

under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.”;

Whereas a similar amendment was adopted by the House in 2008 during consideration of H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act, 2009 on a bipartisan vote;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically breached decades of House precedent and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Texas' amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Texas will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BROUN of Georgia. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as to the question of privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Georgia, Mr. BROUN submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be used for bike paths;

Whereas transportation appropriations have previously been used to build and repair bike paths;

Whereas the construction and repair of bike paths is not a legitimate function of the federal government, since they do not contribute to interstate transportation or interstate commerce;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open

amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Mrs. PELOSI, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. OBEY, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Georgia's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. TIAHRT. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of privilege of the House.

The form of my resolution is as follows:

Whereas the gentleman from Kansas, Mr. TIAHRT submitted an amendment to the Committee on Rules to H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010; Whereas the said gentleman's amendment would have prohibited salaries and expenses from being paid to individuals who obligate money under the stimulus FHWA program for road signs that are placed at construction sites to alert motorists that the project is being paid for by stimulus money; Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for free speech on this Floor; and,

Whereas the Speaker, Mrs. PELOSI, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. OBEY, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Kansas's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as

a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Kansas will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

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NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mrs. BACHMANN. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentlewoman from Minnesota, Mrs. Bachmann submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentlewoman's amendment would have protected American taxpayers by prohibiting funds made available in the Act from being used to fund any organization that has been indicted for violations of state or federal election laws—or that employs people who have—such as the Association of Community Organizations for Reform Now (ACORN);

Whereas a similar provision was adopted by the House in 2008 during consideration of H.R. 3221, the Housing and Economic Recovery Act of 2008, and became law on June 30, 2008, but does not currently apply to all programs funded in the underlying bill;

Whereas the gentlewoman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity to protect American taxpayers on this Floor; and

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentlewoman from Minnesota's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Minnesota will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PROVIDING FOR CONSIDERATION OF H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 669 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 669

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. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, 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 chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 160, line 6. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution; (2) not to exceed seven of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (3) not to exceed two of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. 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 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The proponent of any such amendment may modify its amendatory instructions before the question is put thereon. 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. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. 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. After disposition of the amendments specified in the first section of this

resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3288, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

POINT OF ORDER

Mr. FLAKE. Madam Speaker, I raise a point of order because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver against all points of order in the Congressional Budget Act which causes a violation of rule 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. The gentleman has met the threshold burden under the rule. The gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Again, I rise today because this bill may or may not violate the Unfunded Mandates Act—it may or it may not. The question here is why, again, and we're near the end of the appropriations cycle and we've been living under what is the equivalent of legislative martial law, where the majority has stated that they cannot allow appropriation bills to come to the floor because we have to get through this process. We have to move through it. The Appropriations Committee chairman said, There is a limited numbers of hours between now and the time we recess. If we want to get our work done, we have to limit the debate time that we spend on these bills.

Now, appropriating is one of the most—if not the most important—thing that Congress does. We maintain the power of the purse under article 1. This is our responsibility. And to say that we've got to move through it quickly and so we have to deny the minority party the ability to offer the amendments it wants to offer simply because we have to make the trains run on time here.

When the Republicans were in the majority, one Member said the other day that he was in the chair for over 3 days on the interior bill simply because Members on the majority side and the minority side had a lot of amendments they wanted to offer—3 days on the interior bill. Here we're allowing just an afternoon on the THUD bill. We're allowing just less than a day on the defense bill next week that contains more

than a thousand earmarks that haven't been vetted by the Appropriations Committee, 540 of which are no-bid contracts to private companies. And we aren't allowing probably but a few, if history holds, amendments to that bill. And they will likely be amendments that the majority chooses.

Last week, on a previous appropriation bill, I asked for unanimous consent 16 times on 16 amendments that I had to allow us to substitute an amendment that one of my colleagues had offered that was not allowed.

So making the point that this isn't an issue of time; the time constraints were already set. We simply wanted to substitute amendments that we thought were maybe more important, that Members were denied the ability to offer, and we were rejected. Objection was raised 16 times to unanimous consent requests simply to substitute amendments. So we know what this is about. It's not about an issue of time, although that is a sorry excuse, frankly. When appropriating dollars is the most important thing we do here, we shouldn't limit ourselves to just a few days to get the appropriations process done on the floor.

But even if you accept that, the minority party simply wanted to offer the amendments it wanted to offer, not the ones that the majority party had chosen for the minority party to offer and were denied 16 times. And here again today we're going to be discussing a bill. More than 70 amendments were offered to the Rules Committee. Only, I believe, 24 were ruled in order. We just had four or five Members offer privileged resolutions to make the point that their amendments, which were germane, which should have been allowed, were not allowed by the minority party.

Madam Speaker, this isn't the way this House ought to be run. We're breaking from tradition here with the appropriations process, and at a time when we need more than ever to scrub these appropriations bills and make sure we're not spending money that we shouldn't be spending. We have a deficit that will near \$2 trillion this year. When I came to Congress just 8 years ago, that was almost the entire Federal budget. Now our budget deficit will equal that amount, and yet we're throwing appropriation bills at the floor and saying got to get them done in 1 day and not allow the minority party to offer the amendments that it would like to offer.

I would submit that while the majority party may think that they can get away with it because process arguments don't mean much outside the Beltway, I can see that. But a bad process begets bad policy, and sooner or later, it will come back to bite. And it just doesn't come back to bite the majority party; it comes back to haunt this institution. And institutionally, we ought to be better. We ought to have more regard for this institution than to simply break with precedent