

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

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

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

The Clerk read the resolution, as follows:

H. RES. 669

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 160, line 6. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution; (2) not to exceed seven of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (3) not to exceed two of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The proponent of any such amendment may modify its amendatory instructions before the question is put thereon. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of this

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

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

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

POINT OF ORDER

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

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

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

The Chair recognizes the gentleman from Arizona.

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

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

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

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

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

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

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

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

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

like this and deny the minority party the ability to offer the amendments I would like to offer.

Mr. ARCURI. Madam Speaker, I rise in opposition.

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

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

Madam Speaker, this point of order is not about anything other than delaying the passage of this very important bill. And I would say to my friend from Arizona, that he, himself, has probably received more amendments from the Rules Committee than the rest of Congress put together. So he certainly has had an opportunity to offer many amendments with respect to different earmarks that he feels should be removed from the bill.

So I would submit that this point of order is really about delaying the passage of what is a critically important bill, and that is the transportation appropriation bill, a bill that talks about things like funding roads so that we have safe highways for our families to travel on, things like high-speed rail so we can bring people and goods from point A to point B as quickly as possible. That's what we're here to discuss today. That's why the passage, the consideration of this rule and the passage of this rule, is so important, so we may consider this critically important bill.

□ 1100

I hope my colleagues will vote "yes" so we can consider this legislation on its merits and not stop it by virtue of a procedural motion. Those who oppose the bill can vote against the final passage. We must consider this rule, and we must pass this legislation today.

I reserve the balance of my time.

Mr. FLAKE. I yield myself the balance of my time to answer the gentleman.

I want to make the point that I'm not trying to delay the process. I could call a vote and waste 30 minutes. I'm not going to. I know the outcome here. That's not the point. The gentleman mentioned that I've been given a lot of amendments. I have, but it is only because the majority knows that they can beat them. And when I've offered to substitute some of my colleagues' amendments that were germane that simply weren't ruled in order, objection was raised 16 times to do that. So this isn't about time. This is about the majority wanting only the amendments that it wants to see on the floor.

I yield back the balance of my time.

Mr. ARCURI. I yield back the balance of my time, and urge a "yes" vote on the rule.

The SPEAKER pro tempore. All time for debate has expired.

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 the purpose of debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

I rise today as a member of the Rules Committee and also as a member of the Transportation and Infrastructure Committee in strong support of H.R. 3288, the Fiscal Year 2010 Transportation HUD Appropriations Act. H. Res. 669 provides for consideration of H.R. 3288 under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Appropriations.

The rule makes in order a total of 23 amendments, each of which is debatable for 10 minutes. The rule also provides one motion to recommit with or without instructions.

Madam Speaker, housing and transportation are two areas that must be priorities for Congress, especially when the economy slows, because we get a 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. We not only put people to work, but we also get something in the long run. We get better roads. We get safer transportation. We get better housing. That is critically important.

Some of the members of the Transportation and Infrastructure Committee would have liked to have seen a greater percentage of the funding in the Recovery Act go towards infrastructure spending and, indeed, we have seen that of all the funding included in that bill the transportation funding has resulted in saving and creating jobs faster than even we expected.

The Transportation-HUD Appropriations bill continues this investment and our commitment to utilize all of the tools available to continue this economic recovery that has already begun to take hold. Included in H.R. 3288 is \$41.1 billion to improve and repair our Nation's aging highway infrastructure. The bill includes more than \$10 billion for Federal Transit Administration, which will help transit agencies meet increased public demand for mass transit. 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 reduces greenhouse gas emissions.

This bill adds another \$4 billion to develop and construct a national system of high-speed rail, building on the commitment we began with the recovery bill. This is the first major investment in transportation since the 1960s. High-speed rail moves more people at a lower cost, at a faster speed and with less impact on the environment than does 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 train system in other nations such as Germany, France and even China, they have clearly exceeded what we have done here in America.

Speaking from the experience of my own delegation, the Members that represent upstate New York, we are committed to work in a bipartisan effort to make high-speed rail a reality across upstate New York. We have done so because we realize the numerous benefits that this improvement in our transportation system will have as a result of high-speed rail, not only for upstate New York, but for the Nation as a whole.

Just as we saw over a century ago with the construction of the Erie Canal, streamlining the movement of people and goods along the corridor between the eastern seaboard and Chicago, the freight gateway to the west coast, will benefit the cities at both ends and also the cities across the country through which the line will run.

Madam Speaker, this is just a sampling of the important programs and initiatives that the Transportation-HUD Appropriations Act will fund in fiscal year 2010. I urge all my colleagues to support this 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. Last month, in the middle of the night, the majority called an emergency meeting of the Rules Committee in order to withdraw a modified open rule which had previously been passed by the committee regarding the Commerce, Justice and Science Appropriations bill and to replace it with a draconian rule that severely limited the ability of Members from both sides of the aisle to bring amendments to the floor for debate and a vote.

That unnecessary and unfortunate procedure began the process of overturning over two centuries of precedent of open debate on appropriations bills in this House. Historically, appropriations bills, such as the one being brought to the floor today, have come to the floor under an open rule, a rule that allows any Member, from either side of the aisle, to offer amendments if the amendments are germane. Now the majority has unwisely ended that hallowed tradition and is using the Rules Committee to repress the ability of Members to offer amendments.

Each and every appropriations bill considered since that late night, or should I say early morning, meeting has restricted the prerogative of Members to offer amendments. Instead, the Speaker and the chairman of the Appropriations Committee, through the majority on the Rules Committee, decide who will offer amendments, and they decide exactly who shapes the way Congress spends the taxpayers' dollars. As of the last count, that doctrine, the Pelosi-Obey doctrine, has blocked over 600 amendments. Six hundred times already Members on both sides of the aisle in this House have been denied the ability to represent their constituents on appropriations bills.

The new doctrine and process not only breaks two centuries of tradition and precedent in the House; it also runs contrary to one of the central tenets of the Democrats' election campaign. During the 2006 campaign, they claimed that they would run Congress in a more open and bipartisan manner. On December 6 of that year, Speaker PELOSI reiterated her campaign promise. She said, "We promised the American people that we would have the most honest and open government, and we will." But here we are today, with Congress for the first time in history completely shutting down the previously open appropriations process.

When the process was first closed down last month, I explained to the majority that they should be cognizant of the repercussions of overturning two centuries of precedent. They did not listen. They have continued to bring to this floor restrictive rule after restrictive rule, 10 so far. Although I feel that the majority has caused lasting damage to the traditions of the House, there's still a chance for the majority to return to the long-held tradition of fairness and openness of debate on appropriations bills. So I urge my colleagues to oppose this rule so that we can return to regular order, to restore the long-held tradition of the House of openness on appropriations bills.

I once again remind my colleagues that majorities are never eternal. The precedent being set now may be used by majorities in the future. And this is not the appropriate way to run the House. It is unnecessary. It is inappropriate. It is unfair. I think it's time, Madam Speaker, that we overturn that doctrine, the Pelosi-Obey doctrine, and restore the tradition of openness in the appropriations process.

And I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from Colorado, one of the new distinguished members of the Rules Committee, Mr. POLIS.

Mr. POLIS. I thank my colleague, Mr. ARCURI, for the time, and I rise today, Madam Speaker, in strong support of this rule and the underlying bill. Madam Speaker, right now, our Nation's transportation infrastructure continues to fight a losing battle with

our growing needs, shrinking revenues and a dwindling highway trust fund.

Meanwhile, our public housing assistance and community support programs feel the strain of additional demand, more and more families and individuals across our country who face layoffs, foreclosures and the economic waves that have rippled through nearly every sector of our economy in every State in our Nation.

Madam Speaker, this bill will help to address the challenges of those who are particularly hard hit in a responsible and thorough manner, and I thank Subcommittee Chair OLVER and Chairman OBEY and their staffs for a job well done. This bill provides vitally needed funding for transit through investment in the Federal Transit Administration, including commuter rail systems and a focus on multi-modal transportation planning.

This bill also reflects our growing understanding of where our transportation system needs to go in the future and how to get there. We understand that the sooner we address things like vehicle miles traveled, congestion, smart growth and complete streets, the sooner we will see the environmental, health and economic benefits that the status quo is currently lacking.

Easing congestion is crucial for my district in Colorado. Even the smallest amount of congestion means major economic impacts as travelers and companies moving goods and people on Highway 70 and Highway 36 sit idle. These highways are two of the main arteries in my district that connect nearly every community and where investment in infrastructure has not kept pace with growth.

Highway 70 is the lifeblood of our mountain communities in Colorado. This bill will help ease congestion in places like Eagle, a growing community in the mountains where, until a few years ago, rush hour was like a long lift line in Vail or too many rafts on the Colorado River. But now, this is a community that comes to a halt with rush-hour traffic that combines with regional airport traffic to yield real implications.

We all know that our Nation's housing market has been at the center of our economic troubles and that our economic troubles have only fed a cycle of more layoffs and foreclosures. These programs in this bill administered by HUD allow nonprofit organizations such as Thistle Community Housing in my district to make housing affordable for all families. Through community development grants, Thistle leverages Federal dollars with private philanthropy and local funds to not only provide affordable rental housing, but also to make the dream of homeownership possible for my constituents even of modest needs.

Make no mistake, however, this is not merely a housing subsidy program. It also promotes personal responsibility by requiring enrollment in financial literacy and job training programs.

In our economic climate, these kinds of training programs are critical. To help our recovery, this bill extends the loan limits enacted in the American Recovery and Reinvestment Act through 2010 and provides for continuation of the Home Equity Conversion Mortgage program.

Madam Speaker, this bill is critical for our country because it is important for our economy, our environment, and it builds and repairs the physical infrastructure of our Nation. I urge swift passage of the rule and the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is a pleasure to yield 4 minutes to my friend from Iowa (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I thank the gentleman from Florida for the time.

I rise in opposition to this rule because I do not want to lend my support to a politically cooked process that freezes the American people out of having their say through a constructive amendment process. I know the large number of the majority Members do not want this process either for the same reasons that I don't. The majority may think that they are freezing out the minority in these rules, and they are; but more importantly, they are freezing out their own constituents and all of our constituents.

□ 1115

The truth of the matter is that these closed and structured rules are designed to avoid the tough votes, and those familiar with the situation know that. On the surface, the rules may be promoted as a means of moving the process along in a timely fashion, and there may be some tone of truth to that; however, the real issue is the difficult votes, and that's sad, because that's what we get paid to do here. We don't get paid to duck tough votes around here.

I have to wonder sometimes if our predecessors from both parties are not looking down from the big chamber in the sky and wondering what in God's name are we doing to the process that they left us. One thing we know we're doing is cheating the American people.

The administration says that this bill is about making long-term infrastructure investments. If that is true, then our investors, or our constituents, should have a say-so in how those investments are made. Right now they have no such say, and that's a shame.

As an example, I had an amendment to move \$3 billion in "parked" money in a high-speed rail appropriation to be put—to use in the Highway Trust Fund where we desperately need those funds. The administration wants us to bail out the Highway Trust Fund, for those of you who don't know that. And I want to note, too, that in the stimulus package there is \$8 billion sitting there for high-speed rail, none of which will be spent this year.

Also, there was an agreement between the administration and Congress

saying that with that \$8 billion we would appropriate \$1 billion a year for the next 5 years. My amendment would have honored the administration's request in that agreement, leaving \$1 billion in the high-speed rail account. My amendment was not made in order. That \$3 billion could have been used as an investment in my State and all of your States in a much-needed investment in the highway infrastructure that would actually create jobs now.

For some, however, that would have been a tough vote, because even though that money won't be spent on high-speed rail for a couple of years, at least, a vote to transfer to the trust fund, where it's needed today, would be a vote to remove it from the rapid trail category now, a vote that would not have been politically fashionable for some in this Chamber, and that's the reason it's not in order.

The net result is that an important investment amendment will now not be put to the investors, the taxpayers. Instead, we will institutionally duck the vote and, thereby, rob the investors of their say-so in this worthwhile investment.

I want to say, Madam Speaker, that this bill could have been a bipartisan bill. Chairman OLVER and I worked together all through this process. We had hearings. We worked in a constructive way.

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

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

Mr. LATHAM. And I think it is an outrage and an insult to Chairman OLVER for the Rules Committee to say that you're questioning his competence and his ability to handle issues involved in this bill.

This could have been a bipartisan process. This could have been something that everyone in this House could support if, in fact, we had a process that respected the chairman, his abilities, his competence, and respected the interests of all of our constituents.

To close out people, our constituents, the people who own these investments, is simply wrong, and I ask everyone to please vote against this outrageous rule and respect the chairman, respect what the rights should be in this House of Representatives and have been since the beginning. And I would encourage everyone to vote against this outrageous rule.

Mr. ARCURI. Madam Speaker, before I recognize my colleague from New York, I would just like to make a point, and that is, throughout history, we have seen vision on the part of people, and it's that vision that brought Columbus to the New World. It's that vision that built the Panama Canal. It's the vision that built the Erie Canal. It's the vision in the Eisenhower Highway System. It's the vision that brings us and moves us forward.

This bill contains that vision. It has money in it for high-speed rail. That, I

would submit, is our vision for the future. That's the kind of vision that people sent us here to Congress to continue, and it's that kind of vision that this bill contains.

With that, Madam Speaker, I would yield 3 minutes to one of the leaders in transportation in this country, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I rise in support of the rule for the Transportation-HUD Appropriations Act, and I think that the transportation appropriation in this bill is excellent, but I'm going to focus on a different aspect of it.

I want to, in particular, thank Chairman OLVER for securing more than \$18 billion for tenant-based rental assistance and \$8.7 billion for project-based rental assistance. This represents about \$3.7 billion more than last year. This should be enough to fully fund the renewal of section 8 tenant-based and project-based rental assistance and provide \$75 million for about 10,000 new incremental tenant-based vouchers for homeless veterans.

The bill also has \$350 million for the Housing for People with AIDS program, also known as HOPWA, \$50 million more than was appropriated last year. This is a great victory for these programs, and I applaud the chairman and the committee for their efforts to secure these badly needed resources.

I also want to thank all of my colleagues who signed on to my letter to the committee in support of increases for section 8 housing and for the HOPWA program earlier this year.

For many years, our letters were ignored and we were forced to come to the floor and offer an amendment to increase funding for section 8 housing and HOPWA, where more than not we were successful at passing amendments to increase funding for these programs. I am pleased that this year, because of the efforts of the chairman, that was not necessary for us to come to the floor with an amendment.

But I do want to recognize that the need for affordable housing will still greatly outpace the supply. During this time of economic recession, much more needs to be done. I understand the Financial Services Committee is working on legislation to reform the section 8 program and authorize 150,000 additional new vouchers, and I look forward to working with them to pass that legislation so we can more properly address the severe housing crisis by substantially increasing funding for vouchers.

Similarly, while we requested \$360 million this year for the HOPWA program and \$350 million is appropriated in this bill, the National AIDS Housing Coalition estimates that over \$3.2 billion is required to truly meet the housing needs for all those living with HIV/AIDS.

While we could always do more when it comes to funding for section 8 and HOPWA, I recognize it is no small feat

to increase funding for a program by \$3.7 billion in a single year for section 8 and \$350 million for HOPWA.

I commend the chairman for his leadership, and I want to thank him for his continued support for these important housing initiatives. And I also want to thank the chairman and the committee for their initiatives in the transportation field and for the funds they have brought to this.

And I want to express, while I have the opportunity, my agreement with Chairman OBERSTAR that it is essential that we pass, this year, a reauthorization of the transportation bill and not put it off for 18 months into the next Presidential election year cycle if we're going to start catching up to the necessity to keep our infrastructure from falling apart, and also if we're going to get some more stimulus for this economy that we so desperately need during this recession.

So I support the rule. I thank the chairman for yielding me time.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to another gentleman from New York, one of the freshmen here, Mr. MASSA.

Mr. MASSA. Madam Speaker, I rise today not only in support of the rule, in support of the underlying bill, but in opposition to one of the unprecedentedly large numbers of amendments which, in fact, is being allowed to be offered to this bill. And I have sat here this morning listening to a long conversation about the lack of allocation of amendments, and yet I have yet to hear the reality that in this House and in this rule and in this Congress, the majority has offered an unprecedented number of amendments to all forms of legislation heretofore not seen in the 111th or forbearing Congresses.

The amendment today that I would like to discuss is one that reaches far down into this bill to strip out a very small amount of money for a town where I come from. Now, I know that many people don't know where Hornell, New York, is. It's a small town. It's not on the big maps of the geopolitical world, but it's where I'm from. And in fact, in that town, once a center of a bustling train industry, is a small YMCA.

And that YMCA, like many around rural America, is a community center that offers not only its basic functions but, in this case, is actually a functioning gym for a small St. Ann's Catholic school. It's also a cardiovascular rehabilitation center for a local St. James private hospital.

With unprecedented transparency and, frankly, a small amount of pride, I have fought to place not billions, not hundreds of millions, not even tens of millions, but a very small amount of money to service and return a fair value of taxation back to the community.

□ 1130

What I proposed to do and what I am fighting against by stopping an amendment that would strip that out, with an open heart and an open conversation with those on the other side of the aisle that would deny the citizens of this small town a return for their tax investment, is to help that small community in whatever way possible.

I rise in support of this bill and this rule in support of the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve.

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

Mr. RODRIGUEZ. Madam Speaker, I rise in support of the rule in the legislation H.R. 3288, the Transportation Appropriating bill. In particular, I want to express my support for the passenger rail funding within the bill that amounts to \$4 billion.

President Obama, Chairman OLVER, and my colleagues on the appropriations committee have demonstrated their commitment to passenger and high-speed rail by providing funding in this bill that would enable the urban, suburban, and rural communities in America to be connected by a system that will deliver both safe, swift, efficient, and economical travel across our Nation.

Texas, in particular, and the congressional delegation, needs passenger and high-speed rail, and we know that throughout the country it's needed. Funding for high- and higher-speed rail will reduce congestion and pollution, create jobs, and connect communities.

The deployment of rail throughout the designated corridors in my State and throughout the country and my district is something that's drastically needed and will help enhance business alike. The San Antonio/Austin corridor area is booming and the highway is congested. Developing passenger rail is crucial to the economic development.

It is vital that we preserve the recommended levels of passenger funding in this bill. Our passenger rail system is terribly underdeveloped and underfunded when compared to other nations such as France, Italy, China, and Japan, so we need to make that investment as quickly as possible. And the high-speed rail is needed.

In Texas, we have intellectual capacity and technology to be able to make this happen and make this happen as quickly as possible. My colleagues in south Texas have joined me in support of this effort, and we will hopefully get this bill passed.

As a member of the committee, I want to encourage everyone to support this piece of legislation that allows an opportunity for us to begin to look with that vision to the future. We need to get on board and support the \$4 billion funding contained in H.R. 3288 that deals with rail.

I encourage both House and Texas colleagues to support the piece of legislation that we have before us and support the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would ask my friend if he has any additional speakers.

Mr. ARCURI. We have no additional speakers.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend. This has been an interesting debate. Apparently, there are some discussions, Madam Speaker, going on with our friends on the other side of the aisle.

What I will do at this point is reserve the balance of my time.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would simply inquire of my friend if it is the intention of the majority to try to amend the rule.

Mr. ARCURI. We are at the present time reviewing that option, and we are looking at it, but I would like, if I may, in the meantime, to make one more point about this bill.

Mr. LINCOLN DIAZ-BALART of Florida. On your time.

If I may, Madam Speaker, I thank my friend. Obviously, I have great respect for him, and I know that he will continue to speak on the merits of the legislation being brought to the floor today.

As confirmed by my friend, it seems that the majority is considering amending the rule, I am told, to eliminate the provision which allows Members to modify the amendatory instructions in their amendments to account for changes in the bill that occurred during the printing process.

It is my understanding that the majority fears that the minority will exploit that provision to change our amendments even though that has not happened thus far.

If this were to take place, I think it would be another example of how the majority is rushing legislation to the floor without giving this system the necessary time to work. If we had an extra day, we wouldn't need this provision at all because the bill would be printed, and the Members could read the bill; but because the Rules Committee and the chairman of the Appropriations Committee are determined to push legislation through without sufficient time for the House to review the legislation, we need this provision in the rule to account for clerical problems. Rather than actually giving Members time to read the bill, they want to run the risk that Members' amendments might not be in order.

So, in short, Madam Speaker, if this amendment to the rule were to take place, I think it would be another example of how the Speaker and the chairman of the Appropriations Committee value their schedules over the rights of Members to be heard on the floor.

I reserve the balance of my time.

Mr. ARCURI. I thank my friend for his comments.

Madam Speaker, this is somewhat of a technical change that we are contemplating, but I would say this: I think what one side or what one person views as rushing a piece of legislation the other side can very well argue is necessary and that we need to do it.

One of the things that I hear from constituents at home is, you know, Congress needs to put aside the partisan bickering and move forward with the people's business. I would submit that that is exactly what we are trying to do. There is nothing more important, obviously, for Congress to do than to ensure that the funding to run the government is available. Now, obviously, both sides of the aisle have dramatic differences on how that funding should occur.

I would submit to my friend from Florida—and I mean that, my good friend and colleague from the Rules Committee—that we have a distinct difference in terms of what a “timetable” is. We believe that we are here to ensure that we do the people's business and that it is done and that we do the funding in appropriations bills in a timely fashion. So we are working on that, and we are considering the amendment, and we will have an answer on that very shortly.

Mr. RODRIGUEZ. Will the gentleman yield?

Mr. ARCURI. I will gladly yield to my friend from Texas.

Mr. RODRIGUEZ. In listening to some of the discussions earlier of the amendments that had been brought before and of their concerns that they were not going to be listed, I know that the Rules Committee did the right thing in not considering them since a lot of the amendments that were talked about earlier, Madam Speaker, were amendments that should be dealt more appropriately with the authorizing committees. This is an appropriating bill, and they should not be handled in legislation of this matter. In appropriating bills, we don't have those amendments. They should go with that committee, and we need to respect the committees on the authorizing side to make sure that they do the right thing and that they do the authorizing and not through an appropriating bill.

I know this is a technical matter that will hopefully get dealt with, but in response to the discussions that you had had regarding the previous so-called lack of an opportunity to prepare those amendments, those amendments belong in an authorizing bill and not in an appropriating bill.

Let me just say that this is a major piece of legislation. It's a bill that needs to be passed. Throughout this country, there is a tremendous need for our infrastructure. This is a bill that will allow for an opportunity to create jobs, additional jobs, and that will make things happen, especially for the fast rail system, where it makes an investment and begins to look at resources in that area. That's one of the

areas in this country where we're lacking and where we have to have additional resources.

So I just wanted to take an opportunity to share the importance of making sure that we pass this piece of legislation.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, we are ready to close, but my understanding is that the majority hasn't finalized its amendment to further restrict this process.

For example, with regard to this Transportation-HUD appropriations bill, the original schedule that was put out by the chairman of the Appropriations Committee, before the decision was made to end two centuries of precedent and not permit open rules on appropriations bills, called for 2 days of debate, but the rule they're bringing to the floor limits it, obviously, to 1 day of debate. Now they have an amendment to the rule that, apparently, they want to bring forth to further limit debate. So I am waiting until our colleagues have finalized their amendment to further restrict this process before, obviously, I close.

Having said that, I would ask my friend and colleague if he is ready with his further restrictive amendment. I will yield for the answer.

Mr. ARCURI. With respect to the question, I do take exception to your characterization of it.

Mr. LINCOLN DIAZ-BALART of Florida. The question is: With regard to the amendment to the rule, are you ready with your amendment to the rule?

Mr. ARCURI. We are not ready.

Mr. LINCOLN DIAZ-BALART of Florida. Then I will reserve the balance of my time.

Mr. ARCURI. Madam Speaker, first off, may I inquire as to the amount of time left on both sides?

The SPEAKER pro tempore. There are 12 minutes remaining for the gentleman from New York, and there are 15½ minutes remaining for the gentleman from Florida.

Mr. ARCURI. Thank you.

Madam Speaker, I would like to speak just for a couple of more minutes again about the underlying importance of passing this rule and the underlying bill.

I think there is nothing more important than transportation and infrastructure for government to ensure exists. When you look back at the history of this great institution, the first standing committee was, in fact, the Transportation and Infrastructure Committee, although then not called by that very name, but it was critically important. The framers saw the importance of having an infrastructure, of having the ability to render our ports navigable and of having functional roads. At that time, of course, rail and airlines were not even imagined, but as we transformed our Na-

tion, it became a critical part of our infrastructure. So it is my belief that this rule and the underlying bill are critically important.

Madam Speaker, at this time, I would like to lay out on the record the amendment that we may be offering.

The amendment to the rule is, actually, rather minor. The amendment will strike from the rule a provision that is no longer necessary. There was some concern that the final version of the GPO print might not have the same page and line numbers as the ordered reported version. That did not occur, so the language in the rule to preserve the Members' rights to fix their amendments is no longer needed.

As I indicated earlier, it is clear that this proposed amendment—again, we have not offered it yet—is really of a technical nature to allow for a correction in the rule that was passed yesterday out of the Rules Committee.

With that, Madam Speaker, I would reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, if the amendment is so simple, as my friend has pointed out, where is it?

I reserve the balance of my time.

Mr. ARCURI. May I reclaim my time?

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. ARCURI. Thank you, Madam Speaker, and I thank my friend for his cooperation in this.

As I indicated earlier, we are considering offering this amendment. With that, I would again just like to talk a little bit more about the underlying bill.

The bill that we are considering today, the THUD bill, is, again, important at this time. With our economy in the state that it is in, clearly, many people believe that the best thing that we can do for the economy is to spend on and to develop our infrastructure. It is that which we are supposed to do and that which we are asked to do.

One of the things in the Transportation and Infrastructure Committee on which we debate on a very regular basis is the surface transportation reauthorization bill, which will come up this year. We clearly believe that it is critically important, that it is important not only for our infrastructure but as a way of creating jobs. It is what we were sent to Congress to do, which is to ensure that our roads are safe, to ensure that our airports run and function the way they are supposed to and to ensure that our rail transportation infrastructure is what it should be.

Madam Speaker, I would say, at this time, we have decided that we will not be offering the amendment. Therefore, I would reserve the balance of my time, and I am prepared to close.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend. He had described the amendment, and I had argued against it. Now the decision has come not to make it, not to propose the amendment further limiting this

process. So I thank my friend for having obtained a decision from his side of the aisle.

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At this point, Madam Speaker, I yield such time as he may consume to my good friend the ranking member, Mr. DREIER.

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

Mr. DREIER. Madam Speaker, I as always thank my friend from Miami for yielding me this time.

I have to say I was sitting downstairs watching the proceedings here on the floor, and I have to admit, I have been privileged to serve for nearly 2 decades on the House Rules Committee, and for 8 of those years, I was privileged to serve as chairman of the House Rules Committee. I think we've moved into uncharted waters. I know that there have been difficulties and the challenge of trying to amend rules before in the past, and it has often been done by unanimous consent where we've had a bipartisan consensus that some minor technical change needed to be made. Well, that doesn't appear to be the case right now, Madam Speaker.

As I've listened to the exchanges take place between my friend from Utica and my friend from Miami, I have to admit to being just a little bit confused. And I suspect that a number of our colleagues that don't have the opportunity to serve on the Rules Committee may be equally confused.

I think that the bottom line here is very clear. I heard a new Member from New York take the floor earlier and decry the number of amendments that have been filed by Members of the minority, indicating that this was somehow unprecedented. Well, the only thing that is unprecedented here, Madam Speaker, is the fact—and I'm sure that Mr. DIAZ-BALART has pointed this out throughout the debate—is the fact that we have never before in the history of our Republic gotten to what now I guess is appropriations bill number 10—number 9—anyway, and we've nearly completed the appropriations process. I know that after this bill we will have the Defense appropriations bill, and everyone's holding up numbers for me, Madam Speaker. I have to say that I appreciate it. I guess we've got two left after this. You all on both sides of the aisle are helping me make my point.

Never before in the history of the Republic have we seen the appropriations process closed down from the very beginning. We began the process, what was described in old Congress as a modified open rule which required preprinting, which did restrict the rights of Members. Then we got to the point where within after 20 minutes of debate under that modified open rule, we shut down the process and required the filing of amendments.

And now, here we are with two appropriations bills left, and the Rules Committee members during debate are seeing some sort of conflict taking place I

believe between the Appropriations Committee and the Rules Committee, and one of the things that we pointed to throughout the debate on these last eight or nine appropriations bills has been the fact that the Rules Committee has really been controlled by the Appropriations Committee. I mean, the entire body has been controlled by the chairman of the Appropriations Committee, because the Rules Committee has simply marched in lockstep to the requests that the distinguished chairman of the Appropriations Committee has made.

Again, it's unprecedented, and the exchange that I've just seen taking place here on the House floor is unprecedented, and I hope that we can learn from this, Madam Speaker, we can learn that there is something called regular order. And all that means is the Democrats and Republicans, the representatives of the American people, the representatives of Democrats, Republicans, Independents and people who aren't even registered to vote across the country, can have their voice heard in the appropriations process, as has been the case for 220 years, if we could have what is known as an open amendment process.

Again, this is not about Republicans. It's not about Democrats. It's about the American people and their voice, their voice in the people's House, which is what this place is known as.

And so, Madam Speaker, it saddens me that we've come to this point, and I hope that my friend from Utica and my friend from Miami will somehow be able in the next few minutes to be able to bring about a reconciliation on this challenge that we've been following.

Mr. LINCOLN DIAZ-BALART of Florida. I ask my friend, he has no additional speakers?

Mr. ARCURI. I have no additional speakers.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I thank him for obtaining a decision from his leadership and in effect not moving forward with an amendment to further limit, further restrict a restrictive rule.

I'm going to be asking for a "no" on the previous question, Madam Speaker, so that we can amend this rule so we can go back to regular order, so that we can allow for an open process of debate. There is no question that this rule that the majority has brought forth will help or contribute to cementing a dangerous precedent that the majority continued to set last month. It will further damage bipartisanship and comity in this body.

I urge my colleagues to vote "no" on the previous question so that we can uphold the tradition of this House, return to the tradition of this House, of allowing free and open debate on appropriations bills. I think, if we do not do so, the majority will come to regret their decision to close down the deliberative process of the House on appropriations bills.

I think it's more unfortunate what the majority has done, and they realize

overturning two centuries of precedent is a significant action, and it will inure to the detriment of each and every Member and the constituents of each and every Member of this House forever.

As I said before, majorities are never permanent. My distinguished colleague on the Rules Committee who's serving his first term, member of the majority party said, I've never seen an open rule on an appropriations process—I'm paraphrasing him—but I don't expect to be in the majority forever, and so one day I expect to see an open rule on an appropriations bill.

Well, that was an illustrative statement in many ways, one that he recognizes that the trend that has been set by the majority of restricting the debate process on appropriations bills has now been set in a fairly definitive form, but he expects that in the future majorities will act differently. And that may not be the case, because once precedents are broken, new precedent exists for future majorities, and that would be most unfortunate if forever the Members of this House are denied the ability to introduce amendments in an open process on appropriations bills.

So, Madam Speaker, I thank you for your courtesy, and 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. I yield back the balance of my time.

Mr. ARCURI. Madam Speaker, I'd like to thank my good friend from Miami for his cooperation in management of this rule and for his courtesy in that regard. I appreciate it very much.

Madam Speaker, the Transportation-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 would make in our transportation system. This 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 tough economic times.

This bill includes funding to address the problem of homelessness among our veterans. All too often the men and women who sacrifice the most for our freedom are hit the hardest during times of economic crisis. 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. 3288 includes \$75 million for

veterans affairs housing vouchers to provide 10,000 of these vouchers for our homeless veterans.

It provides \$8.7 billion to provide affordable housing to 1.3 million low-income families and individuals, two-thirds of whom are elderly or disabled. It includes another \$1 billion to rehabilitate and build new housing for low-income seniors. Currently there are 10 eligible seniors on the waiting list for each unit of available housing. In America, it is unacceptable that our Greatest Generation is faced with this shortage.

H.R. 3288 also contains important investments to revitalize our local communities, including \$4.6 billion for community development block grants, \$25 million for brownfields redevelopment, and \$250 million to fund the Hope VI competitive grants program to transform neighborhoods of extreme poverty into sustainable mixed-income neighborhoods through the demolition of severely distressed public housing.

Madam Speaker, housing and transportation are two areas that must be priorities, especially when the economy slows. The funding that H.R. 3288 provides for these programs will ensure that jobs continue to be created and that our Nation's economy continues to recover. I urge my colleagues to vote "yes" on the previous question and on the rule.

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

AMENDMENT TO H. RES. 669 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike the resolved clause and all that follows and insert the following:

*Resolved*, That 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. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. 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. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, 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.

(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 previous question was ordered.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. 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.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. NUNES. Madam Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas, on May 25, 2007, U.S. District Court Judge Oliver W. Wanger issued a ruling that directed the Bureau of Reclamation to reduce water exports from the Sacramento-San Joaquin River Delta to protect a three-inch minnow called the Delta smelt;

Whereas, on December 15, 2008, the United States Fish and Wildlife Service, based on the Wanger Ruling, issued a Biological Opinion on the Delta smelt that permanently reduced water export from the Sacramento-San Joaquin River Delta which is traditionally delivered to cities and farms in the San Joaquin Valley and the Los Angeles and San Diego basins;

Whereas according to a University of California at Davis study, based on the water reductions outlined in the Delta smelt Biological Opinion, revenue losses in the San Joaquin Valley of California for 2009 will be \$2.2 billion and job losses at 80,000;

Whereas according to the U.S. Bureau of Labor Statistics, the unemployment rate in the San Joaquin Valley has reached the highest level in the Nation;

Whereas region wide unemployment in the San Joaquin Valley of California is nearly 20 percent and some cities have an unemployment rate of 40 percent;

Whereas thousands of people who once relied on employment in the agricultural sector are now unemployed and struggling to meet their most basic needs, such as providing food for their families;

Whereas, on March, 1, 2009, the Sacramento Bee reported thousands of people have been turned away from local food banks as supplies are not ample enough to meet local needs;

Whereas, on April 14, 2009, the Fresno County, California, Board of Supervisors proclaimed that the man-made drought has created an economic crisis;

Whereas on June 4, 2009, despite the ongoing man-made drought in California, the National Marine Fisheries Service issued a new Biological Opinion on the spring-run Chinook salmon, Central Valley steelhead, the southern population of North American green sturgeon, and Southern Resident killer whales which further reduces water supplies to Californians;

Whereas, on June 19, 2009, California's Governor Arnold Schwarzenegger declared a state of emergency for Fresno County, California, and petitioned President Barack Obama to declare the county a Federal disaster area;

Whereas on June 28, 2009, the Secretary of the Interior Ken Salazar visited Fresno, Cali-

fornia, and held a town hall meeting in which nearly 1,000 people attended to express their dissatisfaction with the lack of action by the Obama Administration;

Whereas, on July 6, 2009, the Los Angeles Times reported that during Interior Secretary Ken Salazar's town hall meeting on June 28, 2009, the Commissioner of the Bureau of Reclamation, Mike Connor, pledged to provide financial aid to starving families and an audience member replied "we don't want welfare, we want water";

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that hundreds of San Joaquin Valley farmers protested outside the Federal Building Plaza in San Francisco which houses Speaker Nancy Pelosi's district office;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported the protestors blamed Speaker Nancy Pelosi and Congressman George Miller for the water shortage in the San Joaquin Valley;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that protestors were holding signs that said "ESA Puts Fish Ahead of People", "Congress Created Drought", and "New Endangered Species: The California Farmer";

Whereas, on July 1, 2009, the Fresno Bee reported that a crowd of 4,000 marched through the streets of Fresno, California, to demand that the Federal Government end the man-made drought;

Whereas, on June 18, 2009, the Democrat leadership held open Roll Call Vote 366 for the purpose of changing the outcome of the vote;

Whereas during this vote, House Democrat leadership was seen on the House floor pressuring Members of Congress to change their Aye vote to a Nay vote in order to defeat the Nunes Amendment which would have helped to relieve the water crisis in California;

Whereas, on July 8, 2009, during the mark-up on the Energy and Water Development and Related Agencies Appropriations Act, 2010, a debate was held on the Calvert Amendment which would have restored water deliveries to Californians;

Whereas during the mark-up, the Chairman of the Appropriations Committee, David Obey, said "Recognize there are certain actions, that if you take, this bill won't pass, your earmarks in the bill won't become law";

Whereas Chairman Obey violated Clause 16 of House Rule 23 by linking passage of the Calvert Amendment to loss of earmarks;

Whereas, on July 14, 2009, despite historical tradition of open rules during the appropriations process, the Rules Committee blocked an amendment to the Energy and Water Development and Related Agencies Appropriations Act, 2010 that would have restored water deliveries to Californians;

Whereas, for two years, the House of Representatives has known about the man-made drought in California without taking legislative action to resolve the crisis;

Whereas the lack of action by the House of Representatives has demonstrated that fish are more important than families;

Whereas article 1, section 8 of the United States Constitution enumerates that the Congress shall have the power to provide for the general welfare of the United States;

Whereas the House of Representatives has willfully and knowingly failed to provide for the general welfare of the San Joaquin Valley of California; and

Whereas the failure of the House of Representatives to carry out its duties has subjected the House to public ridicule and damaged the dignity and integrity of the House of Representatives; Now, therefore, be it

*Resolved*, That the Committee on Natural Resources is instructed to discharge H.R.