PROVIDING FOR CONSIDERATION OF H.R. 6003, PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

Ms. MATSUI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1253 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1253

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. 6003) to reauthorize Amtrak, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6003 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Madam Speaker, 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 gentlewoman from California?

There was no objection.

Ms. MATSUI. Madam Speaker, I yield myself such time as I may consume.

H. Res. 1253 provides a structured rule for consideration of H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008. The resolution provides 1 hour of general debate controlled by the Committee on Transportation and Infrastructure and makes in order 8 of the 10 amendments submitted for consideration.

From coast to coast we are seeing the effects of rising fuel prices. Energy prices have been a regular topic here in Congress, in the newspapers, and at family dinner tables.

The average price of a gallon of gas in Sacramento just climbed to $4.41. My constituents are feeling this burden every single day. Driving to work and school is becoming more difficult and more costly for everyone.

The City of Sacramento also just started a major construction project on I–5, which cuts through the heart of my district. The already congested streets are going to become even more crowded.

□ 1045

That is why I am glad we are here considering such an important bill to reauthorize and invest in Amtrak. Our constituents are in desperate need of alternative modes of travel to combat both increased congestion as well as rising gas prices. Now is the time to capitalize on the renewed interest in passenger rail.

Millions of Americans from Atlanta to Sacramento are getting out of their cars and onto public transit. Many of these riders will be getting on rail for the first time. We must not let the opportunity to invest in our rail system pass us by.

From Greece to Paris to Tokyo, we have seen the economic benefits of intercity rail. Let's now bring these benefits to our Nation, our States, and our hometowns.

The Passenger Rail Investment and Improvement Act takes great strides to improve Amtrak and give our constituents the flexibility they need to travel.

Amtrak was created in 1970 to preserve and reinvigorate intercity passenger rail service throughout the country. Since 1981, it has been the Nation's sole provider of regularly scheduled intercity passenger rail service.

In fiscal year 2007, Amtrak carried more than 25.8 million passengers, the fifth straight fiscal year of record ridership. Increased ridership numbers occurred across all of Amtrak's services in both corridor and long-distance routes. On average, more than 70,000 passengers ride on Amtrak every day.

Amtrak's financial performance has also improved in recent years, posting record gains in ticket sales. My region has seen the positive effects and benefits of having efficient transportation options. The Capitol Corridor line in California is showing that record numbers of Californians are choosing to use passenger rail. Ridership on the Capitol Corridor line is up 14 percent and revenue is up 21 percent from last year. On-time performance was also up from last year.

We can all agree that Amtrak needs to be brought into the 21st century. This legislation provides a comprehensive framework to improve Amtrak across the country. It increases capital and operating grants to Amtrak, helps bring the Northeast Corridor to a state of good repair, and makes various capital improvements.

H.R. 6003 also creates a new grant program for intercity passenger rail capital projects. Our urban centers will see tangible benefits and a commitment to getting cars off the streets by promoting alternative and efficient modes of transportation.

H.R. 6003 takes great strides to relieve rail congestion. It provides important congestion grants and works to resolve disputes between commuter and freight railroads. It also provides significant funding for high-speed rail corridors, including $1.75 billion for construction and equipment.

Simply put, this bill will reduce congestion and facilitate ridership growth.

I want to thank Chairman OBERSTAR and Ranking Member MICA for coming together on this important bipartisan legislation. I am proud that this Congress is taking this important issue and tackling it, and look forward to supporting this legislation.

Madam Speaker, passage of the Passenger Rail Investment and Improvement Act is an important step to demonstrating our commitment to infrastructure investment. This is long overdue, and I encourage everyone to support the rule and the underlying legislation to provide the country with a safe and alternative mode of travel.

Madam Speaker, I reserve the balance of my time.

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

I rise today and want to thank my friend from California, a member of the Rules Committee, for yielding this time to me to discuss the proposed rule for consideration of the Passenger Rail Investment and Improvement Act.

I rise in opposition to this rule, and to the legislation, neither of which will meet the Democrats' campaign promises about how they said they would run the House in a fair and transparent manner, nor the American taxpayers'

expectations how the Federal Government should manage tax revenues that it takes from hardworking Americans.

The Passenger Rail Investment and Improvement Act of 2008 would reauthorize Government spending on Amtrak over the next 5 years at a cost of almost $15 billion without requiring any meaningful reforms in Amtrak's governance or operations and without allocating taxpayer dollars based on a demand for the service.

As we know, Amtrak is a private corporation that continues to receive large Federal operating subsidies, despite laws passed by Congress requiring after 2002, over 5 years ago, that they should be able to run their operations without Federal grant funds.

Despite the fact that the Transportation and Infrastructure Committee approved this legislation, I am not alone in believing that Amtrak should conduct its operations without picking the pockets of American families who are already being asked to do this by the do-nothing Democrat Congress to pay for record prices for energy, and can little afford to subsidize the inefficiencies of a transportation system that many of them will never use.

Like me and many of my Republican colleagues, President Bush has urged this Congress to pass legislation that would: (1) create a system driven by sound economics where services are provided based primarily on consumer demand; (2) promote competition; (3) focus Amtrak on core operating competencies; (4) establish funding partnerships with States; and, (5) improve investment in and management of the Northeast Corridor.

I include for the RECORD the Statement of Administration Policy for H.R. 6003.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET

Washington, DC, June 9, 2008.

STATEMENT OF ADMINISTRATION POLICY

H.R. 6003—PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008, (REP. OBERSTAR (D) MINNESOTA AND 41 COSPONSORS)

The Administration believes that a significantly reformed intercity passenger rail system has the potential to play a role of growing importance in providing transportation options in the United States, including helping to reduce congestion along heavily traveled intercity corridors. However, the Administration strongly opposes House passage of H.R. 6003, which would reauthorize the National Railroad Passenger Corporation (Amtrak) for five years, because it would authorize an appropriation of more than $14 billion without requiring any meaningful reforms in Amtrak's governance or operations and without allocating resources based on the demand for passenger rail service. *For this reason, and others set forth below, if the bill were presented to the President in its current form, his senior advisors would recommend he veto it.*

Amtrak is a private corporation that continues to receive large Federal operating subsidies, despite longstanding existing law requiring that, after 2002, ''Amtrak shall operate without Federal operating grant funds appropriated for its benefit.'' H.R. 6003 authorizes an unprecedented level of funding but does not include basic measures to hold Amtrak accountable to taxpayers for its spending decisions. For example, H.R. 6003 provides scant opportunity for competition on existing Amtrak routes and does not include provisions that would condition Amtrak's funding based on progress on reforms. Measures to address these areas are included in S. 294 and should be adopted before Congress completes its work on this measure.

The Administration also would strongly object if bonding authority were added to the bill. Language in the introduced version of H.R. 6004, the Rail Infrastructure Development and Expansion Act for the 21st Century, permits State issuance of $24 billion in bonds, including but not limited to tax credit bonds. In particular, the use of tax credit bonds to finance the construction of high-speed rail capital projects would be expensive and highly inefficient, and costs would be borne by taxpayers, not system users.

To move Amtrak towards a sustainable business model, the Administration urges Congress to pass legislation that reflects the following core reform principles consistently articulated by this Administration: (1) create a system driven by sound economics where services are provided based primarily on consumer demand; (2) promote competition; (3) focus Amtrak on core operating competencies; (4) establish funding partnerships with States; and (5) improve the investment in and management of the Northeast Corridor.

The Administration appreciates that H.R. 6003 includes measures to promote private sector development of the Northeast Corridor and other potential high-speed routes. Making use of the private sector's operational and financial management capabilities could help new rail services to perform at a high level for the traveling public. However, the Administration is concerned that the authorized funding levels for high-speed rail in H.R. 6003 send the wrong message; any expansions of rail service should be based on a sustainable business model.

Titles III and V would establish certain capital grants programs requiring workers employed with funds obtained under these programs be paid pursuant to Davis-Bacon Act requirements. Thus, Titles III and V would expand Davis-Bacon Act coverage, which is contrary to the Administration's long-standing policy of opposing any statutory attempt to expand or contract the applicability of Davis-Bacon Act prevailing wage requirements. This expansion could undermine the effectiveness of the enumerated programs.

This statement, which outlines these goals for the improvement of Amtrak, makes clear that the President's senior advisers would recommend his veto of today's legislation that falls far short of this mark.

During testimony in the Rules Committee last evening, it was represented to the committee that the legislation would allow some minimal privatization of a few routes, and that some additional studies and the rearrangement of some management duties at Amtrak were included in the bill to improve its efficiencies. I appreciate these efforts, and although I do not think that they go nearly far enough, because as we speak Amtrak continues to hemorrhage money due to labor disputes, energy costs, and the requirement that they maintain service on very lightly used, long-haul routes through rural areas of the country.

Unfortunately, through their inaction, the Democrat majority has already demonstrated its lack of interest in doing anything serious to address this issue as well as soaring energy costs. Through its flurry of constant action on behalf of big labor bosses, they have demonstrated that they are equally unwilling to do anything to address that problem for Amtrak, its riders, or the American public.

That means that the only opportunity that Members have to reform Amtrak in this bill is through cutting the fat from these underused, rural long-haul lines that are often subsidized at a cost of multiple hundreds of dollars per ticket by American taxpayers.

To address this problem, I have offered an amendment that is very similar to my efforts in the past on this issue, but is this time even more direct in its approach.

In March 2007, I offered an amendment to the Rail and Public Transportation Security Act that would have prohibited Amtrak from subsidizing its 10 worst revenue losing long-distance routes, as determined by its own September 2006 monthly performance report unless the Secretary of Homeland Security determined that the route was critical to our homeland security needs. Unfortunately, this commonsense and fiscally responsible amendment failed.

So today, I will be offering an amendment that is even more direct in its purpose and even more clear in its intent, an amendment that will simply prohibit taxpayer subsidies from flowing to the absolutely worst, most wasteful, most expensive long-distance route that Amtrak runs, according to its own performance report as of March 2008, unless this route is deemed to be critical to our Nation's homeland security.

My amendment simply seeks to prevent further good taxpayer dollars from being thrown after bad by limiting the cost of Amtrak's number one least profitable route; the number one least profitable route, that's all we are asking in this bill.

Madam Speaker, if Members cannot support this simple, security-conscious amendment on behalf of fiscal discipline, I don't know if there is anything that we can possibly do to help the American taxpayers any more.

I ask all of my colleagues to vote against this rule which does not match the Democrats' rhetoric about running the most honest, open and transparent Congress in history. I also ask them to oppose this underlying legislation which even if my amendment were included does not go far enough to protect the hard-earned money of American taxpayers from wasteful spending at Amtrak.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, before I yield to the next speaker, I just want to remind my colleagues that all of the

Nation's major transportation systems receive significant Federal investment, with good reason. Investment in rail infrastructure creates jobs, helps with congestion, decreases our dependence on oil, and offers viable alternatives for many of our citizens, including the elderly and disabled.

Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. ARCURI), a member of the Rules Committee and the Committee on Transportation and Infrastructure.

Mr. ARCURI. Madam Speaker, I would like to thank Chairman OBERSTAR, Chairwoman BROWN, and Ranking Members MICA and SHUSTER for their bipartisan leadership on the Amtrak legislation we will consider today, and as they showed yesterday in the Rules Committee, for their passionate advocacy on behalf of this great bill.

There has been much discussion about the condition of our Nation's transportation system and the growing pressures it faces from all sides: skyrocketing costs of fuel and maintenance; increased congestion from growing demand; and global climate change.

H.R. 6003 will take tremendous strides toward addressing these pressures by continuing our commitment to Amtrak and passenger rail service. Maintenance costs will continue to hinder us, but expanding and improving passenger rail service has the potential to relieve congestion both on our highways and in the skies by offering passengers a viable alternative. A shift toward rail can reduce the harmful CO_2 emissions generated by the transportation system.

For too long Amtrak has been the symbol of partisan politics in Washington. If we are to have a robust and successful system that users can rely on, then we must make a bipartisan commitment to supporting Amtrak. We cannot waiver on this commitment and expect to keep pace with the national rail systems of other developed countries around the world.

Partisan bickering has hurt Amtrak's overall state of repair. In fact, the Department of Transportation's inspector general concluded that, ''Despite multiple efforts over the years to change Amtrak's structure and funding, we have a system that limps along, is never in a state of good repair, awash in debt, and perpetually on the edge of collapse.'' That must change.

Amtrak's maintenance backlog is a major impediment to its success. In recent years, Amtrak's ridership has grown at a modest but continuing rate, and Amtrak's on-time performance has declined down to an on-time arrival rate of 67.8 percent.

The Department of Transportation's inspector general has stated that Amtrak's continued deferral of maintenance increases the risk of a major failure on its system. Currently, Amtrak has an estimated $6 billion in backlogged capital maintenance needs, including $4 billion on the Northeast Corridor, its most profitable line.

I would gladly take the train home to my Upstate New York district, or from my home in Utica to New York City, but currently that is not a viable option because of the minimal Amtrak service. And even when there is service available, it is unreliable. Deferred track maintenance, especially in Upstate New York, has required lowering the speed limits on significant portions of the track. In addition, competition with freight carriers for priority on tracks causes Amtrak trains to become seriously delayed, to the point where train schedules are simply unreliable. The on-time arrival rate between Albany and Buffalo is a mere 42 percent, meaning that less than half of the trains arrive on time.

□ 1100

Unfortunately, for hardworking Americans, passenger rail is the only option for travel because of record high fuel prices, making air and car travel less viable.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Ms. MATSUI. Madam Speaker, I yield an additional minute to the gentleman.

Mr. ARCURI. I thank you for the additional time.

Improving passenger rail service must be part of our long-term transportation strategy if we expect to effectively decrease our Nation's reliance on finite fossil fuels, and allow Americans to get to and from work on time without breaking the bank each month.

The Passenger Rail Investment and Improvement Act will aggressively address these concerns. I encourage my colleagues to vote for this rule and the underlying bill and continue to support the viable passenger rail option in our Nation.

Mr. SESSIONS. Madam Speaker, the gentleman from New York, my friend, really made a great argument on exactly what I've been trying to say. But we've got to get our friends to come around the corner and see that if we would get Amtrak to do the things that are in their mission statement, rather than running all across the United States trying to do things that are not cost effective, are not within their main core mission, then we could find the money that would be available for them to support, as the gentleman said, the Northeast Corridor, to spend the money within the corridor to make them safer.

But, instead, what happens is Amtrak is not held accountable, not by this Congress. We tell them, just go ahead and do whatever you choose to do, rather than focusing on their mission which they have, which is that which is required for traffic on the coasts, the west coast and the east coast.

So, Madam Speaker, once again, we can't expect Amtrak to do the things that would be in the best interest if they won't stick to their mission, if this Congress will not hold them accountable for the taxpayer dollars that they are utilizing.

Madam Speaker, at this time I would like to yield 3 minutes to the gentleman from South Carolina, the distinguished gentleman, Mr. BROWN.

Mr. BROWN of South Carolina. I thank my great friend from Texas (Mr. SESSIONS) for yielding.

Madam Speaker, I come to the floor today in strong support of H.R. 6003, the bipartisan Passenger Rail Investment and Improvement Act of 2008.

I want to applaud Subcommittee Chairwoman BROWN and Ranking Member SHUSTER, along with Full Committee Chairman OBERSTAR and Ranking Member MICA, for crafting a bipartisan reauthorization package that is focused on both improving Amtrak's capital assets, while also providing for development of new corridors in partnerships with States.

I am most pleased to see a major commitment to high speed rail contained in this bill, something that is absent in the Senate's bill. This legislation calls for more than just paper plans for high speed rail projects; it actually calls for dedicated funding and private sector involvement to move these projects forward.

Specifically, I am pleased that this legislation contains a provision that will improve the ability of future high speed rail corridors in the Southeast to best meet the changing population patterns and tourist demands along the cost.

With America facing $4 gas and airlines seeing fuel costs 100 percent higher than last year, we must look to develop in ways that will ensure that new travel options such as high speed rail are directed where they are most needed.

High speed rail can play an important role in reducing congestion in places like the Grand Strand in my State, which sees 14 million tourists a year, and Charleston, which is the most congested small city in the country. And I am glad that this bill takes the next step towards addressing the transportation needs of these communities.

Another important element of this bill moves us towards planning for rail transportation the same way we plan for highways. Again, as we face historically high gasoline and diesel fuel costs, we must ensure that our transportation system is planned out to provide the connectivity that we need for increased passenger rail use and to take advantage of freight rail's ability to move a ton of freight 436 miles on a gallon of fuel. When combined with the investment this bill makes in high speed rail, and by allowing freight and passenger railroads to negotiate access to freight-owned tracks, the Committee's reauthorization proposal will go a long way towards an improved rail system in the future.

But that future may not be possible, Madam Speaker, if America continues

to face $4 gasoline at the pump. I urge the majority to bring to the floor one of the many pieces of legislation introduced to open up domestic sources of energy, or else we won't be able to catch even an on-time train.

Ms. MATSUI. Madam Speaker, I'd just like to say that this bill creates a new State Capital Grants program for intercity passenger rail projects. These grants will help fund new facilities and equipment for intercity passenger rail and help move commuters off the roads and pollution out of the air.

The bill also authorizes $1.75 billion to develop 11 high-speed rail corridors. These corridors will help remove cars from the highway and reduce pollution.

With that, I would like to reserve my time.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 5 minutes to the ranking member of the subcommittee, the Republican from Pennsylvania, the gentleman, Mr. SHUSTER.

Mr. SHUSTER. I thank the gentleman for yielding me time, and I want to start today by saying that it's a shame that this Congress and that the majority party, for 18 months, has failed to do anything to alleviate our energy problems in this country. We've had ample opportunity to pass legislation that will deal with this rising cost of energy this country, and as I've said, we've done nothing. The American people are crying out for us to do something.

And what we can do, it's obvious, in the short-term it's supply. It's look for new sources of oil, explore in different parts of this country, offshore. That's the answer in the short-term.

The long term-we have other technologies, clean coal technology, nuclear energy. We have to start doing something here. The American people, as I said, are crying out.

Gas in my district is $4 a gallon. In my 7 years in Congress, I've been approached by people to tell me they disagree with me on this issue or that issue. But I've never had people come up to me and at the gas pump and yell at me publicly about this Congress doing absolutely nothing.

The time is now. We have to act. We've already, 7, 15 years ago we should have been acting. But we have to move today. As I said, it's just a shame that we haven't done anything sooner.

That being said, I think that this bill that we have before us today, The Passenger Rail Investment Improvement Act, does something positive when it comes to energy in this country. It's a small step. It's a positive step, but it's a step I think it's important for us to take today.

The last time that we authorized Amtrak was 1997. Gas was $1.27 a gallon, and today, as I said, in Central Pennsylvania it's hovering around $4 a gallon.

We also have, in this country, in 2005, we passed the 300 million mark in population. It took us 65 years to go from 200 million to 300 million. It's only going to take us 35 years to go from 300 million to 400 million. And that population isn't all going to move out into the West and to the middle of the country. That population will move around some, but those corridors around the country that are densely populated, the Northeast Corridor, Chicago, the west coast, throughout Texas, Florida, up and down the east coast, those corridors are going to become even more, the population is going to become denser.

So it's important that we do things to encourage people to use other forms of transportation, and passenger rail is one of those modes of transportation. It is one of the, if not the most efficient modes of transportation to move people, move large quantities of people. And I think that that's an extremely important reason for us to move forward.

As we watch fuel prices escalate, as we watch the population continue to grow, and as I said, the American people are desperate to escape gas prices, long commutes that define their work days, and I think this is a way for us to move forward.

Now, in the bill there are some important provisions, and one of the reasons that myself and the Ranking Member MICA signed on to it, and there are some private sector initiatives. First, we authorize in this bill for Amtrak, the IG and the Department of Transportation to identify the least of the underperforming, significantly underperforming lines in this country; identify at least two of them. That we then turn to the private sector and allow them to bid to take those lines over, and to allow them to run them and see if we can't turn them into efficient operations.

The second privatization initiative is to take a line in this country that Amtrak has stopped using, has abandoned because of high cost or whatever reason, and allow the private sector to take it over, re-establish it and run it efficiently and profitably, we hope.

And third is the Northeast Corridor. It is the most used corridor in the country. We need to establish high speed rail in this country, and the Northeast Corridor is where we need to do it, from Washington to New York; to get private sector companies to come to the table to give real bids on how much it's going to cost to establish high speed rail in this country. Not pie in the sky, not throwing darts, as we've done over the years, but to have real numbers, if it's $10 billion, $20 billion, $60 billion, how much is it going to cost us to have true high speed which we need in this country, because of the population growth, because of energy costs that we have in this country.

High speed rail is extremely important in this authorization. And for the past 20 years we've had a theoretical debate on this floor about can the private sector run a railroad, can the public, is it the public responsibility, and can the public do it better than the private sector?

Well, I believe that the private sector can run a passenger rail system. And I just have to look back to history. From 1850 to 1950 the private sector ran a profitable passenger rail system.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SESSIONS. I yield the gentleman 1 additional minute.

Mr. SHUSTER. For 100 years the private sector operated passenger rail profitably. But what happened to it wasn't mismanagement, it was aviation, the airplane that came about. It was the interstate highway system that we built in this country. So people got off the trains and got into their cars and into airplanes. That's what happened to passenger rail.

And for the last 30 some years, as the government's tried to run it, it's not done it efficiently. So this is an opportunity for us to have some real successes, some private sector successes, and we can end this debate.

Is the private sector able to run a railroad, a passenger rail system? I believe they are, and I believe that these initiatives are extremely important for us to have some successes to point to as we move down the road and give the American people something they need, a passenger rail system that is profitable, that is successful.

And I want to end as I started. We need to do something on energy. This is one small step in the right direction. We can do more to solve our energy problems in this country. We should do more, and we must do more. The American people deserve that.

Ms. MATSUI. Madam Speaker, I just want to point out that one of the ways we are addressing gas prices is by giving constituents alternative modes of transportation, thereby reducing the number of cars on the road. Passenger rail will reduce our demand on foreign oil and help us become more energy independent.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 3 minutes to the gentleman from Illinois, the MVP of the Republican baseball championship team, the gentleman, Mr. SHIMKUS.

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

Mr. SHIMKUS. Madam Speaker, I appreciate Congresswoman MATSUI managing the time. We've worked very hard on clean diesel issues and the like, so this is really appropriate to this debate though, because Amtrak uses big diesel engines. And what's happened in the Amtrak debate that we haven't heard yet, hopefully we'll hear it later on is, like, one of the biggest threats to Amtrak is the high cost of diesel fuel. In fact, the fiscal year 2007 budget for fuel was $125 million for Amtrak. The fiscal year 2008 budget for fuel for Amtrak is $215 million.

Now, how are we going to pay for that? I know how they're going to pay for it. They're going to raise prices on these commuters. And there are some commuters who use Amtrak. But again, I'll quote the New York Times article that says ''the counties where motorists spend the highest percentage of their income on gasoline tend to be in poor, rural areas.'' Amtrak doesn't go there. We don't have commuter rails. We have working trucks. We have big trucks. We haul feed. We haul beef. We haul pork. We need working trucks and they drive a large distance.

That's why this energy debate is critical. And here's the problem. All we're trying to do is bring, what's the problem, what's the solution. What's the problem. What's the solution.

Here's the problem. January 2001. $23 a barrel. January 2006, after the Democrats took control and promised to lower fuel prices, that's right here, where are we today? $123 a barrel.

What does that do for gas prices? From $1.45 to $2.33 to over $4 a gallon for gas hurts rural America, hurts my district.

□ 1115

Don't come to the floor without a solution. The Outer Continental Shelf, trillions of cubic feet of natural gas, billions of barrels of oil. We have in this Congress and Congresses of the past said ''off-limits.'' We're not going to explore this area. We're not going to recover.

Very similar to our position on ANWR. A position a size of the State of South Carolina. A drilling platform the size of an airport. And we are not going to drill there for billions of barrels of oil. President Clinton vetoed that in 1995. Had he not, that oil would be flowing to our country today. 1995 he vetoed the bill. President Carter put it off-limits for oil and gas exploration. That's why ANWR was originally set aside, but, no, we have that off-limits.

What is another solution? Coal-to-liquid technologies, diesel fuel that could help lower the price for Amtrak can be produced by taking U.S. coal, American energy, and turning it into fuel.

We're going to come to this floor talking about, oh, unemployment compensation.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SESSIONS. Madam Speaker, I yield the gentleman an additional minute.

Mr. SHIMKUS. We're going to come to this floor saying, Oh, we've got to do something because energy heating costs are high; oh, we need to do something because people are losing their jobs.

I will tell you how we can get jobs back into the economy. Let's use American-made emergency. Let's open up the coal fields. Let's get mine workers the jobs. Let's build a coal-to-liquid refinery. Good building trade jobs. Let's have high-paying jobs operating those refineries. Let's build pipelines to get this fuel to the Amtrak station to put in the diesel engines, and let's help our budget airlines not go bankrupt because of the high cost of fuel. Not just our budget airlines. Here is one on Continental: Continental joins cut-back frenzy. Soaring fuel prices.

Why do we have a job problem in this country? Because we have an energy problem. Until we come to this floor to debate on bringing more supply to the American public, our economy is always going to be struggling. We're the only country that looks at energy resources not as an economic advantage but as an environmental disaster.

Ms. MATSUI. Madam Speaker, first of all, at the end of the Clinton administration, oil was $27 a barrel. It is now $134 a barrel. A significant increase. And my friends on other side of the aisle are attempting to blame this newly elected Democratic Congress—I think someone on the other side said we have been here for 18 months—for this increase.

Furthermore, every bill that the Democrats bring before this Congress that attempts in any way, shape, fashion, or form to reduce the use and therefore the price of oil, the other side of the aisle votes ''no.''

The response to high oil prices was to give the big oil companies tax breaks. Well, that's not the priority of this Democratic Congress.

I want to talk about alternative energy. We want to invest in alternative modes of transportation like passenger rails which would take 8 million cars off the road. We want to reduce the dependence on foreign oil, the dependence on gas and on fossil fuels thereby making our country stronger both domestically and internationally.

The other side wants to talk about tax breaks for oil and gas companies. We're talking about investing in Amtrak and making our streets less congested, our skies cleaner, and our country less reliable on oil and gas.

What that, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, if I could inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Texas has 10 minutes. The gentlewoman from California has 18½ minutes.

Mr. SESSIONS. I reserve my time.

Ms. MATSUI. Madam Speaker, I would like to yield to the gentlewoman from Florida (Ms. CORRINE BROWN) for 3 minutes.

Ms. CORRINE BROWN of Florida. Madam Speaker, 50 years ago President Eisenhower created the national highway system which changed the way we travel in this country. Today, we need to do the same thing with passenger rail and make the level of investment necessary for us to become the most successful in the 21st century. That is why I am so excited about House bill 6003, the Passenger Rail Investment and Improvement Act, which was introduced by Mr. OBERSTAR, Ranking Member MICA, subcommittee Ranking Member SHUSTER, and myself.

Amtrak is extremely valuable to our country. It takes cars off the road that are already congested. It reduces congestion in the sky, and it's better for the environment.

In many areas of the country, Amtrak is the only mode of transportation available. They have shown major increases in ridership, too, as ridership has increased in 8 of the 9 last years and reached a record level of 25.8 million passengers just last year. And with the cost of gas potentially rising to $5 a gallon, there would be even more riders lining up for Amtrak.

Unfortunately, for many years Amtrak had been given just enough money to live alone, never getting the necessary funding to make serious improvement in the system. The hydraulic electric system is 70 years old, 65 percent of the bridges were built in the 1920s, and several tunnels which trains travel through every day were built in the 1800s.

In 2005, Amtrak conducted a comprehensive review of its capital needs. The review determined that Amtrak should invest $4.2 billion to bring their infrastructure to the state of good repair. Today, with the backlog of major bridges and tunnel work, the necessary investment capital has approached an estimated $6 billion.

As other countries continue to invest tens of billions of dollars each year to improve their passenger rail system, we are falling further and further behind by deferring much-needed improvements to our system. We must find a way to speed up Amtrak bylaws of repair work and bring its assets to a good state of repair so that Amtrak can concentrate on increasing capacity, increasing speed, developing new facilities, and planning for the future.

These major infrastructure improvements are also necessary to improve the safety and security of the system and its passengers and workers. Amtrak has and will continue to play a critical role in evacuation and transportation systems during national emergencies. Unfortunately, it is also a prime target for those who wish to harm us, and we must provide resources to make the system less vulnerable.

I'm looking forward to working with my colleagues in the House and the Senate to pass important legislation.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Ms. MATSUI. I yield an additional 30 seconds to the gentlewoman.

Ms. CORRINE BROWN of Florida. The United States used to have a strong passenger rail system. Now we're at the caboose, and they don't even use cabooses anymore.

The American people deserve better, and I believe that the Amtrak reauthorization bill will go a long way to bring the use to its rightful place as the world leader in passenger rail.

In closing, I went from downtown Brussels to downtown Paris, 200 miles,

1¼ hours; downtown Barcelona to downtown Madrid, 2½ hours.

We will move forward with high-speed rail in this country.

Mr. SESSIONS. Madam Speaker, you know, I think we've forgotten it's a private corporation, not a government entity, that we're attempting to help here.

Madam Speaker, at this time I would like to yield 3 minutes to the distinguished gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague from Texas for yielding the time.

We're debating Amtrak. Well, certainly Amtrak's important for a lot of folks in the Northeast, but I will tell you as far as my constituents in western North Carolina, we can't commute to our jobs using Amtrak. This is not a solution for American energy independence that is being offered here on the House floor.

What is outrageous is as gas prices go above $4, all they have is blame rather than action. My Democrat colleagues are simply passing blame rather than trying to act in a constructive way. And there is a way for us to act as a Congress to bring down gas prices. It is not by lawsuits, which is what the Democrat majority wants; it is not by more taxation on those driving cars, those using energy resources, those producing resources.

You know, there is a way that we can act. The American people understand it. This is a question of supply and demand. Seventy percent of the price of fuel comes from the price of crude oil. The American people understand this as gas is over $4 a gallon, as a barrel of oil is over $130 a barrel. And I will tell you, we must act.

In order to lower gas prices, this Congress must act to increase supply. We have to increase refining capacity, and we have to do this in a constructive, reasonable, proper way. One day we will end our dependence on foreign oil. We will end it and we will use our alternative sources of energy. We will use domestic production. We will use refining capacity here in the United States. But let's talk about some important statistics here.

Seven hundred days ago the Speaker of the House, NANCY PELOSI, said, Democrats have a commonsense plan to bring down skyrocketing gas prices. What is the plan? Where's the action? We've seen nothing. The Democrat Whip, JIM CLYBURN, said, Democrats have a plan to help curb rising gas prices. What have we seen? Nothing. STENY HOYER, the Democrat leader, said, Democrats believe that we can do more for the American people who are struggling to deal with high gas prices. Now, all of this was said in an election year. What have we seen in the last 2 years from this Democrat Congress? Nothing.

Now, I will tell you it is not perfect. Not all Republicans support opening up ANWR. Not all Republicans support oil shale. Not all Republicans support increasing refinery capacity, but roughly 91 percent of Republicans support those issues while 86 percent of House Democrats oppose those actions.

I think it's time that we come together for a commonsense solution to reduce our dependence on foreign oil. Conservation is a sign of personal virtue but is not a means to energy independence. We must act together.

Ms. MATSUI. Madam Speaker, I want to remind everybody that investing in Amtrak is an energy-efficient way to decrease our dependence on foreign oil. One rail line can carry the equivalent of 16 highway lanes, and Amtrak uses 50 percent less energy per passenger than air travel.

I will reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, if I could inquire on the time remaining.

The SPEAKER pro tempore. The gentleman from Texas has 7 minutes. The gentlewoman from California has 15 minutes.

Mr. SESSIONS. If I could inquire of my colleague if she has additional requests for time.

Ms. MATSUI. I have no additional speakers, and I will close.

I would yield to the gentleman to use his time.

Mr. SESSIONS. I thank the gentlewoman for saying she has no additional speakers, so I will continue.

Madam Speaker, I would like to yield 5 minutes to the distinguished gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I thank my colleague for yielding.

Madam Speaker, whatever the outcome of this debate on Amtrak today is, it is not going to affect my constituents very much. What does affect them every minute of every day is the price of energy. I would suggest that we should defeat the previous question on the rule so that the gentleman, Mr. SESSIONS, can offer an amendment to this bill that would bring to the floor a bill that has provisions that will do something about energy, that will do something on the issue that affects every American every moment of every day.

That amendment would bring to the floor H.R. 3089, the No More Excuses Energy Act, and at the same time, a discharge petition today is being filed to require the House to vote on that bill.

The philosophy of that bill is that we need to produce more energy of all kinds here at home, and we have run out of time to make excuses on why we can't do that. And you have heard some of those excuses and some of the political blame game already today during the debate. Some people want to blame China and India for using too much oil. Some people want to blame big oil companies. Other people want to blame OPEC for not producing enough. Some people even want to blame suburban moms for using too much energy as they drive their kids to sporting events in their minivans.

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They want to say they're using too much oil. But the point is, we've had enough of this blame game. The point is, it's time for this Congress to act and actually do something. And the way to act today is to vote down the previous question so today we can do something about the cost of energy throughout the country.

The No More Excuses Act takes the approach that we need to do more of everything. Yes, it allows drilling in Alaska and off our coasts, but it also encourages companies to take the CO_2 that goes up the smokestacks and put it back in the ground to flush out all of the oil on existing wells so that we can get every drop we can out of the ground.

This bill encourages the building of more refineries. It encourages the building of nuclear power plants. It encourages more wind energy. There is a lot of wind energy activity in my district, but what I hear from all of those involved is, when Congress just extends the tax credit 1 or 2 years at a time, there is no way that we can make the financial decisions we need to make.

So this bill that ought to come to the floor today would extend it by 10 years so that we can have a major investment in wind, as well as all the other forms of energy that we can produce here at home, because every bit of energy we produce here at home is one less barrel of oil we have to buy from overseas. And that makes sense.

What we're trying to do is to force some action that will make things better, not worse. Unfortunately, what the public and what the markets hear from this Congress so far the last 18 months are ideas that make things worse. They want to put a windfall profits tax on ''Big Oil'' so that they are discouraged from producing more oil. They may not know by the way, Madam Speaker, that 90 percent of the wells drilled in the continental United States are drilled by independent companies, not Big Oil. But what people hear from this Congress is we want to take away the incentives that encourage us to drill the Deepwater in the gulf. So other countries are there drilling, but we want to tie our hands and not produce the energy we have; we'd rather buy the oil from Saudi Arabia or Venezuela or Nigeria. That makes no sense.

There is no one perfect answer, but Madam Speaker, my argument is that rather than pointing the fingers of blame, it's time for no more excuses. It's time for action today, and that action can come by voting down the previous question so that the rule can be amended and we can take action today that produces more energy of all kinds here at home. That will matter to my constituents, and that will matter to all Americans.

Ms. MATSUI. I reserve the balance of my time.

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

Madam Speaker, the gentleman from Texas, Mr. THORNBERRY, said it best: no excuses. It's time for us to get our work done, and the bottom line is is

that the supply side of the equation is the problem. If we had lots of supply, prices wouldn't be what they are. We need to bring to the table American energy for America's independence, but quite frankly, we're not only tired of paying higher prices, we're also tired of building new Dubais across the world. And that rests at the feet of our Speaker, NANCY PELOSI, who has a policy that restricts Americans from drilling for oil and having energy independence. Today is no excuses.

Madam Speaker, since taking control of Congress in 2007, this Democrat Congress has totally neglected its responsibility to do anything constructive, constructive, to address the domestic supply issues that have created the skyrocketing gas, diesel and energy costs that American families are facing today.

So, today, I urge my colleagues to defeat the previous question so this House can address the real solutions to energy costs. That's the supply side. By defeating the previous question, I will move to amend the rule to allow for consideration of H.R. 3089, the No More Excuses Energy Act of 2007, introduced by my friend MAC THORNBERRY of Texas, that he introduced back 1 year ago in July 2007.

This legislation would reduce the price of gasoline by opening new American oil refineries; investing in clean energy sources such as wind, nuclear and captured carbon dioxide; and making available more homegrown energy through environmentally sensitive exploration of the arctic energy slope and America's deep sea reserves.

Madam Speaker, I ask unanimous consent to have the text of this amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. SESSIONS. I urge all of my colleagues to take this attempt to spend almost $15 billion of taxpayers' money on subsidized trains and turn it into something positive about energy prices for all of America and for American independence so that we can say we are finally working together and doing something positive about the rising price of fuel. By defeating the previous question, we can do that.

I yield back the balance of my time.

Ms. MATSUI. Madam Speaker, I thank the gentleman from Texas, and I yield myself the balance of my time.

The rule before us today is a fair rule that allows us to highlight transportation challenges and our vision for a better tomorrow. It is Congress' responsibility to provide our constituents with alternative modes of transportation, especially as we see increased congestion and ever rising gas prices.

The Democratic majority is fighting to reduce our dependence on foreign oil and bring down gas prices and launch a cleaner, smarter energy future for America that lowers costs and creates hundreds and thousands of green jobs. This is a marked change from the 7 years of the current administration's energy policies of simply drilling for more fossil fuels and providing even greater taxpayer subsidies to big oil companies already earning record profits.

The underlying bill, H.R. 6033, the Passenger Rail Investment and Improvement Act of 2008, takes huge steps to modernize Amtrak and give it the tools it needs to operate effectively and efficiently.

By giving this Nation viable passenger rail, we will be able to decrease our dependence on foreign oil and give commuters options to get to work and school. In fact, Amtrak takes 8 million cars off the road.

We have a commitment to maintain and improve the backbone of our Nation's transportation infrastructure system. This bill does just that, and I urge its adoption.

Madam Speaker, 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. 1253 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 3089) to secure unrestricted reliable energy for American consumption and transmission. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, the chairman and ranking number of the Committee on Ways and Means, and the chairman and ranking member of the Committee on Energy and Commerce; and (2) an amendment in the nature of a substitute if offered by Representative Rahall of West Virginia, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions

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(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.

Ms. MATSUI. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

Mr. SESSIONS. 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.