

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 415, TAUNTON RIVER WILD AND SCENIC DESIGNATION

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1339 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1339

*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. 415) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System. 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. 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. 415 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.

SEC. 3. The House hereby (1) takes from the Speaker's table the bill (S. 2062) to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; (2) adopts an amendment in the nature of a substitute consisting of the text of H.R. 2786 as passed by the House; (3) passes such bill, as amended; (4) insists on its amendment; and (5) requests a conference with the Senate thereon.

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

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

I yield myself as much time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1339.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 1339 provides for the consideration of H.R. 415, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System.

This structured rule provides for 1 hour of general debate to be controlled by the Committee on Natural Resources. The rule makes in order four amendments which are printed in the Rules Committee report. The amendments are each debatable for 10 minutes, and the rule also provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and in strong support of the underlying legislation. Introduced by my colleague from Massachusetts, Chairman BARNEY FRANK, I am proud to be an original cosponsor of H.R. 415.

□ 1115

This legislation would designate portions of the Taunton River in Massachusetts as part of the National Wild and Scenic Rivers program. It is important to note that this legislation has support from every House member from Massachusetts and Rhode Island and from every government of the affected communities along the river.

Mr. Speaker, I would also like to point out that this designation only affects three congressional districts in Massachusetts and two in Rhode Island. It does not impact any other State in our country.

Mr. Speaker, the Taunton River fully qualifies for and deserves this designation. As determined by the National Park Service, and I repeat, as determined by the National Park Service “the Taunton River is eligible for wild and scenic designation based on its free flowing condition and the presence of outstandingly remarkable natural and cultural resource values.”

Mr. Speaker, it is also important to note that this designation is distinct for different segments along the Taunton. Two segments of the river would be designated “scenic” and two as “recreational.”

Now some of my friends on the other side of the aisle have suggested that the Taunton isn’t scenic enough or that it’s too urban for this designation. One of my colleagues even went so far as to say that the only thing scenic about this area is the graffiti on the bridges. Mr. Speaker, I find that statement not just wrong-headed but deeply offensive to the people that I represent. That kind of elitism serves no purpose and has no role in this debate.

I would ask my friends on the other side of the aisle who believe that the Taunton River doesn’t meet the right criteria for this designation to actually pay attention to what those criteria are. The Taunton River is the longest undammed coastal river in New England. It is home to over 150 species of birds, 45 species of fish and 360 plant species. It is the largest contributor of fresh water to Narragansett Bay. And its shoreline provides for a wide variety of recreational opportunities. For the communities of Fall River, Somerset and the others along the Taunton, this designation will support the economic development plans within the area. In my district, the Fall River portion of the river, the “recreational” designation complements the city’s plan for waterfront revitalization, which includes a marina and a boardwalk.

Lastly, Mr. Speaker, I want to address the baseless claim that this legislation is some sort of end around to prevent energy development in Massachusetts. This is an argument cooked up by one particular energy company that wanted to build a liquefied natural gas facility within a stone’s throw of people’s homes. This company has even purchased full-page newspaper ads in an ill-conceived lobbying campaign. Sadly, some of my colleagues on the other side of the aisle have bought into their false argument hook, line and sinker.

First off, efforts to designation the Taunton began well before any proposal for a liquefied natural gas plant was announced. My mentor, Congressman Joe Moakley, filed legislation to study the river’s designation in 1999, while the proposal for LNG was made public 3 years later in 2002. Secondly, this legislation is based on a study compiled by President Bush’s National Park Service between 2000 and 2002.

And finally, this LNG plant proposal has been roundly rejected by the

United States Coast Guard, the United States Navy, and the Commerce Department, due to overwhelming navigational suitability, environmental issues and maritime safety concerns. In other words, there is nothing this legislation can do that hasn’t already been done by the people we task to keep our waterways safe.

Mr. Speaker, this legislation has never been about stopping LNG or energy production. In fact, by denying the communities and the Taunton River this designation, we further hinder their ability to utilize the river as a catalyst for economic development. This bill is about protecting the natural and cultural resources of the people who live along the Taunton River. It’s about telling the people of southeastern Massachusetts that their environment, their heritage, their recreational opportunities and their economic development matter too.

I very much look forward to this debate. And I am eager to hear what my friends on the other side of the aisle have to say about this bill. I encourage my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from Massachusetts (Mr. MCGOVERN) for yielding me the customary 30 minutes. I yield myself such time as I may consume.

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

Mr. HASTINGS of Washington. Mr. Speaker, I oppose this unfair rule and the underlying bill that makes a mockery of our Nation’s Wild and Scenic River law.

First, this rule unfairly restricts Members from being able to offer amendments on the House floor. It’s not the first time. It’s a continuing pattern that we have seen over and over and over again. While every Democrat amendment filed with the Rules Committee was made in order, this rule allows only two out of 15 Republican amendments to be offered on the floor.

Seven attempts were made in the Rules Committee meeting on Monday to allow more amendments to be offered and to allow the House to consider the bill under an open rule allowing every Member of this body an opportunity to offer amendments on the House floor. Yet Democrats on the Rules Committee voted to block each and every attempt to allow a more open consideration of this bill.

My colleagues on the other side of the aisle may attempt to argue that some of the amendments weren’t allowed for technical reasons, but those excuses ring hollow. Mr. Speaker, when they block every single attempt to allow for a more open debate.

Now, Mr. Speaker, to the underlying bill to designate the Taunton River in Massachusetts as a wild and scenic river. Mr. Speaker, I openly admit that I have never visited this river myself.

But as they say, “a picture is worth a thousand words.” Mr. Speaker, I could say nothing at all, but a picture does say a thousand words. Here I have a photograph with me of a portion of this river that is anything but wild and scenic.

Now, a simple glance at this photo would be enough for the House to just halt consideration of this legislation. Such a heavily developed and industrialized riverfront, with its multilane roadways, massive bridges and fuel storage tanks should disqualify, should disqualify this section of the river from being labeled wild and scenic.

Now it’s argued that the reason this portion is included is because it’s “recreational.” Mr. Speaker, honestly, it’s hard to imagine that one would choose to go swimming or enjoy a peaceful canoe trip through this portion of the river. Quite simply, this portion of the river simply should not be afforded among the highest environmental protections possible under Federal law by designating it as a wild and scenic river. Mr. Speaker, quite bluntly, if this qualifies, if this qualifies as a wild and scenic river under the intent of that statute, then downtown Manhattan can be a national forest and Six Flags can be a national park.

This bill was scheduled to be considered by the House last week, yet it was postponed and rescheduled again for this week. This delay was caused when questions were raised that the true purpose of the bill, to name this river as wild and scenic, was to block a liquefied natural gas, or LNG, plant that has been proposed to be sited there. With record gas prices and high energy costs, Mr. Speaker, this is a serious question, because passage of this bill would block the proposed LNG plant from ever being built.

Now my colleagues will argue, as they have already argued, that it already won’t be built because the Coast Guard and others have raised objections and there are difficult hurdles under current law to overcome. However, the fundamental point is that today the law allows, the law allows today, for an LNG plant to be built if it can meet the necessary requirements. If it can’t meet them right at this minute, then over time they may meet them. Or as the need for this energy becomes more apparent, then maybe the groundswell of support could allow this project to go forward. But if this law passes, Mr. Speaker, it will be impossible to build an LNG plant if this bill becomes law.

So, Mr. Speaker, at a time when the liberal leaders of this House block any effort to increase energy production right here in America, when gas prices are skyrocketing and Americans are hurting, now is not the time, is not the time, to make energy more difficult to get or more expensive.

Now the sponsor of this bill, Mr. FRANK, testified before the Rules Committee on Monday. And Mr. MCGOVERN in his remarks elaborated on this facility. He asked that the wishes of the

Massachusetts delegation be respected in naming this a wild and scenic river because it only applies to them in Massachusetts. Well, Mr. Speaker, I must note with irony, with irony, that a request coming from the Massachusetts delegation to respect their wishes on this river, this bill, in opposition to this LNG plant. The argument is that this is in their backyard. And yet, Mr. Speaker, members of the Massachusetts delegation have repeatedly, repeatedly, voted to oppose the wishes of the Alaska delegation. On what you might ask? Well specifically on Alaska's wishes to develop the oil reserves in ANWR. Mr. Speaker, the folks of Massachusetts may have big backyards. But they don't stretch thousands of miles away to Alaska.

We must recognize that if this industrial riverfront is permitted to be added to our Nation's wild and scenic rivers list, then truly all qualified rivers are diminished. This doesn't just affect Massachusetts. It affects every State in which there is a wild and scenic river. And in my home State of Washington, there are several.

Mr. Speaker, I urge my colleagues to oppose this rule and oppose this bill.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me begin by saying that I have great respect for the gentleman from Washington State. But listening to his remarks, it makes me sad that this Chamber, this Congress, has kind of disintegrated to a point where there seems to be no collegiality and no kind of honest debate about what the facts are here.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. MCGOVERN. I'm happy to yield to the gentleman.

Mr. HASTINGS of Washington. Well, I appreciate the gentleman yielding. I tried to get him to yield when he was closing on the last bill, and he didn't. So when one talks about collegiality, one should start maybe with his own.

The point is, on this issue, is it not correct that in Rules Committee last night or the night before last when we were up there, you stated, and Mr. FRANK stated, very specifically, that the House should respect the wishes of the Massachusetts delegation? And is it not true that the gentleman I think from Massachusetts and maybe other members of the Massachusetts delegation have done precisely the opposite as it relates to the wishes of the Alaska delegation?

Mr. MCGOVERN. I thank the gentleman for has question. I don't recall Mr. FRANK's remarks verbatim. I am happy to look at the transcript. I did not say that. Let me respond here. And maybe the gentleman didn't hear my opening statement. But the Taunton River is eligible for a wild and scenic designation. But also part of it is eligible based on "recreational." That is the word that the Bush administration's National Park Service has said is appropriate. Now, I very rarely agree

with the Bush administration on anything. And I'm sorry the gentleman disagrees with the Bush administration on this. But what I find particularly cynical is the photograph that the gentleman just held up which is the exact photograph that this big-moneyed energy company published as part of an ad in a number of newspapers.

Mr. HASTINGS of Washington. Would the gentleman yield on that point just for clarification? Is the gentleman denying that this is not a photograph of the Taunton River?

Mr. MCGOVERN. It is a photograph of the Taunton River. But the interesting thing about that photograph is the angle at which it has been taken. The fact of the matter is that this photograph that this big-moneyed energy company that my friend on the Republican side has held up is saying that this will be part of the, this area will be included in the designation which seeks to prove I think how inappropriate it has become because this industry has actually manipulated this photograph. But in fact much of that photograph is of a park.

You will note in the picture a World War II battleship. That is the USS *Massachusetts*. And let me show you it is no part of any industrial use today. It's part of a recreational area. The battleship is the centerpiece of a very important urban park called the Heritage Park in the city of Fall River. And there is a great deal of open space that is shielded cleverly, very cleverly in that photograph that was paid for by a big-moneyed energy company. On the opposite side of that river are boat ramps and houses that go right to the river for recreational purposes. And it's part of my district.

Now the gentleman maybe has a bias against providing working class people who live in urban areas any benefits from any kind of environmental designation. I disagree with him if that is his opinion. But he mentioned that the purpose of all of this was, in fact, to prevent an LNG site facility from being built in the middle of Fall River.

□ 1130

Let me put this out there so my colleagues understand this. There are currently only eight LNG terminals in the United States of America. Of those eight, Massachusetts currently has two LNG terminals in operation with a third one that has been approved by FERC. Massachusetts is the only State to permit not one, but two new LNG import facilities this decade in this country. Each of these facilities is authorized to double its output capacity.

I will yield after I finish my statement.

Mr. BOUSTANY. I think the gentleman is in error. There actually has been a new LNG facility that just went online in Louisiana, and two more that will open in a few months.

Mr. MCGOVERN. Reclaiming my time, the bottom line is we in Massachusetts realize the need for these LNG import facilities.

And I would like to point out to the gentleman from Washington, and if my geography is correct, Washington is still a coastal State, unless that has changed, but that his State has no LNG terminal in operation, under construction, or even proposed.

So when he implies that somehow the Massachusetts delegation is not stepping up to the plate in terms of making sure that not only New England but this Nation has energy, he is wrong. Massachusetts has been a leader on this.

Let me point out one other thing. This is not a Republican-Democrat issue with regard to the LNG facility and the Fall River. Mitt Romney, who the last time I checked was a Republican, and still is a Republican, was a leading opponent in the siting of the LNG facility in the middle of Fall River. In 2006, Governor Romney stated, "Weaver's Cove and Fall River strike me personally as being an ill-advised site to receive LNG." Realizing that they were trying to site an LNG facility in a highly populated area, Governor Romney asserted, "I don't like the idea of an LNG facility going into a populated area, not in the post-9/11 world."

We in Massachusetts have worked with energy companies to try to site these LNG facilities safely offshore. The idea that you would site an LNG facility in an area where there are countless people within a 1-mile radius of this facility is crazy.

Richard Clarke, the terrorist expert said, "This is a bad idea." Now that is one opinion. Another opinion is the U.S. Coast Guard said it is a bad idea. The U.S. Navy says it is a bad idea. The Commerce Department says it is a bad idea. You are the only one who says it is a good idea, you and a big moneyed energy company.

Mr. Speaker, we are hearing all kinds of red herrings here, but understand one thing, this is not about energy. This is about whether or not a working class city, kind of the home base of the industrial revolution that is located on this river, can be designated as a wild and scenic area, whether or not the recreational aspects of this river can be recognized, whether or not we can afford this city of Fall River the benefits to help them use this river as a catalyst for economic environment.

It is too bad that this has become an elitist debate about well, no, you don't deserve it because this is a working class, urban area, home of the industrial revolution. You don't deserve that designation. I think that is wrong.

I reserve the balance of my time.

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

The SPEAKER pro tempore. The gentleman from Washington has 23½ minutes remaining. The gentleman from Massachusetts has 18 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank my friend from Washington for yielding.

You know, I am going to try to hurriedly plot these dots so you can connect them. But I want to go back because what I would call this Congress is the smoke and mirrors Congress. We have heard denials from the gentleman about what the real intent of this designation was and that the picture that we have here does not speak for what it is.

I think, Mr. Speaker, most people can look at this photo, and you can call it wild and scenic if you want. It looks fairly wild; but scenic, I don't know. I haven't been there either. Let me say this. I think we need to get this into perspective as to the smoke and mirrors that has been going on in this Congress.

I want to read a quote. Mr. KANJORSKI was being interviewed by a paper in the town of Ashley. Mr. KANJORSKI in his remarks said Democrats had overpromised during the 2006 congressional elections by implying they could end the war if they controlled Congress.

Mr. Speaker, here is the result. It says, "Now, anybody who is a good student of government would know that was not true." Mr. KANJORSKI said that in an Ashley town hall meeting in August. "But you know the temptation to want to win back Congress—we sort of stretched the facts, and the people ate it up."

I think we are seeing a continuation of that. We are stretching the facts that this is wild and scenic. Now, I think you go back, and this could go back to May of 2007 when we passed the Udall amendment in this House which prohibited the mining of shale oil out west. At that point in time, even by the majority charts, the price of crude oil went sky high with speculation because finally the speculators realized that we were not going to do anything to meet our own energy needs.

Just since President Bush lifted the executive ban and since he had the press conference yesterday about drilling, just the very mention about lifting the ban, starting to drill and starting to look at our own production and our own resources, the price of a barrel of oil has dropped over \$10 a barrel.

Now we can do something here, but this is just another nail in the coffin for us that people are going to see that we don't want to increase energy production. Let me tell you something, the people up north had better understand that the price of natural gas and home heating oil is double what it was last year. So now if you get cold in your home in the winter, you are not even going to be able to afford to drive somewhere warm.

So this, I think, if you look at it and if you look at the overall connection of the dots—

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

Mr. HASTINGS of Washington. I yield the gentleman 30 additional seconds.

Mr. WESTMORELAND. If you can look at the overall connection of the dots, this is just another one of those connections that shows that the majority party here is not going to give a clear up-or-down vote on increasing our oil production. It is going to continue to give the world and other countries the idea that we are going to be dependent on their foreign oil, and it is another example of: Well, we may have stretched the truth, and the people ate it up.

Mr. MCGOVERN. Mr. Speaker, I listened to the previous speaker, and I am confused because he doesn't address what we are talking about here which is the designation of the Taunton River as having a wild and scenic designation.

Again that photo that he held up, which my colleague from Washington State held up, which was a photo taken by a big moneyed special interest energy company, is inaccurate. I mean everything below the bridge seen in the middle of that picture is not covered by this bill.

Here is if you take a picture from the other side which actually is the part that we are talking about being covered, it is a much, much different picture. It doesn't fit into the strategy of this special interest big moneyed energy company, but the reality is you see a much different picture of what we are trying to protect and what we are trying to preserve.

If people want to have a debate on energy, fine. I would simply say Massachusetts is doing its part. We are actually moving forward on licensing more LNG facilities. We recognize the need to do our part. We are doing the right thing.

The objection to this site for that LNG facility is that it is in the middle of a densely populated area that when these ships had to go down the Taunton River, three bridges needed to be shut down. The Coast Guard said it was a bad idea. I'm sorry you know more than the Coast Guard, about I trust the Coast Guard to tell me about navigational matters more than I do any of my colleagues on the other side of the aisle. The U.S. Navy complained about it. The U.S. Department of Commerce said it didn't make any sense.

So this is a smoke screen, and it really is an insult to the people who live in this area. These are hardworking people and they don't deserve to be a pawn in your political debate. So I would urge my colleagues to support the underlying bill and support the rule.

I reserve the balance of my time. Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, in my opening remarks I made the observation that passing this bill with what this picture shows—

Mr. MCGOVERN. Would the gentleman yield to me?

Mr. HASTINGS of Washington. I would be happy to yield to the gentleman.

Mr. MCGOVERN. That picture is inaccurate. You are holding up a picture that is inaccurate. What we are looking at there is not what is covered by this designation.

Mr. HASTINGS of Washington. Reclaiming my time, when I asked the gentleman if this in fact was a picture of the Taunton River, the gentleman responded in the affirmative. Now there may be some changes, but he did say this is the Taunton River.

Now in my remarks I said that this diminishes the wild and scenic rivers that are in every place in this country. I said that there are several of them in my State. So I would just ask my colleagues this one simple question: Are we going to change the wild and scenic designation in this country to look like this? Or like this? This is a picture of the Klickitat River which is a wild and scenic designation in my State.

So if we are going to argue on the merits of wild and scenic, and making something that is urban like this as wild and scenic, we need to take into consideration what it historically has been, like the Klickitat River in my State.

That is a fundamental argument that is going on here today. There are others things that enter into it, and I would be more than happy to engage in that later in my remarks. But this is a fundamental difference, and what they are trying to do with this wild and scenic designation in an urban area compared to what has been done all across the country, including my home State of Washington.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, we have all kinds of inaccurate statements being made here and inaccurate photos being shown here.

Let me repeat, as determined by the National Park Service, "The Taunton River is eligible for wild and scenic designation based on its free-flowing condition and the presence of outstandingly remarkable, natural and cultural resource values." That is a quote from the National Park Service.

It is also important to note that this designation is distinct for different segments along the Taunton River. Two segments of the river would be designated as scenic and two as recreational. This is not something that Congressman FRANK or myself came up with out of the blue. This is what the Bush administration National Park Service has concluded.

I mean, I trust the National Park Service to tell me whether or not something fits this designation or it doesn't fit this designation, more so than some of my colleagues who are trying to make this into a political football.

Again, I would show this picture which is a more accurate picture of what we are trying to protect. And I would also say again that what I find

particularly offensive about this debate is that the people who are trying to be denied the benefits of this designation are hardworking people from Fall River. These are people who work in factories. These are people who have really been an engine for the economic development of this country over the years. And they are working class people. All of a sudden we are told that somehow they don't deserve this kind of benefit from this designation. Talk about elitism.

The National Park Service says this is the right thing to do. The previous designation of the other part of the Taunton River, by the way, when my colleague Joe Moakley brought it up, was voice voted. Everybody here thought it was a good thing. Now because we are all into politics and it is the election season, people are looking for anything to try to make a political point.

Enough with the political posturing. Let's once in awhile do the right thing. Let's once in awhile listen to what the National Park Service has said on this issue. Let's do what the people of this community want. Let's help this community benefit from the economic development incentives that will come from this designation.

□ 1145

These are good people. This is a good community. I am proud to represent the people of Fall River. Congressman FRANK is proud to represent the people of Fall River, and I urge all my colleagues on both sides of the aisle to put the politics aside and do the right thing and vote for this bill.

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

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to my friend from Louisiana, I want to ask my friend from Massachusetts, and I will be happy to yield, that picture you have, I understand, is an artist's rendering of the river; is that correct?

Mr. MCGOVERN. This is a photograph.

Mr. HASTINGS of Washington. It is a photograph?

Mr. MCGOVERN. Yes, it looks so beautiful it looks almost like it has been painted, but it's a photograph.

Mr. HASTINGS of Washington. I thank the gentleman.

Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my colleague from Washington State for yielding to me.

Mr. Speaker, I rise in opposition to the rule and this underlying bill, because I believe, first of all, this is an abuse of the Wild and Scenic Rivers Act. It's further demonstrating the party here, the opposite party position that we have to have an either/or policy. It's either the environment or energy.

Whereas I believe on our side of the aisle, we are advocating that the two

can march hand-in-hand. I believe this is also a way of blocking sensible energy policy going forward. Clearly, I think, the American public understands it, as well as we do, that we need a comprehensive energy policy.

I want to make a few points. First of all, we have seen LNG development down in my district. I have got one facility that is expanding on a river. It's in the midst of a very densely populated area. That river is used not only for industrial purposes, but also recreational purposes. There has been a record of safety, in fact, an unprecedented record of safety.

We have a new LNG facility that came online, I guess, a couple of months ago. Secretary Bodman was down there with me. This is creating new American high-paying jobs. Furthermore, there are two other LNG facilities under construction. Finally, I would say these are all small companies. They are not large, big oil companies.

One of the companies, the one that does have the one, the facility that's new and up and running and building a second one, not only that, what they have done is participated in coastal restoration projects and marsh preservation. So we know down in Louisiana that our beautiful marsh and wetlands can also be a working wetlands.

We also know that this creates great jobs. We also know there is a record of safety with the facility that's in the midst of a densely populated area.

I would ask my colleague, what's he going to say to his constituents in Massachusetts and the Northeast when heating oil prices are going to be exorbitant in this next winter? What is he going to do? What is he going to say?

Mr. MCGOVERN. Would the gentleman yield?

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

Mr. MCGOVERN. I would say first of all Massachusetts currently has two LNG terminals, and we have licensed another one. We are not opposed to LNG. We are doing our part.

Mr. BOUSTANY. If I may reclaim my time. Why are they intent on abusing the Wild and Scenic Rivers Act as a backdoor approach to block LNG? I don't understand that.

Clearly, these companies have been good corporate citizens, and they have worked to be good stewards of the environment. I will point out that one company, in addition to marsh restoration and preservation, also prepaid taxes in the State of Louisiana to build schools after Hurricane Rita.

This company also built the new health clinic in a small town that never had a health clinic before. These companies are good stewards. They show that environmental policy and energy policy can march hand-in-hand.

I don't understand the argument that the other side is making. They are just intent on blocking comprehensive energy policy, and I oppose the bill.

Mr. MCGOVERN. Mr. Speaker, I feel like I'm in a Twilight Zone episode

here. This doesn't make any sense. None of this makes any sense.

First of all, I would say to the gentleman that we have just as many LNG facilities as you do in Louisiana. I would say to the gentleman that we are moving forward. We just licensed another LNG facility.

I don't know what he's talking about. It doesn't make any sense to me when you talk about we are trying to frustrate our efforts.

Let me also say to the gentleman, with regard to this particular site, the United States Navy opposed the LNG terminal in Fall River, as they indicated it would disrupt their operations in their nearby Newport, Rhode Island, base.

The Commerce Department, Commerce Secretary Gutierrez ruled that Fall River would be an inappropriate site, citing the negative impacts on the flow of commerce along the waterway and environmental concerns. The United States Coast Guard. The Coast Guard.

Now you may be an expert on navigational issues, but I trust the Coast Guard more than I trust you on these issues. The Coast Guard has rejected the LNG plant in Fall River three times.

Captain Roy Nash, the head of the port of southeastern New England, found that the plan is "unsuitable from a navigation safety perspective for the type, size and frequency of LNG marine traffic."

So this site doesn't make any sense. So the State of Massachusetts said, but we want to do our part, so we have licensed another facility. So where are we frustrating attempts on energy?

Mr. BOUSTANY. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Louisiana.

Mr. BOUSTANY. Thank you.

I just want to point out that the gentleman has made an argument about population centers precluding the building of these facilities. That should not be a preclusion to building because there is a safety record, and these facilities can be done safely.

Mr. MCGOVERN. If I may reclaim my time, the U.S. Navy, the Commerce Department and the Coast Guard said this particular site is unsuitable. Oh, and by the way, here is another photo, not an artist rendition. It looks like it might be an artist. It looks, again, very picturesque, like it could have been done in oil colors. But this is another photo of what we are trying to protect.

Let me also say that the Wild and Scenic Rivers Act of 1969 does not discriminate between urban and rural. This bill is consistent with the law and recommended by the Bush administration's National Park Service.

Mr. BOUSTANY. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman briefly.

Mr. BOUSTANY. That picture you just showed us is actually a very nice

site for an LNG facility, but I would point out that I think the Coast Guard considerations were about specifically a bridge. That's fine. If that's the problem, I understand that. Also, why abuse the act? Why abuse the act?

Mr. MCGOVERN. I reclaim my time.

The gentleman obviously has not read the Coast Guard's recommendation on this issue. It is more than just about a bridge, and there are many bridges involved.

Again, I would say to the gentleman that the debate is not about an LNG facility, it's about whether or not this area deserves the designation that we are debating here today.

And I'm sorry, I understand it's a political year, it's an election year, and the people on the other side are just trying to make political points. It's just sad that they are doing so potentially at the expense of some good people in Fall River.

Mr. Speaker, I reserve my time.

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

The SPEAKER pro tempore. The gentleman from Washington has 15 minutes remaining, and the gentleman from Massachusetts has 10½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

A lot has been said here just recently in the last exchange about plans. I have here a Boston Herald editorial called "Cold Water on River Plan" dated the 10th of July. I will read parts of it here:

"Bay State pols have a long tradition of using the law rather creatively to further their own political aims. But the effort by U.S. Representative BARNEY FRANK to transform a stretch of industrial riverfront in Fall River into a 'wild and scenic' resource is as shameless as it gets."

They go on to say, "It is the latest attempt to kill a controversial plan for the Weaver's Cove liquefied natural gas terminal."

I repeat once again, it's not people from other parts of the country talking about this. This is the Boston Globe. Or the Boston Herald.

[From the Boston Herald, July 10, 2008]

#### COLD WATER ON RIVER PLAN

Bay State pols have a long tradition of using the law rather creatively to further their own political aims. But the effort by U.S. Rep. Barney Frank to transform a stretch of industrial riverfront in Fall River into a "wild and scenic" resource is as shameless as it gets.

Think "A River Runs Through It" and you can picture the waterways that typically win "wild and scenic" designation. But until Republicans intervened Frank was close to securing that protected status for the Taunton River, limiting development along the river and its "immediate environment."

It is the latest attempt to kill a controversial plan for the Weaver's Cove liquefied natural gas terminal. A vote was canceled yesterday, with Frank's office suggesting Republicans wanted to make it a "national issue."

Well, they HAVE pointed out the irony of top Democratic leaders (Sens. Kennedy and

Kerry sponsored the bill in the Senate) going all out to kill a plan that would ease the delivery of natural gas to New England customers. . . .

Yes, environmentalists have been seeking a special designation of the river for years. But if anyone believes it would have gained this kind of momentum without Weaver's Cove, well, we have some rusty container ships, fuel storage tanks and warehouses along the Taunton River you might be interested in.

The amusing thing is none of this seems necessary, given that the Coast Guard has already rejected Weaver's Cove based on quite legitimate concerns about navigation and safety. Guess you never can have enough insurance.

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

Mr. MCGOVERN. There is a difference between the Boston Globe and the Boston Herald, I should tell the gentleman.

Mr. Speaker, the Bush administration's National Park Service has suggested that this is an appropriate designation. Maybe they were brainwashed, I don't know. But it is just sad that you have, on the other side, some on the other side, have tried to make this a political pawn in your election-year politics.

This is really sad, and it's unfortunate, again, that the potential losers on this could be the hardworking people of Fall River and Somerset and the people along the Taunton River. This, to me, makes sense. Again, the Coast Guard has been emphatic in their opposition to this. I am interested. It's fascinating to see some of my colleagues on the other side of the aisle claim they know more than the United States Coast Guard. But when it comes to navigational and safety matters, I trust them.

But when it comes to designations, when it comes to parkland designations and wild and scenic designations and recreational designations, I am going to trust the Bush's administration's National Park Service more than some of my colleagues.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend from Washington for yielding.

Mr. Speaker, this is almost comical. It is almost comical to have the gentleman on the other side of the aisle talking about the credibility that the Bush administration brings to this project. I have heard the gentleman give Bush no credit for anything. For anything.

I hear him giving the Navy and the Coast Guard credit, the administration's Secretary of the Interior, whatever it is, credit. He has never given the Bush administration credit for anything.

We had WHINSEC, which is in my district, talking about giving the military credit and the ability to put forth good judgment. He said, no, we're going

to expose all the people that are attending this college, this facility, to help bring about peaceful negotiations and peace in Central America.

This is almost comical. And I will tell the gentleman that you can fool some of the people some of the time, but you can't fool all of the people all of the time. We are exposing what this project is about, and they are grasping at straws to use the argument that they are saying and giving the credibility to the Bush administration when they have never given him credit for anything.

Mr. MCGOVERN. Mr. Speaker, I would just respond to the gentleman that on the issue of energy, Massachusetts has twice as many LNG facilities as Georgia. I would suggest he go back and do his part to help provide more energy for our country.

I reserve my time.

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

We have had a discussion in several areas on this project. Let me start with the most fundamental area, and that's the designation of wild and scenic. I pointed out, by making this river, which is industrial—and I might add, by the way, that the initial study called for studying the wild and scenic designation only on the upper stretches, as I understand, of the Taunton River, not the lower. But the final report came back, because, as the report said, if the river could talk, this would be what they wanted.

My goodness, we are listening to rivers. I would like to see that testimony to see what the river exactly said.

But at any rate, the bottom half was put into this wild and scenic designation.

As I pointed out, this is dramatically different, dramatically different from other wild and scenic designations across the country like the Klickitat River in my district. We talked about the issue of power and siting energy plants.

The gentleman from Louisiana, where there are a lot of natural gas areas, among other energy producers in that State, is certainly knowledgeable when it comes to that. There is a lively exchange on this.

Also, the Boston Herald, as I pointed out said, editorially, a week ago, less than a week ago, that this is a shameless way in order to take this issue off the table.

But here is the final component, and we really haven't talked about that yet, but I do want to talk about that.

I have an article here from The Herald News, which is the Fall River Herald News, and it's an article, the byline is by Mr. Will Richmond, it was written on the 15th of July, which was yesterday.

The headline that I see here is "Scenic Designation Could Sink Riverfront Businesses." I bring that up in this context because my friend on the other side of the aisle was making the argument that this designation would be

good for the economy and so forth, presumably from the standpoint of tourism and so forth, but there are some businesses that are located right in this area, and they have some real doubts.

Let me read a couple of excerpts, if I may, out of this article:

“With the U.S. House of Representatives scheduled today to vote on the designation of the lower Taunton River as part of the Wild and Scenic Rivers Act, shipbuilders and other businesses located on the banks of the waterway are anxiously watching.

“The designation would hamper businesses, they say, possibly even leading to closures.”

□ 1200

Now before I go on, I would just say, how does that help the people that live in this area by this designation?

And I go on to quote, and I'm quoting a Mr. Donald Church, who is with Seaboats, Inc. He is the owner of Seaboats, Inc. And he says, “It's all great to be touchy and feely, and it's great to protect the environment. But people in this city have got to have jobs.”

He goes on to say that because of this, there is some question, and it “could easily lead to him selling his business,” which, I might add, has a \$5 million annual payroll.

On the other side of the river, there is another shipbuilder, Gladding-Hearn, and their president, Peter Duclos, and I hope I say that correctly, said, and I quote, “Our feeling is that it's a stretch to be applying a noble environmental act on this part of the river,” Duclos said. “This area is industrial historically. Fall River wouldn't be here without a deep water part. I'm not sure this legislation is in the best interest of the businesses along the river.” And he's talking about potentially adding 50 new jobs, but they have some real concerns about this designation.

Now, I might say, Mr. Speaker, from my experience in the western part of the United States, where we have these “nice” environmental designations, wild and scenic being among them, you have, our experience in the West has been, a restriction of use on these rivers, rather than an expansion. And this is precisely what these shipbuilder owners are saying with this potential designation on the industrial area of this river.

So we have three aspects to this, as I mentioned. We have the aspects of undermining what the intent was of wild and scenic designation as it was put in law to really protect wild and scenic. We have the issue of energy. That has been well discussed, especially when we have energy prices going up, and we have a potential here to locate an LNG plant. And then we have the issue of jobs in this area where there is concern in this area.

So, Mr. Speaker, I would say that, if for no other reason, it is a reason to de-

feat the rule, it is a reason, actually, to defeat the previous question so we can talk about energy; and I will be offering an amendment to that effect. But it is about defeating the rule so maybe the Rules Committee can go back, make an open rule and perfect this legislation to make it more palatable, not only to the Members of this House, but also to people that live in that area.

And, Mr. Speaker, I ask unanimous consent to have this inserted in the RECORD.

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

There was no objection.

[From the Fall River Herald News, July 15, 2008]

#### SCENIC DESIGNATION COULD SINK RIVERFRONT BUSINESSES

(By Will Richmond)

It's tough to find someone who disagrees that the upper reaches of the Taunton River aren't wild and scenic, but ask some business owners along the lower stretch of the river and you're likely to get a different response.

With the U.S. House of Representatives scheduled today to vote on the designation of the lower Taunton River as part of the Wild and Scenic Rivers Act, shipbuilders and other businesses located on the banks of the waterway are anxiously watching.

The designation—Senate approval would still be needed should the House pass the measure—would hamper business they say, possibly even leading to closures.

“It's all great to be touchy-feely, and it's great to protect the environment, but people in this city got to have jobs,” Seaboats Inc. owner Donald Church said.

Church said he is seeking to expand his business's docking abilities as a new vessel is being built, but with the designation's proposal up for consideration, additional hurdles are likely to block his way.

“I'm building vessels that are getting too big to place on our dock, but to expand I'm going to have to jump through five more hoops with the Parks Service, and odds are they are going to say ‘No,’” Church said.

He added that attempts to stall expansion could easily lead to him selling his business, which pays out approximately \$5 million in payroll annually.

Across the river in Somerset, shipbuilders Gladding-Hearn and Fortier Boats are also concerned about the impact the designation could have on their businesses.

Gladding-Hearn President Peter Duclos said attempts to conduct maintenance work on the rail tracks that bring completed ships into the river has already been stalled by the potential designation.

“Our feeling is that it's a stretch to be applying a noble environmental act to this part of the river,” Duclos said. “This area is industrial historically. Fall River wouldn't be here without a deep water port. . . . I'm not sure this legislation is in the best interest of the businesses along the river.”

Duclos said Gladding-Hearn is anticipating growth that could add 50 new jobs, but he noted the company has already had to turn away several large vessel contracts due to constraints limiting the size of the boats they can construct.

He said the company's facilities often need to be modified to meet job specifications and the process of acquiring additional permits due to the designation could lead to penalties for not meeting completion dates.

“This area needs jobs and economic development, and I think that should be part of

this but this act is somewhat contrary to that,” Duclos said.

Fortier Boats owner Roger Fortier, whose company is next to Gladding-Hearn on Riverside Avenue, declined comment for the story, but an objection letter he wrote in opposition to the bill indicates the company is concerned about how the designation would affect the maintenance and expanding of their marine travel lift facility and deep draft dock.

Both Duclos and Church said their companies have no ties to the proposed liquefied natural gas terminal planned for the banks of the river and offered the designation for the remaining stretch of river is appropriate.

“It's unfortunate it's become all wrapped up in the LNG thing, but the reality is that is not our fight,” Duclos said. “Many of those types of proposals will come and go, but we'll be here.”

Mr. HASTINGS of Washington. And with that, Mr. Speaker, I will reserve my time.

Mr. MCGOVERN. Mr. Speaker, how much time is remaining on both sides, please?

The SPEAKER pro tempore. 9½ minutes to the gentleman from Massachusetts and 7 minutes to the gentleman from Washington.

Mr. MCGOVERN. Mr. Speaker, I just want to ask unanimous consent to insert into the RECORD an editorial from the Fall River Herald News in support of this, in support of the underlying legislation.

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

There was no objection.

[From the Fall River Herald News, July 11, 2008]

#### OUR VIEW: SOUTH COAST'S WILD SIDE

No one would dare argue that the lower portion of the Taunton River wends its way through a lush jungle surrounded by overgrown foliage, inhabited by giant anacondas and teeming with woolly monkeys and three-toed sloths.

But a river doesn't necessarily have to look like the Amazon to be a fragile ecosystem in need of protection. Yes, people use the Taunton River. Businesses and residences—including boat yards, condominium complexes and even power plants—line its shores, bridges span its waters and boaters navigate its currents. But while the river may not reach the same threshold as a tropical rainforest's waterways in terms of “wild,” it is definitely scenic and is home to dozens of species of fish and birds that need to be protected from the unremitting encroachment of human development.

That is the intent of the National Wild and Scenic River designation: to protect rivers with cultural, wildlife, recreational and historic values. The Taunton certainly fits the definition. It is the longest coastal river in New England without dams and supports 45 species of fish and many species of shellfish. The watershed is the habitat for 154 types of birds, including 12 rare species. It's shores are home to otter, mink, grey fox and deer. The river's recreational value is obvious by the number of boats on the water on any given summer day and its history—before it was polluted—as a shellfishing ground meets the cultural standard.

U.S. Rep. Barney Frank recognizes the river's value, prompting him to sponsor legislation to designate it “wild and scenic,” supported by Rep. James McGovern and Sens. John Kerry and Edward Kennedy. Unfortunately, Republicans in the U.S. House of

Representatives do not support protecting ecosystems like the Taunton River.

Led by Rep. Rob Bishop (R-Utah), the House Republican Conference opposes the wild and scenic designation, despite passage by the House Natural Resources Committee, which found the Taunton meets the designation based on its free flow and research value. Bowing once again to Big Energy, the Republicans claim the proposal is a thinly veiled attempt to block transmission of liquefied natural gas through the river to Weaver's Cove. Bishop—who represents a state 2,500 miles away from Massachusetts—referred to the Taunton as “a business river” and claimed Frank’s legislation was nothing more than an “effort to stop energy production.”

Bishop’s claims are wrong-headed on a number of fronts, not the least of which is his implication that stemming fossil fuel production is a bad thing given its devastating environmental impacts. Bishop is ignoring the prevalent wildlife in and around the Taunton River and incorrectly assuming that an effect of the designation—which would hamper Hess’ LNG efforts—is the intent of the proponents.

In the face of such short-sighted opposition from Republicans, Frank had requested his legislation be removed from consideration by the full House, which was originally scheduled for this past Wednesday. The vote was postponed and will be heard sometime next week, Frank announced Thursday.

Hess’ and Weaver’s Cove Energy’s LNG proposal shouldn’t even be part of the discussion. Once it finally meets its inevitable demise—removing Big Energy from the discussion—the wild and scenic proposal would breeze through the House, as it should. It is unfair to deny SouthCoast residents a clean, safe, protected river because some politicians continue to do the bidding of giant energy corporations.

Mr. MCGOVERN. I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I had intended to obviously reserve my comments till the bill itself this afternoon, but after listening to the debate on the rule I felt somewhat compelled to say a few things about it.

Earlier this morning in the 1-minute, one of the members of the Massachusetts delegation came to the floor and spoke about the significant problem of heating that will be taking place in the State of Massachusetts. He said that there were 350,000 people of Massachusetts that needed LIHEAP. That is subsidization for heating energy that all of us in the United States pay for the citizens of his State, and there would be more this fall. In fact, he said heat is not optional. It is something that has to be there.

Certainly this action right now does not help that problem. It retards our efforts to try and come up with it.

I am also somewhat confused as we are talking about this proposal. It is very clear that this proposal to study this river had certain sections. We are only talking here so far about segment 4; the lower part of the Taunton River, which, for the first time, has been designated as a potential wild and scenic river site.

I will say though that when the Park Service presented their information,

they did not come up with a recommendation; they came up with three recommendations. Only recommendation B is the one that has decided to be included in this particular bill, the so-called environmental recommendation.

But I want you to know in the recommendation in which they said this particular recommendation is easily for a river that is the most developed of any that has ever been submitted for this kind of designation, and that would be problematic, and there is no precedent, no precedent for this kind of area to be included in a wild and scenic designation, although it does meet political expectations of the area.

Now, there are other options that we could take, and there will be an amendment put on this floor to do this the right way, by taking the area that in 2000 was designated for study and appropriated for study and putting that which does have wild and scenic designation and characteristics into existence. But not this lower portion.

In fact, there is another article that appeared yesterday in the Massachusetts paper which simply said, scenic designation could sink riverfront businesses. Indeed, what we are trying to do here is an effort that will aid some businesses but harm other businesses.

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

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

Mr. BISHOP of Utah. Just as in 2002, the Massachusetts delegation asked and received an appropriation to dredge this river in the effort to help some economic businesses and not necessarily others. The fact that it was dredgeable and that it was dredged, I am sorry. I don’t know if it was actually done, but the fact that it was eligible for dredging ignores the area and the criteria that is necessary even for recreational purposes in the wild and scenic designation.

There are significant problems with this type of approach, not represented by us but represented by the Park Service. There are problems, as we have talked about, the denial for the permit for an LNG port that was supposedly done by Commerce, supposedly done by the Coast Guard, and the other group to which the gentleman mentioned, those were not permanent denials. Those were temporary denials. In fact, each of them said that they could be reinstated and reapproached. It is very possible to reinstate another proposal for a LNG port at this site, unless this bill is passed.

Now, that is the reality of what is going on here. It is far different than some of the spin that we have been hearing. But this is a problematic approach.

Mr. MCGOVERN. Mr. Speaker, after that spin, I am going to reserve the balance of my time.

Mr. HASTINGS of Washington. Once again, Mr. Speaker, how much time is on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 4 min-

utes. And the gentleman from Massachusetts has 9½.

Mr. HASTINGS of Washington. Mr. Speaker, I ask my friend from Massachusetts if he is prepared to close, if I close.

Mr. MCGOVERN. I will show more pictures. I will be the last one speaking on this side.

Mr. HASTINGS of Washington. I just asked the gentleman is he acknowledging that the other was an artist’s rendition? Is he acknowledging that then?

Mr. MCGOVERN. No, this is just a photograph. It is so beautiful it looks like art.

Mr. HASTINGS of Washington. I am talking about the other one.

Mr. MCGOVERN. This is a photograph too. If you come up closer, you can see that it is a photograph.

Mr. HASTINGS of Washington. Mr. Speaker, I surmise from that that he is the last speaker on that side; is that correct?

Mr. MCGOVERN. That is correct.

Mr. HASTINGS of Washington. Mr. Speaker, with that then I will yield myself the balance of my time.

Mr. Speaker, instead of considering a bill to designate industrialized riverfronts as wild and scenic to block an LNG energy plant from ever being built, this Congress should be debating bills that result in more energy and more energy production within the United States. Instead of bills that could result in higher energy costs, like this one, Congress should be working to lower gas prices and decrease the cost of energy. America needs to produce more oil and gas and energy using our own abundant reserves.

It is time for the House to debate and vote on bills to open ANWR, our oceans and Federal lands to drilling. If we were to increase the supply of oil, then the price of oil will decrease. Instead of allowing these proposals to be given a fair vote, the liberal leaders of this House are bending over backwards to block ideas to produce more American-made energy. Today, every Representative will have a chance to break Speaker PELOS’s blockage against bills aimed at lowering gas prices, and they can do that, Mr. Speaker, by voting no on the previous question. By voting no, we can end this obstruction and we can get to work.

If the previous question is defeated, I will simply amend the rule to allow the House to consider H.R. 2493, the Fuel Mandate Reduction Act, which will reduce the price of gasoline by removing fuel blend requirements and onerous government mandates if they contributed to unaffordable gas prices. This is a commonsense bill that will help lower gas prices by ending government mandates and manipulation that increase the cost to everybody’s pain at the pump.

So, Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into 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. Mr. Speaker, I once again urge my colleagues to vote "no" on the previous question so that we can debate, in an open manner, the part of the energy crisis and solutions to the energy crisis that we face in this country.

And with that, I yield back the balance of my time.

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

Mr. Speaker, in conclusion, let me say that this debate has been somewhat unfortunate because it has been about everything but what the underlying bill is about. As determined by the National Park Service, let me quote again, "The Taunton River is eligible for wild and scenic designation, based on its free flowing condition and the presence of outstandingly remarkable natural and cultural resource values."

It is also important to note, Mr. Speaker, that this designation is distinct for different segments along the Taunton. Two segments of the river would be designated scenic, and two as recreational. By any measure, this should be a noncontroversial bill. This should be up under suspension. There should be relatively little debate on this. I mean, this is a no-brainer.

But my colleagues on the other side of the aisle have tried to make this about everything other than what this truly is about, whether or not this community of Fall River, and the community of Somersset and other communities along the Taunton River can benefit from this designation; whether or not they deserve to be able to get this legislation passed, and use this legislation to help be a catalyst for economic development.

This is a hard working city, Mr. Speaker, good people who have hit some tough economic times and who are desperately trying to rebuild the city by bringing the waterfront back, and this would help.

And this is not about whether or not a LNG facility should be there or not. I mean, I personally believe it should not be there. But the State, the Commonwealth of Massachusetts is doing its part. I mean, it is not like Massachusetts is saying no to any LNG facility. We have two up and running, and we have permitted another. So we are doing our part.

My friend from Washington State comes from a coastal State. There are no LNG facilities there. I implore him, help us out. Do your part. We are doing our part in Massachusetts, so this is not about us saying no to LNG. We favor LNG. We favor responsible siting of LNG and we are doing that. We have more LNG facilities than anybody else here. So we are doing our part. This is not about that. That is just a smoke screen. That is just a way to politicize an issue that shouldn't be politicized.

Now, the gentleman's suggestion that we need to start drilling in ANWR. The Republicans argue that opening up the Arctic National Wildlife Refuge is an imperative for lowering gas prices, although their presidential candidate disagrees with them.

ANWR, Mr. Speaker, is a pristine wilderness, one of the most important on-shore polar bear denning habitats in the Arctic. But right on the other side of Prudhoe Bay is the National Petroleum Reserve Alaska. This area has been set aside for oil and gas exploration since the 1920s. And according to the U.S. geological survey, it contains more oil than ANWR, over 10 billion barrels of oil total. And it is open for leasing, Mr. Speaker. It is open for leasing. About 3 million acres have already been leased, and about 4 million more will be up for leasing later this year. But there have been only 25 test wells drilled there since the year 2000, and no companies are producing oil from NPRA yet.

So why would we need to open ANWR when we have this huge, untapped resource right next to the existing oil infrastructure in Alaska? And when a natural gas pipeline gets built, NPRA will be even more important. It holds over 60 trillion cubic feet of gas, nearly 16 times what ANWR holds.

The focus should be on the area that has the most oil and that is open for leasing that isn't a highly sensitive environmental area.

Mr. Speaker, we need an energy policy in this country. Unfortunately, from this White House we have gotten zero. Two oil men who are focused on nothing but what the oil companies want, and for too long a Congress that has been complicit in giving the oil companies what they want and not engaged in forward thinking policies to become energy independent. That needs to change.

But in the short-term, we also need to do something else because the fact of the matter is that there are citizens in our country right now who are paying record high gas prices, and we have a winter fast approaching where oil is going through the roof. We need relief now as well.

And that is why the President should do what the Speaker of the House has urged, and that is to tap in to the Strategic Petroleum Reserve which is now filled at a record high, and put more gas and oil into our market to help stabilize and lower prices to make sure that people in the immediate term can get through these difficult times.

□ 1215

And then we need to embrace the energy policy and the energy principles that the Speaker, the Democratic majority has laid out of a way to get to energy independence, a way to drill in a sensible and an environmentally sensible way embracing alternatives, clean renewable sources of energy now and in the future.

But what they're proposing is not the way to go. It is a smokescreen. This de-

bate has been politicized unnecessarily. This is all about political points. It is sad that on an issue so noncontroversial that it has come to that, but it has. That's the way they want to play, but it's the wrong way to do things around here.

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

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

AMENDMENT TO H. RES. 1339 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 4. 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. 2493) to amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes. 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 (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. MCGOVERN. I yield back the remaining time I have, and I move the previous question on the resolution.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 1343, by the yeas and nays; adopting House Resolution 1343, if ordered; ordering the previous question on House Resolution 1339, by the yeas and nays; adopting House Resolution 1339, if ordered.

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

**PROVIDING FOR CONSIDERATION OF H.R. 5959, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2009**

The SPEAKER pro tempore. The unfinished business is the vote on order-

ing the previous question on House Resolution 1343, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 226, nays 192, not voting 16, as follows:

[Roll No. 495]

**YEAS—226**

- |                |                 |                  |
|----------------|-----------------|------------------|
| Abercrombie    | Grijalva        | Oberstar         |
| Ackerman       | Gutierrez       | Obey             |
| Allen          | Hall (NY)       | Olver            |
| Altmire        | Hare            | Ortiz            |
| Andrews        | Harman          | Pallone          |
| Arcuri         | Hastings (FL)   | Pascarell        |
| Baca           | Herseth Sandlin | Pastor           |
| Baird          | Higgins         | Payne            |
| Baldwin        | Hinchee         | Peterson (MN)    |
| Barrow         | Hinojosa        | Pomeroy          |
| Becerra        | Hirono          | Price (NC)       |
| Berkley        | Hodes           | Rahall           |
| Berman         | Holden          | Rangel           |
| Berry          | Holt            | Reyes            |
| Bishop (GA)    | Honda           | Richardson       |
| Bishop (NY)    | Hooley          | Rodriguez        |
| Blumenauer     | Hoyer           | Ross             |
| Boren          | Isle            | Rothman          |
| Boucher        | Israel          | Roybal-Allard    |
| Boyd (FL)      | Jackson (IL)    | Ruppersberger    |
| Boyd (KS)      | Jackson-Lee     | Ryan (OH)        |
| Brady (PA)     | (TX)            | Salazar          |
| Bralley (IA)   | Jefferson       | Sánchez, Linda   |
| Brown, Corrine | Johnson (GA)    | T.               |
| Butterfield    | Johnson, E. B.  | Sanchez, Loretta |
| Capps          | Jones (OH)      | Sarbanes         |
| Capuano        | Kagen           | Schakowsky       |
| Cardoza        | Kanjorski       | Schiff           |
| Carnahan       | Kaptur          | Schwartz         |
| Carney         | Kennedy         | Scott (GA)       |
| Carson         | Kildee          | Scott (VA)       |
| Castor         | Kilpatrick      | Serrano          |
| Cazayoux       | Kind            | Sestak           |
| Chandler       | Klein (FL)      | Shea-Porter      |
| Childers       | Kucinich        | Sherman          |
| Clarke         | Lampson         | Shuler           |
| Clay           | Langevin        | Sires            |
| Cleaver        | Larsen (WA)     | Skelton          |
| Clyburn        | Larson (CT)     | Slaughter        |
| Cohen          | Lee             | Smith (WA)       |
| Conyers        | Levin           | Snyder           |
| Cooper         | Lewis (GA)      | Solis            |
| Costa          | Lipinski        | Space            |
| Costello       | Loeb sack       | Speier           |
| Courtney       | Lofgren, Zoe    | Lowe             |
| Cramer         | Lynch           | Spratt           |
| Crowley        | Mahoney (FL)    | Stark            |
| Cuellar        | Maloney (NY)    | Stupak           |
| Cummings       | Markey          | Sutton           |
| Davis (AL)     | Marshall        | Tanner           |
| Davis (CA)     | Matheson        | Tauscher         |
| Davis (IL)     | Matsui          | Taylor           |
| Davis, Lincoln | McCarthy (NY)   | Thompson (CA)    |
| DeFazio        | McCollum (MN)   | Thompson (MS)    |
| DeGette        | McDermott       | Tierney          |
| DeLauro        | McGovern        | Towns            |
| Dicks          | McIntyre        | Tsongas          |
| Dingell        | McNerney        | Udall (CO)       |
| Doggett        | McNulty         | Udall (NM)       |
| Donnelly       | Meek (FL)       | Van Hollen       |
| Doyle          | Meeke (NY)      | Velázquez        |
| Edwards (MD)   | Melancon        | Visclosky        |
| Edwards (TX)   | Michaud         | Walz (MN)        |
| Ellison        | Miller (NC)     | Wasserman        |
| Ellsworth      | Miller, George  | Schultz          |
| Emanuel        | Mitchell        | Waters           |
| Eshoo          | Mollohan        | Watson           |
| Etheridge      | Moore (KS)      | Watt             |
| Farr           | Moore (WI)      | Waxman           |
| Fattah         | Moran (VA)      | Weiner           |
| Filner         | Murphy (CT)     | Welch (VT)       |
| Foster         | Murphy, Patrick | Wexler           |
| Giffords       | Murtha          | Wilson (OH)      |
| Gillibrand     | Nadler          | Woolsey          |
| Gonzalez       | Napolitano      | Wu               |
| Gordon         | Neal (MA)       | Yarmuth          |
| Green, Gene    |                 |                  |

**NAYS—192**

- |           |              |               |
|-----------|--------------|---------------|
| Aderholt  | Bachmann     | Bartlett (MD) |
| Akin      | Bachus       | Biggart       |
| Alexander | Barrett (SC) | Bilbray       |

- |                 |                 |                |
|-----------------|-----------------|----------------|
| Bilirakis       | Granger         | Peterson (PA)  |
| Bishop (UT)     | Graves          | Petri          |
| Blackburn       | Hall (TX)       | Pickering      |
| Blunt           | Hastings (WA)   | Pitts          |
| Boehner         | Hayes           | Poe            |
| Bonner          | Heller          | Porter         |
| Bono Mack       | Hensarling      | Price (GA)     |
| Boozman         | Herger          | Pryce (OH)     |
| Boustany        | Hill            | Putnam         |
| Brady (TX)      | Hobson          | Radanovich     |
| Broun (GA)      | Hoekstra        | Ramstad        |
| Brown (SC)      | Hulshof         | Regula         |
| Brown-Waite,    | Hunter          | Rehberg        |
| Ginny           | Inglis (SC)     | Reichert       |
| Buchanan        | Issa            | Renzi          |
| Burgess         | Johnson (IL)    | Reynolds       |
| Burton (IN)     | Johnson, Sam    | Rogers (AL)    |
| Calvert         | Jones (NC)      | Rogers (KY)    |
| Camp (MI)       | Jordan          | Rogers (MI)    |
| Campbell (CA)   | Keller          | Rohrabacher    |
| Cannon          | King (IA)       | Ros-Lehtinen   |
| Cantor          | King (NY)       | Roskam         |
| Capito          | Kingston        | Royce          |
| Carter          | Kirk            | Ryan (WI)      |
| Castle          | Kline (MN)      | Sali           |
| Chabot          | Knollenberg     | Saxton         |
| Coble           | Kuhl (NY)       | Scalise        |
| Cole (OK)       | LaHood          | Schmidt        |
| Conaway         | Lamborn         | Sensenbrenner  |
| Crenshaw        | Latham          | Sessions       |
| Culberson       | LaTourette      | Shadegg        |
| Davis (KY)      | Latta           | Shays          |
| Davis, David    | Lewis (CA)      | Shimkus        |
| Davis, Tom      | Lewis (KY)      | Shuster        |
| Deal (GA)       | Linder          | Simpson        |
| Dent            | LoBiondo        | Smith (NE)     |
| Diaz-Balart, L. | Lungren, Daniel | Smith (NJ)     |
| Diaz-Balart, M. | E.              | Smith (TX)     |
| Doolittle       | Mack            | Souder         |
| Drake           | Manzullo        | Stearns        |
| Dreier          | Marchant        | Sullivan       |
| Duncan          | McCarthy (CA)   | Tancred        |
| Ehlers          | McCaul (TX)     | Terry          |
| Emerson         | McCotter        | Thornberry     |
| English (PA)    | McCrery         | Tiahrt         |
| Everett         | McHenry         | Tiberi         |
| Fallin          | McHugh          | Turner         |
| Feeney          | McKeon          | Upton          |
| Ferguson        | McMorris        | Walberg        |
| Flake           | Rodgers         | Walden (OR)    |
| Forbes          | Mica            | Walsh (NY)     |
| Fortenberry     | Miller (FL)     | Wamp           |
| Fossella        | Miller (MI)     | Weldon (FL)    |
| Fox             | Miller, Gary    | Weller         |
| Franks (AZ)     | Moran (KS)      | Westmoreland   |
| Frelinghuysen   | Murphy, Tim     | Whitfield (KY) |
| Gallegly        | Myrick          | Wilson (NM)    |
| Gerlach         | Neugebauer      | Wilson (SC)    |
| Gingrey         | Nunes           | Wittman (VA)   |
| Gohmert         | Paul            | Wolf           |
| Goode           | Pearce          | Young (AK)     |
| Goodlatte       | Pence           | Young (FL)     |

**NOT VOTING—16**

- |             |              |            |
|-------------|--------------|------------|
| Barton (TX) | Engel        | Musgrave   |
| Bean        | Frank (MA)   | Perlmutter |
| Boswell     | Garrett (NJ) | Platts     |
| Buyer       | Gilchrest    | Rush       |
| Cubin       | Green, Al    |            |
| Delahunt    | Lucas        |            |

□ 1242

Mr. BOEHNER changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 193, not voting 15, as follows: