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#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 1749) "An Act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners."

□ 1030

#### PROVIDING FOR CONSIDERATION OF H.R. 5850, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1569 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1569

*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. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, 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 171, line 17. 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; and (2) not to exceed four 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. 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. 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 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 the 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).

#### POINT OF ORDER

Mr. FLAKE. Madam Speaker, I raise a point of order against H. Res. 1569 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of section 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, and the gentleman from Arizona and the gentleman from New York each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Speaker, I raise this point of order today not to debate a point of unfunded mandates, although there are probably some in the legislation. It is simply the only opportunity that members of the minority have to stand up and talk about this process. We are only given a minimal amount of time on the rule, itself, and, on the bill, just an hour of debate and then amendment debate. Unfortunately, although we have had an open process in terms of amendments on appropriation bills for as long as any of us can remember—for decades and decades and decades—for the last couple of years, we have had structured rules come to the floor where members of the minority and the majority aren't allowed to offer the amendments that they would like.

Traditionally, Members could offer any amendment as long as it was germane and as long as it struck spending from the legislation and it was legislated on an appropriation bill. Yet this year and last year, for the first time, Members can't bring amendments to the floor. They have to submit them to the Rules Committee. Then the Rules Committee decides which ones they want to allow on the floor and which ones they don't or they will decide, Oh, you've offered 12 amendments, but you can only offer four. This limits the ability of the minority, in particular, to actually stand up and try to save money in the legislation.

We have to remember that every bill we consider this year, every appropriation bill—and unfortunately, probably, we are only going to consider two until after the election. Of the ones we consider, 42 cents of every dollar we spend we are borrowing. We are borrowing 42 cents of every dollar we are spending for whatever we spend it on.

Now, I think it is perfectly right and proper to ask: Is this right to spend, for example, money on, well, in this case, 461 earmarks in this piece of legislation alone? Some of them are for bike paths and street beautification. These are all good things, but they have no Federal nexus. They shouldn't be paid for by the Federal taxpayer. Yet, when we try to bring these amendments to the floor to debate them, only a few are allowed. Why is that?

I would ask if the gentleman representing the Rules Committee can explain why this is happening, why in the world we are so hard-pressed for time now, apparently, that we can only consider a couple of amendments, 22 percent of those that were offered.

I reserve the balance of my time.

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

Madam Speaker, it is clear that this point of order has nothing to do with unfunded mandates. Technically, this point of order is about whether or not to consider this rule and, ultimately, the underlying bill. In reality, it is about preventing the bill from moving forward without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation, itself. It is about slamming the door on the legislative process.

I think that is wrong, and I hope my colleagues will vote "yes" so that we can consider this important legislation on its merits and not stop it on a procedural motion. Let's stop wasting time on parliamentary roadblocks and get to the debate on this legislation, itself. It is a very important piece of legislation that has critical funding pieces in there for transportation and for housing. Those who oppose the bill can vote against it on final passage, but we must consider this rule, and we must pass the bill today.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman.

Madam Speaker, slamming the door on the legislative process. My taking 10 minutes to talk about this rule is slamming the door on the legislative process.

How is that?

What I am here to talk about is how the door has been slammed on the legislative process. The inability of Members to come and offer amendments to appropriation bills to try and save money is what is slamming the door on the legislative process. It has nothing to do with somebody's standing up and claiming time to speak against the rule.

So that is just baffling to me and to anybody out there, listening, when they learn that I offered 11 amendments. There were 461 earmarks which

were costing nearly \$330 million. I should note, this year, Republicans have taken a moratorium. So, of those 461 earmarks, only six were sponsored by Republican Members—six out of 431. I commend my Republican colleagues for the position that has been taken this year.

Let me just read a list of the ones that I will be challenging today:

I was allowed to choose four out of the 11 I submitted. Now, I could have submitted a lot more and could have tried to have been dilatory about this, but I said, I'll offer just as many as I would if that were the number that I could actually offer coming to the floor. But I was only allowed four.

□ 1040

I should mention many of my Republican colleagues who offered earmark amendments were not given any, not any. Some of them had a great case to make here. They would have asked, for example, why it is that certain Members requested, say, \$4 million for an earmark and got more than that, actually, given to them.

Why is it, if you take the position that some Members take, that, hey, I know my district better than anybody else, better than those faceless bureaucrats we always hear about in the bureaucracy, so I need \$4 million for this bike path or whatever, and you get \$5 million, how is that? That's a good question to ask. It would have been nice to get the answer for that, but we won't be able to because those Members were denied the ability to come down and offer their amendments.

I'll be offering amendments to strike funding, for example, for the Blackstone River Bikeway in Rhode Island. It might be a good bikeway. They might need it there. But I can tell you, the Federal Government doesn't need to pay for it. The Federal taxpayer doesn't need to pay for it, especially when we're spending 42 cents of every dollar—we're borrowing, I'm sorry, 42 cents for every dollar we spend.

I would challenge any Member who will vote against my amendment to strike funding from the Blackstone River Bikeway in Rhode Island to go home and say, with a straight face to their constituents, yes, I think it's proper that we borrow 42 cents from either the Chinese or from your kids or grandkids because we can't pay for it now, for the Federal Government to pay for a bikeway in Rhode Island.

Or for downtown Tacoma streetscapes, a downtown Tacoma streetscape improvement project in Washington. Why in the world should, in this case, a powerful member of the Appropriations Committee be able to get an earmark to pay for downtown Tacoma streetscapes?

Again, we're borrowing 42 cents for every dollar we spend there. Go home to your constituents, I dare you, and say, yes, I voted to uphold, to keep that earmark in there. It was so important that we got the downtown Tacoma

streetscape project that we're borrowing 42 cents from your kids and grandkids to pay for, just so I can go home to my constituents and say, hey, I bring home the bacon.

Or the restoration and improvements to the historic Darwin Martin House Home and Complex. Now, it might be good. Why is the taxpayer paying, through the Federal Government, and borrowing 42 cents on every dollar to do that?

Or the construction of a children's playground. It might be a good playground, the children might need it somewhere, but it's not the Federal Government's responsibility. And go home to your constituents, I dare you today, anybody who votes to strike my amendment or votes my amendment down to strike that funding, go home and explain why in the world we need construction of a children's playground and borrow, those kids who are going to be playing on it, borrow their money because we can't pay for it now. But it's so important for us to go home and say I brought home the bacon that we're going to approve that earmark.

Let me tell you another reason why we can't reform this process very easily. This chart will show you the appropriations process this year. And it looks, people have said, like a PAC-MAN chart. But the red there is the percentage of earmark dollars that are associated with powerful Members of Congress. Those are either appropriators, or those who chair committees, or those who are in leadership positions. That makes up about 13 percent of the body.

In this bill today, and this is one of the lower ones, 42 percent of the earmark dollars are going to just 13 percent of the Members of this body.

Now, for those who say, hey, we're here to earmark because we know our constituents better. We know our district better than those faceless bureaucrats, apparently you only know your district if you're a powerful Member or you're a member of the Appropriations Committee. That seems to be the determiner of whether or not you know your district. And I just don't think that's right.

I said earlier in a 1-minute something, and I was wrong and I want to confess that. I said that it takes 10 minutes to debate a suspension bill. And in that same 10 minutes of debating a suspension bill we could debate an amendment, an amendment takes 10 minutes.

I was wrong. It takes 40 minutes; 40 minutes are allotted to debate suspension bills. So we could actually debate four amendments for the time that it takes to debate one suspension bill.

And let me remind those who are watching what a suspension bill is. It's a bill that doesn't go through the regular process. It's brought to the floor because it's typically noncontroversial.

This year we've done a lot of suspension bills. We have recognized the important role of pollinators, as I mentioned, H.R. 1460.

We spent 40 minutes supporting the goals and ideals of Railroad Retirement Day.

We spent 40 minutes supporting the goals of National Dairy Month. Those might be good things, but we don't need to spend 40 minutes debating on the floor the goals and ideals of National Dairy Day, or supporting the goals and ideals of American Craft Beer week, or congratulating the Chicago Blackhawks, spending 40 minutes there, when every 40 minutes you spend apparently is 10 minutes, or 10 times 4, that we don't do amendments here on appropriation bills.

So the notion that we're running out of time, somehow, and we don't have time to do appropriation bills, typically, the months of June and July are reserved mostly to do appropriation bills. This is only the second appropriations bill we've done. We've done the last one yesterday. We're going to start and finish this one today.

In years past, we've taken sometimes 3 or 4 days to do one appropriation bill. That's perhaps as it should be because this is important. We're spending a lot of money here. That's what Congress does. But we ought to take care, and we ought to allow Members who have amendments to try to save the taxpayer money to actually offer them.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that remarks should be directed to the Chair and not to the television audience.

Mr. ARCURI. Madam Speaker, it's clear that this point of order has nothing to do with unfunded mandates. My friend from Arizona talks about the inability to make any amendments, and yet he talked about four amendments that he would be offering today. So, clearly, he will have an opportunity to make his points.

Again, I would just say that this point of order has nothing whatsoever to do with unfunded mandates. And I want to urge my colleagues to vote "yes" on the motion to consider so that we can debate and pass this important piece of legislation today.

I yield back the balance of my time.

The SPEAKER pro tempore. The point of order will be disposed of by the question of consideration.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

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

Mr. ARCURI. Madam Speaker, for purposes 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. Madam Speaker, I ask unanimous consent that all Members

be given 5 legislative days in which to revise and extend their remarks on House Resolution 1569.

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

There was no objection.

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

Madam Speaker, House Resolution 1569 provides a structured rule for consideration of H.R. 5850, the Transportation, Housing and Urban Development and Related Agencies Appropriation Act of 2011. The rule provides 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The rule makes in order the amendments printed in part A of the report of the Committee on Rules accompanying this resolution, not to exceed four amendments printed in part B of the report of the Committee on Rules if offered by Representative FLAKE of Arizona or his designee.

All points of order against the amendments except for clause 9 and 10 of rule XXI are waived. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without division of the question.

The rule provides one motion to recommit with or without instructions.

□ 1050

The rule provides that after disposition of amendments, the chair and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment to the bill for purpose of debate, which shall be controlled by the proponent. The Chair may entertain a motion that the committee rise only if offered by the chair of the Committee on Appropriations or his designee. Finally, the rule provides the Chair may not entertain a motion to strike out the enacting words of the bill.

Madam Speaker, I rise as a member of the Rules Committee and also as a member of the Transportation and Infrastructure Committee in strong support of H.R. 5850, the fiscal year 2011 Transportation-HUD Appropriations Act, because housing and transportation are two areas that must be priorities, especially in tough economic times such as we are in, because we get the double return on our investment. As we have seen with the recovery bill, investment in infrastructure not only generates economic recovery by putting people back to work, but those construction jobs strengthen our transportation system and improve our housing stock. They make our roads safer, our bridges safer for our families

and our friends and our constituents to travel on.

The Transportation-HUD appropriations bill continues this investment and our commitment to using all the tools available to continue the economic recovery that has taken hold. It is also important to note that the legislation continues these important programs, but in a fiscally responsible way. Overall, the bill spends \$500 million less than was appropriated during the current fiscal year. The amount provided overall is \$1.3 billion below the President's request.

I commend the committee for its work in crafting a bill that spends less overall and still manages to increase the funds available for key programs that are at the heart of our Nation's economic recovery. The committee has done so by scaling back spending on other programs, which is never popular or easy, but is the right thing to do.

Included in H.R. 5850 is \$45.2 billion to improve and repair our Nation's aging highway infrastructure. The bill includes more than \$11.3 billion for the Federal Transit Administration, which will support bus and rail projects, and an estimated 20,000 additional jobs for transit workers nationwide. This not only provides more transportation options to Americans during tough economic times, it also decreases traffic congestion, reduces our dependence on foreign oil and greenhouse gas emissions, and makes our roads safer for commuters.

This bill adds another \$1.4 billion to continue developing and building a national system of high speed rail. High speed rail moves more people at a lower cost, at a faster speed, and with less impact on our environment than road transportation. We have developed the most advanced highway and aviation systems in the world over the last 60 years, but in comparison to the rail systems in other nations such as Germany, France, and even China, we have clearly fallen behind. This bill continues our commitment to correcting that situation and developing a robust national intercity rail network.

Related to the Department of Housing and Urban Development, H.R. 5850 makes critical investments to help communities continue to address the fallout from the housing and foreclosure crisis that we see nationwide. The bill provides communities with the tools they need to build, purchase, or rent affordable housing. It provides rental assistance to low-income families, homeless veterans, and other at-risk groups, and supplies funding for repairs and renovation of affordable housing across America.

The bill provides \$4 billion for the Community Development Block Grant program, which sends funding directly to local governments for projects that address housing, social services, and other economic challenges in their communities.

Madam Speaker, this is just a sample of the important programs and initia-

tives that the Transportation-HUD Appropriations Act will fund in fiscal year 2011. I urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

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

I would like to take a minute first to thank Cesar Gonzalez. He is my rules associate, general counsel, legislative director. This is the last rule we are going to be working on together. Congressman MARIO DIAZ-BALART, who is aware of Cesar's talent, has made what I consider a very wise decision in hiring Cesar as his chief of staff. So we are not going to be working on rules together, but we will always be friends. And I am deeply grateful for his friendship and for the extraordinary assistance that he has given to me and our office and our constituents during all of the time that he has honored us by working with us. So Cesar, thank you.

Madam Speaker, yesterday the majority brought to this floor the first fiscal year 2011 appropriations bill. I know it's almost August, but that's the case. The first appropriations bill was brought to the floor yesterday by the majority. And they brought it forth under a restrictive process that blocks Members on both sides of the aisle from introducing amendments. And today the majority continues that process, that unfortunate process, with yet another restrictive rule, this time on the second appropriations bill that they are bringing to the floor, the Transportation and Housing and Urban Development appropriations bill. And they bring it forth with a rule that allows 24 of the 108 amendments that were submitted to be debated. That's 22 percent of the amendments submitted.

As you know, Madam Speaker, that used to not be the case. Always throughout the history of the Republic, appropriations bills have been brought forth under open rules. And you know, Madam Speaker, we have been here for some years now, sometimes the process of debate on appropriations bills got unruly and long and frustrating. But that's the way democracy's supposed to work.

So the way that for centuries we've worked out that process, Congress has worked out that process, is that, you know, the chairman and the ranking member of the appropriations subcommittee on the floor, after a while, after days, they come together with a unanimous consent agreement and they limit debate. The Congress, we limit debate by unanimous consent. That's the way it's worked out. You know, you don't close the process at the beginning—at least we didn't before. Starting last year, this majority decided to, however. And that's unfortunate.

Now, under the traditional process that was followed since the beginning

of the Republic, no one from the majority leadership or the Rules Committee got to pick and choose what amendments the House could debate on appropriations bills as long as they were germane. In other words, as long as they were connected, the issue was connected to the bill at hand.

Now, that's what an open rule is, an open process. And as I say, it's been the tradition of the Congress of the United States to debate appropriations bills under an open process, under open rules. I outline what an open rule is because it's been so long since the House has considered an open rule. And I am sorry for our new Members, because they have never experienced an open rule. But that's why I outlined what an open rule process is.

The last time we saw one on an appropriations bill was July 31, 2007, almost exactly 3 years ago to the day. Even on that bill the majority then came back and closed the process. But at least they initially came to the floor with an open rule 3 years ago on an appropriations bill.

For a nonappropriations bill, February 8, 2007, the month after they took the majority. That was their last open rule, the last open rule that this majority permitted to the Membership in this Congress. You know, that's sad. But especially it's unnecessary. But there is extraordinary power in the majority, obviously, and our friends on the majority side are showing us every day. They exercise that power. You know, it's a record that no one should be proud of, but it is the legacy of this majority.

□ 1100

Now, what is the reason for the majority to use such a restrictive process? Last year they told us that it was to curb the consideration of amendments in order to move the process forward in a timely manner because they wanted to avoid an omnibus appropriations bill, but they didn't. We still had an omnibus appropriations bill and it was 2 weeks before Christmas.

As I said last year, as I said yesterday, as I say now, this process is unjust and it's unnecessary. It was a mistake last year. It was a mistake yesterday. It's a mistake today. It's a colossal mistake that the majority will come to regret.

I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in allowing me to speak on this rule.

Madam Speaker, embedded here in this legislation for Transportation-HUD is the Livable Communities Initiative, a visionary, popular, and important program of the administration. In fact, however, it began in the last Congress where the subcommittee of Transportation and HUD, under the leadership of Chairman OLVER, promoted these initiatives. It was also

part of a partnership with Mr. OBERSTAR, the chair of the Transportation and Infrastructure Committee, who has long championed these efforts to have the Federal Government be a better partner working with communities on critical areas of transportation and housing.

This bill has built on this approach. It has taken critical elements that strengthen community, revitalize the economy, and help protect the planet.

I must, however, speak against a couple of ill-advised attacks on the livable communities program of the administration. In particular, there is an amendment by my friend and colleague from Oregon (Mr. DEFazio) that would strip out of transportation elements of livability. The irony is that the reauthorization that Mr. DEFazio is working on—which we all hope will happen sooner rather than later—actually will promote a number of these approaches. And the money that he would strip out would actually have gone to help get a head start on the important program that actually will be a part of the legislation that I am confident will be produced by his subcommittee and, ultimately, by the Transportation and Infrastructure Committee.

These are not areas that are insignificant. There is great public support. For example, the TIGER grants received 40 times more requests than the administration had money for. And I must point out that this is not taking any money away from the transportation trust fund because, if it's not authorized, it comes from the general fund.

Equally sad, and I think misguided, is an amendment offered by my colleagues PETERS, ADLER, HIMES, and WELCH that would strike or reduce funding for a number of critical programs where the committee has adjusted it even above what the administration requested. These are programs for high-speed rail, infrastructure investment grants, HOPE VI, Brownfield redevelopment, railroad safety technology, Veterans Affairs-supported housing. I mean, I could go on. Time doesn't permit.

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

Mr. ARCURI. I yield the gentleman an additional minute.

Mr. BLUMENAUER. These are precisely the types of programs that we should be concentrating on because they stretch dollars, because they help promote the activities back on the ground in our districts, and, in fact, they are supported by the people who sent us here in the first place. I would strongly recommend that my colleagues look carefully at these provisions.

What Chairman OLVER and his subcommittee have done is to rebalance efforts that were offered by the administration. In some cases, they were reduced; in some cases, they were increased. But there is a package here that will make a difference for every

community, rural and urban, from coast to coast, making the Federal Government a better partner, promoting the livability of our communities where every family is safer, healthier, and more economically secure.

While I will support the rule, I strongly urge, if these two amendments are offered, that they be rejected.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my pleasure to yield 3 minutes to my friend from Georgia, my classmate—it's amazing how the years have passed—JOHN LINDER.

Mr. LINDER. Madam Speaker, I rise in opposition to the motion to order the previous question. I oppose it so that the minority might have the opportunity to offer legislation that has been endorsed by the American people through the YouCut program, legislation that is strongly supported by Members on both sides of the aisle. That legislation is H.R. 5885, a bill introduced to terminate the advance earned income tax credit, saving American taxpayers more than \$1 billion over the next decade.

An August 10, 2007, report by the GAO revealed significant noncompliance and fraud with the advance EITC. The GAO found that 20 percent of the recipients did not have a valid Social Security number, almost 40 percent of the recipients did not file a tax return, and 80 percent of the recipients failed to comply with at least one program requirement. And yet, despite evidence of significant fraud, abuse, and general non-compliance, GAO found that only 3 percent of the EITC-eligible individuals used the advance option.

Given the low level of utilization and the high error rates among those who do use it, several members of the majority party have proposed to terminate the advance EITC option. President Obama has promised to repeal it in both of his annual budgets. Earlier this week, Senator REID included repeal as an offset in the small business bill on the Senate floor. And last week, four of our Democrat colleagues here in the House introduced deficit reduction legislation that included the very same language on repealing the advance EITC that is the subject of my legislation.

Republicans agree with our Democrat colleagues that the advance EITC is a waste of taxpayer money and should be terminated. I ask my colleagues to defeat the previous question so that we may consider this legislation on the floor today.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my pleasure to yield 4 minutes to the great leader from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to this ill-advised rule. Number one, we

have a rule that is allowing us to somehow consider an appropriations bill before we even have a budget. There is no budget, Madam Speaker. My friends on the other side of the aisle, the Democrats, don't even want a speed bump as they drive down the road to national bankruptcy.

We're supposed to have a budget before we have appropriations bills. And, in fact, I think the Democratic chairman of the Budget Committee said it best when he said, If you can't budget, you can't govern. Well, according to the House Budget Committee, clearly the Democrats cannot govern.

This year will mark the first time in history that the House has failed to even consider, much less pass, a budget, and yet we have a rule allowing us to spend yet more of the people's money.

It also marks the second year in a row where the Democrats have chosen to bring these bills under closed rules. I, myself, had six different amendments. And when we're spending the people's money, the people's representatives ought to be heard. None of my six amendments will be heard, Madam Speaker, because the Rules Committee decided they would have a closed rule and they didn't want to hear from my amendments.

□ 1110

So had I had an opportunity, Madam Speaker, I believe that the American people need to continue to focus on this practice of earmarking. The Republicans have taken an earmark moratorium. We said, you know what, the process is broken. Now, not every earmark is bad, Madam Speaker, but the process is broken, and yet the Democrats continue to bring them.

And had I had an opportunity, I would have brought an amendment saying, you know what, maybe we should strike the earmark that the Budget Committee chairman, Chairman SPRATT, has for a neighborhood community center in York County, South Carolina. I have no doubt that good things can be done with that money, Madam Speaker, but does the chairman of the Budget Committee and does this body really believe it's worth borrowing 41 cents on the dollar, mainly from the Chinese, and sending the bill to our children and grandchildren? I hope not. But this body will not be able to work its will.

I would have introduced an amendment to strike the earmark of the gentlelady from Ohio, Representative KILROY, who thought it was worth borrowing 41 cents on the dollar, mainly from the Chinese, and to bill to our children and grandchildren, to put in the Columbus Bicentennial Bikeways-West Side Improvement in Columbus, Ohio.

Madam Speaker, at some point the American people want to know: does their President, does their Congress, what part of broke don't they understand? Earmark after earmark after

earmark, and I could go through the list that I tried to offer, but unfortunately can't offer under this closed rule, and funny, it seems to give the impression that the earmarks are being allowed for the senior Members of the Democratic leadership and those who have very challenging races come November. I have no doubt it is a coincidence but here it is; yet, no amendments can be offered.

When the gentleman from New York said he's bringing a rule that will allow us to debate a fiscally responsible bill, he failed to note it is 38.1 percent above the 2008 level. I mean, this is part of the spending spree that is bankrupting America. He conveniently only looks on a one-term basis; yet, the American people have to pay on a multiyear basis.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. HENSARLING. You would think, Madam Speaker, after this President and this Congress increased what we call non-defense discretionary spending, which is really garden variety government, not the entitlement programs, not the Pentagon, has increased 84 percent in just 2 years, at what point do you say enough is enough? And that's why Republicans every week are bringing forth another proposal under the YouCut program to say, let's start saving some money.

So as you heard from the gentleman from Georgia, this week is the advanced earned income tax credit, frankly brought by a Democrat who now apparently has decided to abandon his own child and make it an orphan. But this is a program that could save taxpayers \$1.1 billion.

We need to vote down the rule, vote down the previous question. Allow us today to make one small saving, again at least one small speed bump on the road to national bankruptcy brought courtesy of our friends on the other side of the aisle.

Reject the rule.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

I want to thank the Rules Committee and Chairwoman SLAUGHTER for making my amendment in order, which was referenced by my good friend and colleague from Oregon (Mr. BLUMENAUER) earlier.

We need a new transportation policy for this country. We need a 21st century transportation policy. We're living under the Bush-era priorities and policies and inadequate funding. We have a system with 150,000 bridges that are weight-limited or functionally obsolete. We have transit systems across the country that have an \$80 billion backlog just to be in a state of good repair, let alone building out new transit options for Americans. People are

dying because of that capital backlog. They're dying right here in the Nation's capital where they're running obsolete, crummy, old rail cars that aren't safe.

We have a transportation crisis, and I've written a bill, along with Chairman OBERSTAR, that will address more robustly than a provision stuck in here by the Appropriations Committee the issues of livability and planning in a coordinated way for a better transportation future, more options for people who live in congested metropolitan areas. But tell you what, if you take and create that with, say, \$200 million—and my colleague was wrong; it is \$200 million that comes out of the trust fund. That means it's \$200 million that we don't have to help deal with those 150,000 bridges that need to be repaired or replaced. That's a lot of money, and it would be kind of like putting a great, new, shiny coat of paint on an old jalopy that's riddled with rust and burning oil by the quart every time you drive it. That's what will happen if you create this office of livability.

This administration, who has not seen fit to even send down one iota of policy for a transportation bill that was due last October—and they keep saying, oh, we're getting to it, we'll get you some ideas soon, we're working on it, it's a very high priority, the President is a really big infrastructure guy: well, where's the dough? Where's the policy? Nothing.

Now, they do want to cherry-pick. They want this office of livability and then they can tout that through the next election and we'll never get a transportation bill. We can't let them cherry-pick. If they want to come down and talk about the comprehensive approach I've taken in my bill for livability, congestion management, new transit options, 21st century policy of transportation that takes into account livability, quality of life, economic development, congestion, reducing fuels, waste and all those things, let's have that conversation. But guess what, we're going to have to invest a little bit more money to do it.

This administration is petrified. It's like all the options I've sent them, tax the oil industry, tax oil speculators, a whole bunch of things, they won't even begin the discussion, and if my colleague leads a successful fight against this amendment today, we will never have that discussion during the term of this President, never.

So I've got to urge in the strongest words possible to my colleagues.

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

Mr. ARCURI. I yield the gentleman an additional minute.

Mr. DEFAZIO. If you care about a new 21st century transportation policy, if you care about the fact that the United States of America is falling behind because of the state of disrepair of our system, the delays for our businesses and industry, the lack of competitiveness because of that system, if

we look at what our competitors are doing to build out new systems and efficient systems, if you care about those things, you will vote for my amendment. Strip the \$200 million from an unauthorized program. Remember, this is an appropriations bill. You're not supposed to create new programs or authorize things. All we say is, it's subject to authorization. That is why I'm happy to look at the \$200 million or even more for an office of livability in an authorizing bill.

Let's have a meaningful discussion. Let's get it done. Don't let the administration cherry-pick and end-run us.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my privilege to yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), the Republican whip.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I rise in opposition to this bill and ask that finally we in this House turn towards the matter of such concern to the American people, and that is, the growth, incredible growth, in size of Washington and its government.

With 1.5 million votes cast, Madam Speaker, the YouCut movement continues to give Americans a vehicle to help put a stop to Washington's never-ending shopping spree. House Republicans have already offered more than \$120 billion in commonsense budget cuts. Yet, week in and week out, our colleagues on the other side of the aisle have voted against the will of the people and blocked these commonsense spending reductions.

Madam Speaker, maybe today is the day when that changes. This week's leading vote-getter is a proposal sponsored by Congressman JOHN LINDER of Georgia. It would save the taxpayers \$1.1 billion by eliminating the advanced earned income tax credit, a program plagued by waste, fraud and abuse.

The idea was first put forward by our friends on the other side of the aisle, Madam Speaker, and for many of us in the minority, it was heartening to see our colleague in the Democratic Caucus embracing the commonsense spending cuts that this Congress so persistently refused.

□ 1120

Addressing our staggering national debt is not a partisan calling. It is a national imperative because our country stands at a crossroads.

Madam Speaker, I urge all of my colleagues on both sides of the aisle to vote to bring this week's YouCut proposal to the floor.

Mr. ARCURI. Madam Speaker, may I inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from New York has 16 minutes remaining, and the gentleman from Florida has 15½ minutes remaining.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, the previous speaker had a cute poster showing Uncle Sam talking about cuts, and we know that we have a long-term deficit issue to deal with.

But I think it's appropriate to look at the numbers, and the simple numbers are things that we ought to be able to agree on in a bipartisan basis. The numbers show that this year's bill that we will pass today spends \$500 million, \$500 million less than last year's bill. I want to repeat that, \$500 million cut compared to last year's bill.

We are aware of the situation, and we are reducing this expenditure by \$500 million. That's the math. It should be bipartisan math, and there is no question about it no matter what kinds of pictures you want to bring out on your posters.

But I also want to point out this bill does some things that are smart, looking to our future.

Number one, it makes an investment in trying to move to cleaner aviation fuels so that we can reduce carbon pollution from our air aviation industry to invest in biofuels. We just flew the first algae-based biofuel Green Hornet, an Air Force F-18, at supersonic speeds. We think we can replace a significant number of fossil fuels with green fuels. This makes an investment.

Second, this bill makes an investment in moving to the electrification of our transportation system. Americans, for the first time, are now going to be able to buy American-made cars that run on electric engines. We need a place to plug them in. This bill helps to move having plug-in stations.

We are starting that effort on the I-5 corridor up in the State of Washington and Oregon. This bill will extend those efforts to work with local communities so Americans will have a choice to buy American-made electric-powered propulsion systems, plug them in with American made plug-in stations. This is a vision for the future.

We are starting with cuts to this bill and moving with targeted investment to move to the next generation of vehicles. It's a good plan for America.

Mr. LINCOLN DIAZ-BALART of Florida. It's my privilege, Madam Speaker, to yield 2 minutes to my good friend from California (Mr. HERGER).

Mr. HERGER. Madam Speaker, I urge the House to defeat the previous question on the rule so we can vote to end the advanced Earned Income Tax Credit. This year, the Federal Government is running a \$1.5 trillion deficit with 43 cents of every dollar we are spending being borrowed money.

The American people want us to get spending under control and the Republican YouCut initiative enables the American people to actually vote on specific spending cuts. This week YouCut participants have asked Congress to consider eliminating the advanced EITC. A Government Account-

ability Office report found that the advanced EITC is unpopular with eligible taxpayers and disproportionately subject to fraud, with 20 percent of the claimants lacking even a valid Social Security number.

Repealing the advance option would not affect low-income workers' eligibility for the EITC, but it would save taxpayers—not the \$500 million that is less than the last budget, as my friend Washington just stated, but double that, more than double that, \$1.1 billion by cutting down on fraud and abuse.

Madam Speaker, this is a bipartisan measure. In fact, President Obama included it in his budget for this year. By taking up this commonsense proposal, we can cut more than a billion dollars' worth of fraud out of the Federal budget.

Let's take this opportunity to show the American people that Congress is finally serious about tackling the deficit. Vote "no" on the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my pleasure to yield 2 minutes to the great leader from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Madam Speaker, the American people are very concerned about out-of-control Washington spending, and they are demanding action.

Over the last several months, the Republican Conference has engaged the American people in this effort through our YouCut program, and we have offered literally tens of billions of dollars in cuts, and all of those cuts have been rejected by the Democrat majority.

Today we are going to offer another cut, and this one is so rife with abuse that it has even been identified by a Democrat working group as a commonsense cut that will help to reduce the deficit.

The Democrat leadership has not offered an opportunity to make this cut, but the Republican Conference will. Here is a chance for many of our Democrat friends to stand up and put their votes where their rhetoric has been.

Today they are either going to hide behind their leadership on procedural grounds and oppose this commonsense cut that many of them have publicly supported, or they are going to stand with the American people and join us in beginning the process of bringing this deficit under control.

The proof is in the vote. No hiding, no excuses, no more rhetoric. We are calling their bluff.

Vote "no" on the previous question and let's start cutting this out-of-control Federal deficit and Federal spending.

Mr. ARCURI. I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is a privilege to yield 2 minutes to my friend from the Rules Committee, the leader from North Carolina, Dr. FOXX.



Ms. FOXX. I thank my colleague from Florida for yielding time.

Madam Speaker, I sat in the Rules Committee yesterday and heard from our colleagues on both sides of the aisle about this bill.

I was really struck by something, Madam Speaker. I was struck by the fact that many of our colleagues across the aisle have obviously been on the road to Damascus lately because all of a sudden, after running up the largest deficit in the history of this country, as my colleagues before me have said, we are borrowing 43 cents for every dollar we spend, we have a \$1.5 trillion deficit. After helping to do that, suddenly we see Democrat amendments to cut spending.

Obviously, some people on the other side of the aisle are paying attention to what most of the American people are saying. In fact, 95 percent of the people in my district think that spending is the biggest problem facing this country.

There were 31 Democrat amendments offered, 12 of them cut spending. Five of those amendments to cut spending were made in order.

Again, Madam Speaker, I think this is a very cynical, very cynical ploy, one of many practiced by colleagues across the aisle to make it look like they are doing something that they aren't, which is to pay attention to cutting spending.

We need to vote down this rule. We need to vote "no" on the previous question, and we need to bring back serious issues where we are cutting spending and listening to the American people.

Mr. ARCURI. I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 5 minutes to my dear friend from California, the ranking member, Mr. DREIER.

Mr. DREIER. I thank my good friend from Miami for his typical, spectacular job.

I have to say, as I stand here I am thinking about the fact that there are probably not going to be too many more opportunities for him to be here as we look towards the waning weeks of this Congress. I want to say that it's been a wonderful privilege for me to serve with him.

□ 1130

He has done such an important job, and of course is best known for being a champion in the struggle for freedom and democracy and opportunity for people, especially in this hemisphere. I just thought about that when I stood up, so I would like to say that as I begin my remarks.

It's also rather sad, Madam Speaker, that my friend has to preside over a rule which has this institution moving in the direction of more restrictions, more control, less liberty, and less opportunity. That is exactly what we've seen happen in the past year, especially when it comes to the appropriations process.

By tradition, appropriations have been sacrosanct when it comes to the amendment process. We have had people who have had amendments that I would vigorously disagree with, and we always, always allowed for an open amendment process, with only one or two exceptions, and that was usually done when there was a bipartisan consensus to have some kind of structure to an appropriations debate. But now it has tragically, with what took place last year and what is taking place now, become the norm for us to shut down the opportunity for the American people—the American people—to be heard through their elected representatives, denying both Democrats and Republicans alike the opportunity to participate.

I note that there are some new members of the Rules Committee, lots of new Members of this institution, and Madam Speaker, I don't know exactly what the numbers are, but there are people who have never once witnessed the United States House of Representatives, the People's House, engaging in an open rule debate. Now, why is it so important for us to pursue openness on this? Because, as my friend from Grandfather Community, North Carolina (Ms. FOXX) just said, the priority of her constituents—and I believe most Americans, certainly the people whom I represent in California—is the need for us to reduce the size and scope and reach of government so that we can create jobs and create individual initiative and responsibility. And we are denying Democrats and Republicans alike the chance to offer these amendments through the open amendment process.

For example, two of my very distinguished, hardworking colleagues who have been in the forefront in the quest to reduce spending, my California colleague, Mr. CAMPBELL, and our Texas colleague, Mr. HENSARLING, both were denied an opportunity to offer amendments. Now if we had had an open amendment process, they would be able to offer their amendments that would bring about reductions in spending so that we can get our economy back on track and exercise the kind of fiscal restraint which is essential if we are going to succeed.

So Madam Speaker, that is why we are going to encourage—my colleague will in just a moment—defeat of the previous question so that we can bring about a proposal that will allow us to cut spending under our YouCut program, the proposal that Mr. LINDER has brought forward. And we also want to defeat this rule.

I was just reminded by one of our staff members that this may be the last appropriations bill that we consider. Guess what number it is of the 12? It's the second appropriations bill. And yet the Appropriations Committee has not even engaged in markups that were promised. We have gone well beyond the deadline. As we all know, for the first time since the 1974 Budget and

Impoundment Control Act was implemented, we have not had a budget resolution here in the House of Representatives.

So being promised the most open Congress in history is something that has clearly been thrown out the window, Madam Speaker. I hope very much that we will be able to defeat the previous question so we can have a chance to vote to cut spending, and then defeat this rule and come down with a process that will allow Democrats and Republicans to carry the voice of the American people to the floor of this institution.

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

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend from New York once again for his courtesy. I think this has been a good debate.

Madam Speaker, on Tuesday of this week, the Congressional Budget Office released a report titled "Federal Debt and the Risk of a Fiscal Crisis." The report sounded an alarm on the Federal Government's out-of-control debt and the consequences if we fail to address the debt. It said, "Growing budget deficits will cause debt to rise to unsupportable levels." And we are seeing in other countries in the world that this is not a theoretical problem. I mean, this is a very serious, practical problem that can devastate countries and truly hurt people. And so we have to realize that as a Nation we have to change course. I know that is going to require bipartisanship, and I hope that we see it soon, but we're not seeing it yet, and it's very worrisome. On the contrary, the path we are on is, as the Congressional Budget Office has said, not supportable.

So one way to help reign in Federal spending—and of course none of this is going to be pleasant, but it's necessary, and I know that action that's required is approaching because it is necessary—but one way is to cut spending that is not absolutely necessary, that can be considered wasteful.

Over the last week, participants in Minority Whip CANTOR's YouCut initiative voted on programs for us to bring to this floor for cutting. To date, participants in that program have voted to cut \$120 billion in spending. This week, the participants in that program voted to cut the Advanced Earned Income Tax Credit program. That program allows eligible taxpayers to receive a portion of their earned income tax throughout the year in their paychecks. There was a recent audit of the program that found that 80 percent of the recipients did not comply with at least one program requirement, another 20 percent had invalid Social Security numbers and thus may not have been eligible for the credit, and 40 percent failed to file the annual tax return required to reconcile the credit. Suffice it to say that, as a result, the program is susceptible to waste and abuse, and cutting it would save more than \$1 billion.

So I will be asking Members to vote "no" on the previous question so that we can have a vote on that issue, on cutting the Advanced Earned Income Tax Credit program. I would like to remind the membership that a "no" vote on the previous question will not preclude consideration of the underlying legislation before us today, the Transportation, Housing and Urban Development appropriations bill.

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

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

There was no objection.

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

Mr. ARCURI. Madam Speaker, I would like to say thank you to the gentleman from Florida for his handling of this rule. It is always a pleasure to participate in a debate on a rule on the floor with you, Mr. DIAZ-BALART.

Madam Speaker, we heard a lot today. And I think it was very interesting to listen to the debate go back and forth, and certainly from my colleagues on the other side of the aisle who talked a great deal about spending. Clearly, spending is one of the most important issues that we are dealing with here in Congress.

In particular, my friend and colleague from the Rules Committee, Ms. FOXX, talked about the fact that it is—I think she said—"the most important issue that faces Congress."

□ 1140

I would say that it clearly is one of the most important issues that faces Congress, but when you talk to people, when you talk to Americans, they think that the most significant issue that we in Congress need to deal with is the economy—it is jobs; it is putting people back to work, and equally important, it is making sure that the people who do have jobs continue to have jobs.

I think this bill really is indicative of what the Democrats are trying to do. We recognize the fact that it is necessary to begin to make cuts. That is why this bill has cut \$500 million from the amount that we spent last year. On the other hand, when you listen to economists, they are very clear in saying that we have to be careful in how quickly and how drastically we make cuts because we are starting to see the economy turn around. If we make draconian cuts and if we make cuts too quickly, it will stand to jeopardize the recovery that is beginning to take hold, that is beginning to take foot.

So I think this bill takes exactly the right approach in terms of beginning to cut but not doing it in such a drastic way that we will affect or detrimentally hurt the recovery that is beginning to take effect. The Transpor-

tation-HUD Appropriations Act funds some of the most important initiatives that pay for everything from roads, bridges, and railroads to housing for veterans and low-income families.

In my opening remarks, I discussed the critical investments that this bill makes in our transportation system. The bill also invests in housing programs for vulnerable populations, including retirees, people with disabilities, veterans, and even children.

The funding is even more essential during these very tough economic times. The bill includes funding to address the problem of homelessness among our veterans. All too often, men and women who sacrifice the most for our freedoms are hit the hardest in tough economic times. We owe our veterans the utmost respect and gratitude for their service, and we must honor the commitment made to them. They should not have to return home to be confronted by the possibility of poverty or homelessness.

To address this, H.R. 5850 includes funding for an additional 10,000 vouchers through the Veterans Affairs Supportive Housing Program, administered by HUD, in conjunction with the Veterans Administration.

H.R. 5850 includes another \$825 million to rehabilitate and to build new housing for low-income seniors. Currently, there are 10 eligible seniors on waiting lists for each unit of available housing. In America, it is unacceptable that our Greatest Generation is faced with this shortage. HUD's section 202 program is the largest housing program specifically dedicated to serving the elderly, with over 268,000 units for seniors.

Madam Speaker, housing and transportation are two areas that absolutely must be priorities and that are essential during a recovery. The funding that H.R. 5850 provides for these programs will ensure that our economy continues to rebound and that out-of-work Americans are able to find jobs and to afford housing.

Again, I want to stress that the committee has produced a bill that makes critical investments, which I have highlighted, and that it manages to do so while, at the same time, spending \$500 million less overall on these agencies during the current fiscal year. During these tough economic times, American families have been forced to cut back and tighten their belts. We need to ensure that the Federal Government and agencies are following their example and doing so well. H.R. 5850 holds the Federal Government to that standard.

I urge my colleagues, Democratic and Republican, to support it. I urge my colleagues to vote "yes" on the previous question and on the rule.

Mr. BROWN of Georgia. Madam Speaker, I rise today in opposition to this rule.

By limiting debate and preventing many fiscally responsible amendments, the House of Representatives has missed a real opportunity to reign in federal spending.

I submitted nine very simple, common sense amendments to this legislation that were dismissed by this leadership.

Is the majority leadership so afraid of making their Members vote against such common sense measures as cutting this bill by a half-percent that they wouldn't even allow for consideration?

At a time when the American people are crying out to Congress for fiscal restraint, crying out that we tighten our purse strings, how can we in good conscience rule a simple half penny on the dollar cut out of order?

I also submitted an amendment that would have not allowed any money from this bill to be spent on art work that will be displayed in Dulles Metro Stations.

Providing art work for currently non-existent metro stations clearly should not be a Federal priority.

But alas, this amendment was also ruled out of order.

If we can not spend more than 1 hour debating an appropriations bill that allocates billions of dollars, nor have the opportunity to amend and cut some of that spending, then I would suggest that our priorities on what deserves time on this very floor are severely misplaced.

Throughout this bill we can see countless examples of spending taxpayers' hard earned money on programs that, very simply, should not be receiving one cent.

These restrictive rules are doing nothing but stopping legitimate debate on numerous programs and earmarks that most of us know should not be included.

And the people who are experiencing the greatest disservice are the American People; our constituents.

This is not the way that this distinguished body should be conducting the affairs of the Republic.

I urge my colleagues to vote "no" on this rule.

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

AMENDMENT TO H. RES. 1569 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 4. Immediately upon the adoption of this resolution the Speaker shall, 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. 5885) to amend the Internal Revenue Code of 1986 to terminate the advance payment of the earned income tax credit. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. 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. 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. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5893.

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

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 5893, INVESTING IN AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Mr. HASTINGS of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1568 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1568

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5893) to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the calendar day of August 1, 2010.

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

Mr. HASTINGS of Florida. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to

insert extraneous materials into the RECORD.

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

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Madam Speaker, this resolution provides a closed rule for the consideration of H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI and against the bill, itself. The rule provides that the previous question shall be considered as ordered, without intervening motion, except 1 hour of debate for the Ways and Means Committee and one motion to recommit with or without instructions. The rule also provides same-day authority for a resolution reported from the Rules Committee through Sunday, August 1, 2010.

Madam Speaker, H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010, creates and protects American jobs through increased investment in infrastructure and by closing tax loopholes that enable companies to move their operations offshore. This is another piece of legislation to add to the long list of bills that Democrats have passed this Congress to spur opportunities to support American jobs, American manufacturing, and American families. Democrats are helping Americans dig out of the worst recession in decades. We are making steady, albeit slow—too slow for me—gains in our economy. The struggle is not over, but we are on the right path.

Madam Speaker, this legislation funds the highly successful Build America Bonds program, the Recovery Zone Bonds, the Emergency State Jobs Assistance program, and it closes unfair tax loopholes that allow corporations to send American jobs overseas. This bill provides critical funding for infrastructure investment that will create jobs here in the United States and will put money in the pockets of people who badly need it.

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And yet, still, the Republicans are against it.

Madam Speaker, it seems every other day around here we have to drag our Republican colleagues kicking and screaming to the House floor to try to help hardworking Americans, and they continue to say "no."

Every other day we have to try to persuade our friends on the other side of the aisle that it's not crazy for the American Government to invest in the American economy to benefit the American people.

Every other day we have to remonstrate the same old arguments from the Republicans about spending and deficits and taxes and the bad old government stifling our economic recovery.