that sustains damage exceeding 50 percent of the fair market value after the enactment of this bill.

In addition, Section 106 includes a provision that would prohibit subsidies and require risk-based pricing for prospective policyholders if the property was not insured within 90 days of enactment or if the policy lapses as a result of deliberate choice by the policyholder.

Risk-based pricing would also be required if the prospective policyholder refused to accept an offer for mitigation assistance or relocation following a major disaster.

These are prudent measures to strengthen flood programs, phase out taxpayer subsidies, and encourage a premium pricing structure that is based on the actual risk of the property to flooding.

While not part of this motion, I also believe it would be ill-advised to force

the National Flood Insurance Program to take on new risk of wind coverage, as it would expose taxpayers to further losses and could unnecessarily interfere with the functioning of private wind insurance markets.

The Republican minority believes that the chief objective of Congress should be to reform the existing National Flood Insurance Program, including the removal of subsidies over time to improve the long-term solvency of the program. Adding new coverage to the program that has already lost \$18 billion is a move in the right direction.

Madam Speaker, I want to stop and reiterate that the program, the reason this is so important is that we continue to subsidize this program and the deficits keep going up. Now, some people say, Well, the program pays for itself. But the truth of the matter is, Madam Speaker, this Congress is going to have to write off billions of dollars because the system is currently insolvent now, and now others want to increase and expand the coverage and postpone putting risk-based premiums in place.

The American people already are dealing with a lot of other issues. They don't need to be dealing with having to subsidize the National Flood Insurance Program any longer.

As the conferees work on this final flood insurance bill, we ask that they produce a bill that is fiscally responsible and does not saddle future taxpayers with more losses.

With that, I reserve the balance of my time.

Mr. CAPUANO. Madam Speaker, on reading this motion to instruct, it seems reasonable, well-thought-out, and we have no problems with it.

Therefore, with that, I would reserve the balance of my time.

Mr. NEUGEBAUER. In addition to rising to offer this motion to instruct on H.R. 3121, the Flood Insurance Reform and Modernization Act of 2008, I believe it's also critical that we talk about another issue that is very important to the American taxpayers, and that is a sound and reliable energy policy for our country.

I am repeatedly frustrated and I know the American people are repeatedly frustrated that this Congress has done nothing this summer, this year, to produce one additional barrel of oil to help reduce the dependency problem that this country has on foreign oil. This is not only an economic security issue for our country, it is a national security issue for our country.

We know that we have seen in the last few days that the Iranian Government is flexing their muscle and they are saying that they want everybody to know that they are a world power and that if people make them mad, or if they decide to do something, that they could close the Strait of Hormuz, where I think someone said almost 40 percent of the world's oil passes through that port. That just says to us