

(Rept. No. 110-769) on the resolution (H. Res. 1368) relating to the House procedures contained in section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 3999, NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1344 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1344

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. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute 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. 3999 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. ARCURI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 1344 provides for consideration of H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act of 2008 under a structured rule. The rule provides one hour of general debate controlled by the Committee on Transportation. The rule makes in order 11 of the amendments that were submitted to the Rules Committee.

I would like to thank Chairman OBERSTAR for his leadership in addressing the critical needs of bridges on our Federal highway system. I know that this issue is especially close to home for him, and my other colleagues from Minnesota, because of the tragedy that occurred when the I-35 bridge collapsed in Minneapolis last summer.

The staggering truth is that one-fourth of all bridges nationwide are deficient. Half of all of the bridges in use were constructed in the 1960s. It is projected that motorist traffic will double in the next 30 years. In the same time, freight traffic in the U.S. will likely grow 92 percent in order to accommodate forecasted increases in American economic output. Growing demand for the movement of goods and services will place an unprecedented strain on our aging system.

Our communities need the resources to ensure that our families and friends don't have to worry about their safety during their morning commute to work, quick trip to the grocery store, or the drive to drop their children off at school. We owe it to the American public to regain their trust in the safety of our bridges and highways.

Mr. Speaker, the legislation this rule provides for consideration will go a long way to regain that trust from the American people. The legislation authorizes an additional \$1 billion for bridge repair and replacement, and setting inspection standards for such bridges. It ensures that funds are concentrated on the most pressing bridge safety concerns by mandating that priority bridges be inspected annually and all other bridges biennially.

I would also like to take a moment to acknowledge the work of my Republican colleague from Texas (Mr. CONAWAY) and thank him for the opportunity to work with him and the gentlewoman from Ohio (Ms. SUTTON) on an amendment that we will offer here today related to the rusting and corrosion damage to bridges. Our amendment expresses the sense of Congress that States should prepare corrosion mitigation and prevention plans when planning the construction of new bridges or the rehabilitation of existing bridges.

Our amendment calls attention to a serious problem: many of our Nation's bridges are simply rusting away because of corrosion. Many of our bridges have surpassed their initial life expectancy, yet we rely on them to support another 20, 30, 40 years of travel.

Corrosion is a significant factor in determining the useful life of a bridge. Without preventative measures, water penetrates and corrodes the steel rebar that reinforces our bridges, causing it to swell and fracture the concrete from the inside out. Weather and salt—especially in the northeast, where we must salt our roads in the winter—cause steel beams to rust and undermine the integrity of the whole structure.

But corrosion can be reduced by using widely available technology and construction methods if they are incorporated into the engineering and design phase of the bridge project. Prevention measures range from simple steps like selecting more resistant building materials, or using coated rebar in concrete structures, to complex methods that cause electrical reactions in water to prevent rust from forming. This sounds complicated, but the same technology is commonly used by the shipbuilding industry to prevent corrosion.

It is much easier and more cost effective to prevent or limit corrosion and rust at the beginning of a project. Corrosion prevention and mitigation plans can cost as little as a few thousand dollars to prepare during the design phase of a bridge project, but they can save municipalities hundreds of millions of dollars down the road in replacement and repair costs; delaying the need for maintenance by a factor of years. Having these plans up front can extend the life of the bridge, thereby saving both lives and millions of dollars in unnecessary repairs. I am hopeful that my colleagues on both sides of the aisle will support the Conaway-Arcuri-Sutton amendment later today.

Mr. Speaker, we cannot pass up this opportunity. We rely on bridges too much for everyday activities. Thanks to Chairman OBERSTAR and the Committee on Transportation and Infrastructure, we can rest a little easier knowing that this legislation will make the bridges on our national highway system much safer.

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

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

On August 1, 2007, the deteriorating condition of some of America's bridges and infrastructure became tragically apparent when the I-35W Mississippi River bridge in Minnesota failed and plunged into the riverbank below. We must always honor the victims that were lost in that tragic accident.

We must do all in our power to prevent a similar tragedy from occurring again, and that is why I am pleased we are considering the underlying legislation, the National Highway Bridge Reconstruction and Inspection Act of 2008. The legislation authorizes \$1 billion for fiscal year 2009 for the Department of Transportation to identify, inspect, repair, and if necessary, replace structurally deficient or obsolete bridges in the national highway system.

This legislation is quite important considering that the U.S. Department of Transportation reports that one out of every eight bridges in the Nation is structurally deficient.

However, I have some concerns with the way the legislation distributes funding. The legislation distributes funding to States based on the number of deficient bridges in each State. In other words, the more deficient bridges a State has, the more money a State gets. Unfortunately, this approach penalizes States that place a high priority on maintaining their infrastructure, and rewards States that have let their infrastructure fall into disrepair with additional Federal funding.

For example, the State of Florida has a "maintenance first" policy for infrastructure at the State level. Florida's first priority is keeping their existing infrastructure in a state of good repair. As a result, the percentage of Florida's bridges that are rated as deficient is one of the lowest in the Nation. But rather than be rewarded for its responsible funding decisions, Florida is penalized because most of the funding that is distributed through this formula will go to States that have not properly maintained their bridges and therefore have a very high percentage of deficient bridges.

I would also like to bring the Long Key Bridge in South Florida to the attention of Chairman OBERSTAR. The bridge spans between Long Key and Conch Key in the Florida Keys. It was one of the first segmental bridges built back in 1981, and allows the entire pop-

ulation of the lower keys to evacuate to the mainland before a hurricane. Congresswoman ROS-LEHTINEN, who is with us this afternoon, is concerned about this issue and continuously brings it to the attention of all of our colleagues.

The structure was originally built using a V-pier concept creating a control point between the segment and the pier cap. Due to the weakness of the design, the Florida Department of Transportation is attempting to seek funding to replace the V-pier design to a more conventional configuration that would provide stronger structural integrity. This improvement would cost approximately \$60 million and would maintain the existing piers in the top segments which are in good condition.

□ 1730

Unfortunately, the Florida Department of Transportation currently lacks the funding for this important project, and the necessary improvements have been postponed until 2012.

In this regard I am pleased that the House will have an opportunity to vote for the Representative MARIO DIAZ-BALART amendment. That common-sense amendment would add emergency evacuation routes, such as Long Key Bridge, to the risk-based priority criteria in the legislation.

Even though I'm pleased that that amendment was made in order, I once again note that this rule continues the unfortunate policy of the majority's unfairly restricting debate. A total of 21 amendments were submitted to the Rules Committee, six majority amendments, 14 minority amendments, and one bipartisan amendment. The majority made every majority amendment in order, while only allowing four minority amendments. In other words, the majority got 100 percent of their amendments made in order, while the minority got 28 percent of their amendments in order. That's unnecessary and unfair, Mr. Speaker.

This bill would have much more bipartisan support if the Rules Committee had not blocked an important amendment from Ranking Member MICA. His amendment would have allowed a State to transfer funding out of the highway bridge program only if the State met two strict criteria. I understand that Chairman OBERSTAR is concerned that some States have acted responsibly in maintaining their bridges and that he seeks to make sure that they change their behavior. But others, such as Florida, have done a good job of repairing and maintaining their bridges. Unfortunately, since the Mica amendment was not allowed, responsible States will, in effect, be punished and their hands tied when they attempt to address their unique needs.

I think it's a missed opportunity, and I hope that since the House will not be able to consider the Mica amendment that as the legislation continues through the legislative process, these concerns of responsible States will be considered.

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

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR), a member of the Transportation and Infrastructure Committee.

Mr. SALAZAR. I thank the gentleman from New York for yielding, and I would like to recognize Chairman OBERSTAR and Chairman DEFAZIO for their exceptional leadership on this critical infrastructure issue.

Mr. Speaker, I rise today in support of H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act of 2008, and urge swift passage of this measure. This bipartisan bill goes a long way in improving our Nation's aging infrastructure and ensuring that Americans are safe and have secure highway bridges to travel on.

We all remember what happened in Minneapolis last August. Thirteen people were killed. Our infrastructure is literally crumbling beneath us. This is simply unacceptable. One-half of all bridges in the U.S. were built before 1964, and now we have over 72,000 highway bridges that are structurally deficient. In Colorado we have 125 bridges that need repair; 24 of those bridges are in my district.

And I have got to remind the gentleman from Florida that Colorado has typically been a donor State. After we passed TEA-LU a couple years ago, we actually started becoming a State where we can actually get some Federal dollars back in reference to those that we send to the Federal Government. So in order for us to be able to fix the bridges in my district, we need to be able to have Federal funds to do so. We must do everything possible to keep our travelers, our constituents safe in our highways. By dedicating funding for bridge repairs, this bill provides relief for our State transportation departments.

I would like to submit for the RECORD these articles that came from Cortez Journal and the Aspen Daily that talk about how oil shortages have halted road and bridge repair projects, local roads suffer from CDOT shortfalls.

H.R. 3999 will improve the safety and stability of our Nation's transportation infrastructure, and I urge my colleagues to support this bill.

I want to thank the gentleman from New York once again for yielding.

[From the Aspen Daily, July 17, 2008]

LOCAL ROADS SUFFER FROM CDOT
SHORTFALL

(By David Frey, Aspen Daily News
Correspondent)

CARBONDALE—Area road and bridge work is suffering the impacts of what state Transportation Department officials call a "quiet crisis" of dwindling funds, aging highways and growing traffic.

Motorists should not hold their collective breath waiting for fixes to some of the area's worsening sections of highway—even those rated as "poor"—Michelle Halstead, local government liaison for the Colorado Department of Transportation, told Carbondale trustees this week.

"For next year, I have zero construction dollars coming from the state or federal level for any projects in my residency," said Pete Merdis, CDOT's resident engineer in Glenwood Springs, whose region includes the Roaring Fork Valley.

That means no money for the Grand Avenue bridge over the Colorado River in Glenwood Springs, whose narrow lanes leave rush hour drivers jockeying for position. The bridge is one of 125 state bridges rated as poor. With a sufficiency score of 47.4 of a possible 100, it is considered structurally sound but functionally obsolete due to the skinny lanes and heavy use.

It means no money, either, for several stretches of highway considered poor or congested, including Highway 133 at Carbondale, Highway 6 and 24 at Glenwood Springs, and portions of Interstate 70. The Highway 133 project has been budgeted for approximately \$1.1 million over the next 27 years.

"It's a perfect storm—or you can call it a quiet crisis—but it's not going to be quiet for much longer," Halstead said.

CDOT has a \$65 billion shortfall for projects statewide, she said, despite a lengthening to-do list. Officials have declared 122 bridges structurally deficient. That doesn't mean they're unsafe, Halstead said, but that they require constant maintenance to remain safe. Forty percent of state roads are considered to be in poor condition, and 20 percent are at the end of their surface life. Meanwhile, officials predict 1.5 million more people residing in the state by 2020, twice the population of senior citizens by 2025, and double the truck traffic by 2030.

"That's the scenario we're rapidly approaching, given the revenues we're forecasting," Halstead said.

CDOT's general fund budget for 2009 has been slashed by \$300 million. For 2011, those numbers drop another \$200 million.

Much of CDOT's revenue comes from state and federal gas taxes. While gas prices continue to soar, gas taxes remain flat. As rising pump prices start to deter motorists, Halstead said, the state could actually see those dollars decrease.

Locally, Highway 82 and 1-70 remain priority areas, and some work is scheduled during the next two years, Merdis said.

A repaving project between EI Jebel and Basalt, delayed because of an asphalt shortage, is still budgeted for next year. The last leg of the Grand Avenue concrete paving project, cut short in 2005 due to cost overruns, is on tap, too. A small project is planned for Highway 82 near Woody Creek. Work on Interstate 70 on either side of Glenwood Springs is scheduled for 2010.

Some design work is planned, too, Merdis said, but there isn't any money budgeted for the foreseeable future to implement the designs, and no money even for routine maintenance. Improvements to Highway 133, urgently sought by Carbondale officials, are on the list for 2030.

"That's the reality of the funding situation that we're up against," Merdis said. "I guess it all depends on the future, what kind of funding mechanism becomes available for future transportation projects."

[From the Cortez Journal]

OIL SHORTAGE HALTS ROAD REPAIR PROJECTS (By Steve Grazier, Journal Staff Writer)

National energy supply uncertainty has hit home as Montezuma County is likely to see a 60 percent reduction of chip-seal oil for scheduled road projects in 2008.

Dean Roundtree, the county's new road and bridge supervisor, said his 230,000-gallon pitch for chip-seal oil has been denied by the county's supplier. The counter offer from SEM Materials to the county was for 90,000

gallons, which is about 39 percent of what was requested, he said.

"We could get all our oil in time, but right now there are no guarantees," Roundtree said.

Chip seal is a surface treatment that is generally used on rural roads carrying lower traffic volumes.

Top 2008 road priorities, such as upgrades to County Road G in McElmo Canyon, will be completed this year, Roundtree said. However, other projects are likely to be delayed.

One county road project already shelved this year includes improvements to Roads 16 and 17 near Goodman Point, Roundtree said.

County Commissioner Larrie Rule cited a letter that came in June from SEM Materials warning the county to expect less road oil this year.

"They said they probably won't be able to meet our demand," Rule said. "It looks like they're using everything to go toward diesel fuel to make more money."

Colorado Department of Transportation officials said earlier this week that oil shortages are due in part to refineries focusing on more profitable products such as diesel fuel, instead of the liquid used for asphalt and chip-seal mix.

Adding to the complication is a shortage of polymer, which is applied to asphalt to reduce cracking and rutting on roads.

Jack Nickerson, public works director for the city of Cortez, said a scheduled joint project between the city and the Colorado Department of Transportation to fill potholes along North and South Broadway was canceled last week due mainly to an asphalt shortage.

On the plus side, the city was able to complete most of its major road upgrades this year, Nickerson said. But a project to resurface Mildred Road is now on hold because the city's asphalt supplier lacks the product.

"We have enough (asphalt) to do minor patching but not to do major city projects," Nickerson said.

State transportation officials also noted that an asphalt shortage will delay about three dozen road projects in 2008.

CDOT spokeswoman Stacey Stegman said the department will give priority to projects on heavily used roads, while other projects will be left incomplete until more asphalt is purchased. She noted that the implications of the shortage could be huge.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as she may consume to the distinguished representative from Florida (Ms. ROS-LEHTINEN), who is very concerned on this issue representing her constituents.

Ms. ROS-LEHTINEN. I thank my good friend from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the time.

Mr. Speaker, I rise in strong support of the emergency route priority amendment, as mentioned by Congressman LINCOLN DIAZ-BALART, and this is the Mario Diaz-Balart amendment, which is provided for in today's rule for the National Highway Bridge Reconstruction and Inspection Act.

I have the unique pleasure, Mr. Speaker, of representing over 265 miles of pristine Florida coastline from Miami Beach all the way south to Key West. But our paradise is complicated by the extreme vulnerability to hurricanes, especially in the Florida Keys.

Over 74,000 Keys residents are dependent on a single evacuation route, the Overseas Highway, a part of U.S.

Highway 1, which runs many miles connecting a series of islands from Key Largo to Key West. A key, no pun intended, bottleneck in the evacuation route is the Long Key Bridge, which is the second longest bridge, next to the Seven Mile Bridge, in this stretch of highway. This is a 2½-mile-long bridge, and it marks the beginning of the approach to the first heavily populated Key, Key Largo; so almost all of the Florida Keys residents will be coming over this bridge if an evacuation is ordered. The Florida Department of Transportation has recently alerted my office to the fact that the Long Key Bridge is only rated as "satisfactory" in its structure. This means that it could be severely damaged in a category 3 hurricane.

As Mr. DIAZ-BALART has pointed out in his remarks, the bridge was built in 1981, and it allows most of the population of the Florida Keys to evacuate to our mainland during hurricanes. If it were damaged in a storm, over 50,000 people could be trapped and, indeed, under water because most of the Keys are below sea level. Severe damage to the bridge would also likely cut off the water supply to most of the Florida Keys because it runs along the Overseas Highway.

Unfortunately, there are no definitive plans to fund the bridge, although there is a tentative date of the year 2012. This is because the needed improvements would cost \$60 million. This includes replacing the present V-pier design to a more conventional configuration which would provide stronger structural integrity. It would also maintain the existing piers and top segments which are in good condition.

That is why the Mario Diaz-Balart emergency route amendment is so important to my congressional district. It's very simple, but it's a much-needed change to this legislation. It will emphasize the importance of public safety in prioritizing new highway bridge funding as well as including emergency evacuation routes as a reason to give a specific bridge risk-based priority for rehab or replacements.

Transportation infrastructure, especially bridges, play an important, a vital role during emergency situations, including our many natural disasters. In many coastal areas not only in the Florida Keys but, in fact, throughout the entire State of Florida and other hurricane-prone States, bridges provide the only mainland access for millions of residents and visitors alike. The 2004 and 2005 hurricane seasons emphasized the need for safe emergency evacuation routes when millions of Floridians faced mandatory evacuations, including the residents of the Florida Keys and other barrier islands.

This amendment simply emphasizes the importance of public safety as well as ensures that Americans have access to safe evacuation routes during times of impending disasters, and I hope that our colleagues give it their serious consideration.

I thank the gentleman, my colleague from Florida, for the time.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Ms. SUTTON), a member of the Committee on Rules.

Ms. SUTTON. I thank the gentleman from New York (Mr. ARCURI) for his leadership on this important measure, and I thank Chairman OBERSTAR for his continued leadership in addressing our Nation's infrastructure.

Mr. Speaker, I rise today in support of the rule and the underlying bill, and I also want to speak to an amendment that will be offered to this bill that is being cosponsored by our leader on this measure here on the floor, Representative MIKE ARCURI, and Representative MICHAEL CONAWAY. This will help to bring an important sense of Congress to this bill. We share a common vision for a solution to prevent future disasters by addressing a critical need at the onset of a bridge project. I strongly support this bipartisan amendment, which will express a sense of Congress that those requesting Federal funds for bridge projects present corrosion mitigation and prevention plans.

Corrosion mitigation and prevention is essential to extend the life of our Nation's critical infrastructure and save taxpayers money. In 2002 the Federal Highway Administration reported the cost of corrosion to our highway bridges at \$8.3 billion each year. As we unfortunately learned when the I-35 bridge in Minneapolis collapsed last August, investing in our Nation's infrastructure is no longer a theoretical argument. By utilizing experts trained in corrosion prevention, we will be reducing future maintenance costs and increasing public safety at the same time.

The University of Akron in my district understands this critical need and is creating the first comprehensive corrosion engineering and science program in the United States. Their corrosion engineering program will train and prepare experts in the field, creating high-earning engineering jobs by addressing a critically important issue.

I urge a "yes" vote on this amendment and on the rule and on the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time.

I thank again my friend Mr. ARCURI for the time and all who have participated in this debate on this rule that brings forth to the floor important legislation with regard to the infrastructure in our Nation.

Transportation is an integral part of our economy, and the underlying legislation will help fund some of our critical infrastructure needs by providing \$1 billion to repair bridges in the national highway system. Now, while providing critical funding to repair bridges is an important priority for our transportation system, we must not ignore the overarching problem facing the American transportation system, which is gasoline at over \$4 a gallon.

For weeks we in the minority have pushed efforts to debate energy legislation, but the majority consistently blocks our efforts to address one of the most important issues facing the United States today. It's time for the House to debate ideas for lowering prices at the pump and addressing the skyrocketing cost of gasoline. So today I urge my colleagues to vote with me to defeat the previous question so the House can finally consider real solutions to rising energy costs. If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 6566, the American Energy Act. This legislation provides a comprehensive approach that will increase the supply of American-made energy, improve conservation and efficiency, and promote renewable and alternative energy technologies.

Now specifically with regard to the Outer Continental Shelf, this legislation provides Florida with 50 miles of permanent protection from energy exploration and allows the State the option for an additional 50 miles of protection.

Many of us in the Florida delegation came together 2 years ago to support this compromise, to support this legislation. I think we've been proven right. I think we've been proven right, Mr. Speaker. This is a critical issue that needs to be debated by this Congress. It's unfortunate that the other side of the aisle refuses to permit even a debate on critical issues such as this even after gasoline has reached \$4 a gallon. It's most unfortunate, Mr. Speaker.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by voting "no" on this previous question, Members can take a stand against these high fuel prices and we can finally begin a comprehensive energy debate. I encourage a "no" vote on the previous question.

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

Mr. ARCURI. Mr. Speaker, I would like to thank my friend and colleague from the Rules Committee, Mr. DIAZ-BALART, for his management of this very important bill.

I would like to say that very few things that we do in the House of Representatives are more important than this rule and the underlying bill because while energy is important and so many things we deal with are very important, nothing is more important than the safety of our family and the safety of our children, and that's what this bill is all about.

□ 1745

It is about the safety of our roadways, about our bridges. The crisis we

face in maintaining safe bridges is just as pressing, if not more, than any of the other issues that we face today. We must act now while we have an opportunity to restore public faith in our bridges and to prevent another tragedy like the collapse of the I-35 bridge last year.

In my opening remarks, I mentioned that ¼ of all bridges nationwide are deficient. The State of New York is in even worse position with well over 6,000 of its 17,000 bridges rated as structurally deficient or functionally obsolete. In my upstate district alone, there are over 260 bridges that have been identified by the State Transportation Department as structurally deficient, and 9 of those are in my hometown of Utica, New York.

While that reality is troubling, the Congress now has an opportunity to take action to address this problem. Again, the legislation in this rule provides for consideration authorizes an additional \$1 billion for Federal bridge programs next year.

Again, I thank Chairman OBERSTAR for his leadership and commitment to our Nation's infrastructure and the American people.

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

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

AMENDMENT TO H. RES. 1344 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

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. 6566) to bring down energy prices by increasing safe, domestic production, encouraging the development of alternative and renewable energy, and promoting conservation. 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 majority and minority leader, and (2) an amendment in the nature of a substitute if offered by the Majority Leader 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. ARCURI. Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 228, nays 192, not voting 14, as follows:

[Roll No. 522]

YEAS—228

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

NAYS—192

| | | |
|---------------|---------------|-----------------|
| Aderholt | Boustany | Childers |
| Akin | Brady (TX) | Coble |
| Alexander | Brown (GA) | Cole (OK) |
| Bachmann | Brown (SC) | Conaway |
| Bachus | Buchanan | Crenshaw |
| Barrett (SC) | Burgess | Cubin |
| Bartlett (MD) | Burton (IN) | Culberson |
| Barton (TX) | Buyer | Davis (KY) |
| Biggert | Calvert | Davis, David |
| Bilbray | Camp (MI) | Deal (GA) |
| Bilirakis | Campbell (CA) | Dent |
| Blackburn | Cannon | Diaz-Balart, L. |
| Blunt | Cantor | Diaz-Balart, M. |
| Boehner | Capito | Donnelly |
| Bonner | Carter | Doolittle |
| Bono Mack | Castle | Drake |
| Boozman | Chabot | Dreier |

| | | |
|---------------|-----------------|----------------|
| Duncan | Lamborn | Rehberg |
| Ehlers | Lampson | Renzi |
| Emerson | Latham | Reynolds |
| English (PA) | LaTourette | Rogers (AL) |
| Everett | Latta | Rogers (KY) |
| Fallin | Lewis (CA) | Rogers (MI) |
| Feeney | Lewis (KY) | Rohrabacher |
| Ferguson | Linder | Roskam |
| Flake | LoBiondo | Royce |
| Forbes | Lucas | Ryan (WI) |
| Fortenberry | Lungren, Daniel | Sali |
| Fossella | E. | Saxton |
| Fox | Mack | Scalise |
| Franks (AZ) | Manzullo | Schmidt |
| Frelinghuysen | Marchant | Sensenbrenner |
| Gallegly | McCarthy (CA) | Sessions |
| Garrett (NJ) | McCauley (TX) | Shadegg |
| Gerlach | McCotter | Shimkus |
| Gingrey | McCrery | Shuster |
| Gohmert | McHenry | Simpson |
| Goode | McHugh | Smith (NE) |
| Goodlatte | McKeon | Smith (NJ) |
| Granger | McMorris | Smith (TX) |
| Graves | Rodgers | Souder |
| Hall (TX) | Mica | Stearns |
| Hastings (WA) | Miller (FL) | Sullivan |
| Heller | Miller (MI) | Tancred |
| Hensarling | Miller, Gary | Terry |
| Herger | Moran (KS) | Thornberry |
| Hill | Murphy, Tim | Tiahrt |
| Hobson | Musgrave | Tiberi |
| Hoekstra | Myrick | Turner |
| Hunter | Neugebauer | Upton |
| Inglis (SC) | Nunes | Walberg |
| Issa | Paul | Walden (OR) |
| Johnson (IL) | Pearce | Walsh (NY) |
| Johnson, Sam | Pence | Wamp |
| Jones (NC) | Peterson (PA) | Weldon (FL) |
| Jordan | Petri | Weller |
| Keller | Pickering | Westmoreland |
| King (IA) | Pitts | Whitfield (KY) |
| King (NY) | Platts | Wilson (NM) |
| Kingston | Poe | Wilson (SC) |
| Kirk | Porter | Wittman (VA) |
| Kline (MN) | Price (GA) | Wolf |
| Knollenberg | Pryce (OH) | Young (AK) |
| Kuhl (NY) | Radanovich | Young (FL) |
| LaHood | Regula | |

NOT VOTING—14

| | | |
|--------------|-------------|------------|
| Bishop (GA) | Davis, Tom | Jones (OH) |
| Bishop (UT) | Gilchrest | Kennedy |
| Boswell | Green, Gene | Ortiz |
| Brown-Waite, | Hayes | Putnam |
| Ginny | Hulshof | Rush |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining.

□ 1812

Mr. LAMPSON changed his vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. HAYES. Mr. Speaker, on rollcall No. 522, I was unavoidably detained. Had I been present, I would have voted “nay.”

Mr. PUTNAM. Mr. Speaker, on rollcall No. 522, I was unavoidably detained. Had I been present, I would have voted “nay.”

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. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 193, not voting 13, as follows:

[Roll No. 523]

YEAS—228

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

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Blibray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson

English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Muggrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite,
Ginny
Davis, Tom
Filner
Gilchrest
Green, Gene
Hulshof
Jones (OH)
Kennedy
Ortiz
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left on this vote.

□ 1820

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HARE. Mr. Speaker, I ask unanimous consent for the RECORD to reflect that I was unavoidably detained due to tornado-like conditions in my district in west-central Illinois.

If I had been present for rollcall votes, I would have voted "yea" on rollcall 512, "yea" on rollcall 513, "yea" on rollcall 514, "nay" on rollcall 515, "yea" on rollcall 516, "yea" on rollcall 517, "yea" on rollcall 518, "yea" on rollcall 519, and "yea" on rollcall 520, and finally, Mr. Speaker, "yea" on rollcall 521.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on the bill, H.R. 3999, and include extraneous material in the RECORD.

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

There was no objection.

NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1344 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3999.

□ 1822

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes, with Mrs. CHRISTENSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Tennessee (Mr. DUNCAN) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, on August 1 of last year, I was at this microphone managing the conference report, with our colleague, Mr. MICA from Florida, ranking member on the committee, the conference report on the Water Resources Development Act when my BlackBerry buzzed. I looked to see what message was coming in, and I saw an announcement that a bridge had collapsed and there was an "M" alongside it. I thought, a Third World country? Then I looked closer. That M was Minnesota. That bridge was I-35W. It carries, or had carried, an average of 140,000 vehicles a day. Thirty-seven people were victims, 88 to 100 other people were injured, a dramatic collapse.

Twenty years ago, on December 1, 1987, 20 years ago, I opened hearings as Chair of the Subcommittee on Investigations and Oversight on Bridge Safety. I said, "There are an estimated 376,000 bridges . . . of that number, 217,000 are Federal-aid Interstate, primary, secondary and urban bridges."

"They carry 85 percent of the Nation's traffic, yet 76,000 of these bridges are deficient and that number has been gradually increasing over the last four years."

That was 20 years ago. Today, we have 153,000 structurally and functionally deficient bridges.