

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The gentleman from New York (Mr. ARCURI) has 7 minutes remaining. The gentleman from Texas (Mr. SESSIONS) has 1 minute remaining.

The Chair recognizes the gentleman from New York.

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

Mr. SESSIONS. Mr. Speaker, back on April 24, 2006, almost 2 years ago to the day, now Speaker PELOSI released a statement, which I quote, "Americans this week are paying \$2.91 a gallon on average for regular gasoline, 33 cents higher than last month, and double the price when President Bush first came into office."

Speaker PELOSI went on to claim, and I quote again, that "Democrats have a commonsense plan to help bring down skyrocketing gas prices."

□ 1530

Mr. Speaker, the Pelosi petroleum price increase continues to rise, with the average price over \$3.50, hitting consumers at the pump every time they fill up their car.

By voting "no" on the previous question, Members can take a stand against these high prices and demand to see the secret plan that Speaker PELOSI has to reduce gas prices that Democrats have been hiding from the American people since taking control of Congress 17 months ago. I for one would love to see it, but I am afraid that, much like their promises to run the most honest, open and ethical Congress in history, it simply does not exist.

I submit for the RECORD the Statement of Administration Policy on H.R. 2830.

STATEMENT OF ADMINISTRATION POLICY
H.R. 2830—COAST GUARD AUTHORIZATION ACT OF 2008

The Administration strongly opposes House passage of H.R. 2830 in its current form because it would adversely affect homeland security, protection of the marine environment, and maritime safety and would unreasonably intrude upon the Commandant's authority and discretion to command and control the Coast Guard. Cumulatively, these provisions would compromise the organizational efficiency and operational effectiveness of the Coast Guard; ultimately, they could diminish its effectiveness in carrying out its safety, security, and stewardship missions. Notwithstanding the other provisions of the measure that would enhance Coast Guard operations, the Administration strongly opposes House passage of H.R. 2830.

The Administration urges the House to modify the problematic parts of the bill, including the following:

First, the section of the bill that would require the Coast Guard to provide security around liquefied natural gas terminals and vessels should be eliminated because it provides an unwarranted and unnecessary sub-

sidy to the owners of private infrastructure that is contrary to the existing assistance framework and would divert finite Coast Guard assets from other high-priority missions, as determined by the Commandant. If H.R. 2830 were presented to the President with this provision, his senior advisors would recommend that he veto the bill.

Second, the Administration strongly urges the House to adopt the Administration's proposal to introduce organizational flexibility into the Coast Guard command structure and alignment with the other armed forces, rather than the language of Section 210. This section as currently worded would exchange one statutorily-mandated command structure for another, thus defeating the purpose of the Administration's initiative.

Third, the Administration urges the House to substitute the Administration's recently transmitted proposal for the regulation of ballast water treatment for the existing language of title V. The Administration's substitute language would provide for the effective and efficient implementation of ballast water treatment standards and for the development of enforceable national uniform standards to control discharges incidental to the normal operation of vessels without the use of a National Pollutant Discharge Elimination System (NPDES) permit. Absent such language (or a decision of the 9th Circuit Court of Appeals), as of September 30, 2008, discharges incidental to the normal operation of upwards of 13 million vessels—including recreational vessels, towboat vessels, commercial fishing boats, barges, and large ocean-going vessels—will be prohibited by the Clean Water Act unless NPDES permits covering such discharges are in place.

As well, the Administration urges the House to delete those provisions of the bill that would adversely affect Coast Guard missions. Specifically, the Administration urges the House to delete those provisions that would: (1) diminish the authority of the Secretary of Homeland Security or the Commandant concerning how leadership positions within the Service will be graded or placed; (2) reduce or eliminate the Coast Guard's capacity or authority to carry out and adjudicate its merchant mariner licensing mission and support other vital security adjudications of the Department of Homeland Security; (3) establish an interim work authority for a newly hired seaman on an offshore supply vessel or towing vessel, as such authority would open a dangerous security loophole and undermine the security objectives of the Transportation Worker Identification Credential; and (4) prescribe contracting and acquisition practices for the Deepwater program, as these practices would increase the costs of, and add delay to, the Deepwater acquisition process and circumvent review and approval authority of Coast Guard technical authorities. Similarly, while the provision that would alter admission procedures for the U.S. Coast Guard Academy may ultimately be acceptable, this provision has not previously been shared, or even discussed, with the Administration. The Administration, therefore, urges the House to delete this provision.

Finally, the Administration strongly urges the House to adopt the Administration's proposal to protect seafarers who participate in investigations and adjudication of environmental crimes or who have been abandoned in the United States, and thus facilitate the Government's ability to investigate and prosecute environmental crimes. Similarly, the Administration strongly urges the House to restore the much-needed authority to prosecute those who would smuggle undocumented aliens into the United States by sea (Maritime Alien Smuggling Law Enforcement Act).

The Administration looks forward to working with Congress to address these concerns and other problems with the bill previously identified in letters from the Department of Homeland Security.

Mr. Speaker, I ask unanimous consent to place the text of the amendment and extraneous material in the RECORD.

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

There was no objection.

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

Mr. ARCURI. Mr. Speaker, we have sat here for the past hour and listened to so many speakers talk about energy, when the underlying bill is actually the Coast Guard reauthorization bill. But if our colleagues want to talk about energy, then I think we should point out some very obvious facts to them.

First of all, when the Clinton administration finished in the White House, oil was at \$27 a barrel. It is now at \$119 a barrel, a significant increase. Yet they try to point the finger at this Congress, this Democratic Congress that has been in the majority for 16 months. Yet on every bill that we bring up, every bill that the Democrats bring before this Congress that attempts in any way, shape, fashion or form to reduce the price of oil, we get nothing but "no" votes from the other side of the aisle. That is their response to high energy costs. That is what they want to do to the American people in terms of the energy costs.

I said earlier in the debate a point that I think is very important. They want to talk about priorities as what we do for the big energy companies, what we do for the big oil companies. Well, that is not the priority of this side of the aisle. We want to talk about alternative energy. We want to talk about reducing the dependence on foreign oil, reducing the dependence on gas and on fossil fuels, thereby making our country stronger, both domestically and internationally. If they want to talk about gas and oil, that is the debate. But this debate is about the Coast Guard bill.

Mr. Speaker, the men and women of the Coast Guard are to be commended for their service to our country and their commitment to the multifaceted mission of the Coast Guard. They serve their country, they risk their lives, just to keep us safe, safe along our coasts, safe along our inland waterways; not thousands of miles away, but right here in the United States. We need to ensure that they have the tools and the support to do the job in the best way that they can. The Coast Guard deserves and needs this bill. The American people deserve and need this bill.

Mr. Speaker, after extensive consideration by three House committees, it is time to bring the Coast Guard authorization bill to the floor.

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

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1126 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

SEC. 6. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: "A bill to provide a common sense plan to help bring down skyrocketing gas prices." Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause I of rule X.

(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 Com-

mittee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

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

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

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

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

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

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

Motion to suspend on H.R. 5613;

Motion to suspend on H. Con. Res. 322;

Ordering the previous question on H. Res. 1125; and

Adopting H. Res. 1125, if ordered.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York,

as the "E. Arthur Gray Post Office Building".

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office".

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathon Millican Lula Post Office".

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building".

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building".

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building".

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building".

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the "Steve W. Allee Carrier Annex".

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building".

H.R. 4211. An act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Aallsbrook Post Office".

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Murgans Post Office Building".

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building".

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building".

H.R. 5472. An act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building".

H.R. 5489. An act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office".