Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bachus
Cubin
Davis, David
Hooley
Kaptur
Lewis (CA)
Lewis (GA)
Miller (FL)
Shuler
Thompson (MS)
Tiahrt
Udall (CO)
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1343

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 638, I was unavoidably detained. Had I been present, I would have voted "no."

BREAST CANCER PATIENT PROTECTION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 758, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 758, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 10, as follows:

[Roll No. 639]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—10

Broun (GA)
Campbell (CA)
Cubin
Davis, David
Hunter
Kirk
Miller (FL)
Rangel
Shuler
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1353

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 7060, RENEWABLE ENERGY AND JOB CREATION TAX ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1501 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1501

Resolved, That upon the adoption of this resolution it shall be in order to consider in

the House the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 10 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 7060 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.

SEC. 3. House Resolution 1489 is laid on the table.

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

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

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 1501 provides for consideration of H.R. 7060, the Renewable Energy and Job Creation Tax Act. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

Mr. Speaker, I rise today in support of this rule because American families and small businesses need tax relief now more than ever. This rule will allow us to bring legislation to the House floor later today that will not only strengthen our economy by directing tax relief to middle class families and creating jobs at small businesses, but also help to bring the country into a new future of alternative energy not dependent on foreign energy and foreign fuel.

Since being elected to Congress, I have voted along with this body to cut taxes for middle class families and small businesses on at least 14 occasions. In doing so, this Congress has upheld its pledge to the American people. And I have kept my promise I made to my constituents to provide much-needed tax relief and incentive for economic growth.

I know that there are many families and businesses in my district that are struggling in the current economic crisis. With talk of a $700 billion plan to bail out Wall Street, we cannot, in good conscience, fail to take action to help so many families facing the ever-escalating costs of gasoline and home heating oil into this winter. This legislation we will consider provides tax relief and incentives to those who need them most at a fraction of the cost for bailing out the financial industry.

Mr. Speaker, this Congress has shown a strong commitment to the pay-as-you-go rule adopted last January. I applaud my Blue Dog Coalition colleagues for their outspoken leadership on PAYGO. When I explain to folks back home what PAYGO is, they always ask the same question. I ask, you have to balance the books each month, right? Why shouldn't the government do the same? And they all get it. My constituents get it. And the American people get it. Mr. Speaker, unfortunately, there are still some Members of Congress who are steadfastly against the idea of being fiscally responsible in balancing the Federal books in the same way our constituents balance their checkbooks. But it appears that even our colleagues in the Senate are beginning to come around. The legislation we will consider later today is proof that you can provide tax relief in a fiscally responsible way.

The legislation this rule provides for consideration of will extend a number of critical tax relief measures targeted at middle class families and small businesses to improve the quality of life and strengthen our economy. During these tight economic times, it is also absolutely critical that we pass legislation to invest in jobs for today and long-term development for tomorrow, including jobs in the alternative energy sector like wind and biomass that will reduce our Nation's dependence on foreign oil and bring the price of gasoline and heating oil to levels that families and businesses can afford.

I am a realist. I understand that we can't bring back the millions of manufacturing jobs, including thousands in my own congressional district, which have been moved overseas. However, we can look to the future, a future of our Nation's economy that is green, and recreate jobs that we once lost. It is absolutely essential that we leverage every possible option, whether it is through tax credits, investment through research and development, or education to advance alternative and renewable energy development.

Mr. Speaker, tax credits for alternative energy production have the power to truly jump-start our economy and create good-paying, highly skilled jobs that cannot be outsourced overseas, the type of jump-start, Mr. Speaker, which is already happening in my upstate New York district with the creation of new green collar jobs. In the last 2 years, I have spoken numerous times throughout the debate over extending these renewable energy tax credits about the new businesses in my district that are utilizing the national investment in alternative energy to create good-paying jobs in upstate New York. Those businesses are to be commended. That is why I'm proud to support the approximately $15 billion in long-term, clean renewable energy tax incentives and investments included in this legislation which we will vote for later today.

□ 1400

I hope that by doing so, it will encourage other companies to follow suit, both in my region and across the Nation.

The underlying legislation extends and modifies critical tax credits for production of electricity from renewable sources, ranging from wind, solar and geothermal energy to closed loop and open loop biomass. Specifically, the legislation includes extension of clean, renewable energy bonds, efficient commercial building tax incentives, investment tax credits for solar and fuel cell systems, tax credits for energy efficiency upgrades to existing homes, tax credits for production of efficient home appliances, and tax incentives for consumer purchase of energy efficient products.

Most of these incentives either expired at the end of the last year or are set to expire at the end of this year. It is vitally important to sustaining the development of clean energy technology industries, which will lead to the creation of new jobs, that these tax credit incentives are extended.

The legislation also includes an extension of the Research and Development Tax Credit that allows companies to claim credit for a portion of their R&D expenditures. Extending the R&D credit is vital to ensuring that America remains on the cutting edge of innovation that keeps our domestic companies competitive. This credit is of particular interest in the area of New York that I represent, because its extension will further the expansion of microchip fabrication and nanotechnology industries which are beginning to blossom in upstate New York.

American companies rely on this credit and upon its continuing to adequately plan for their long-term research projects. I support this 2-year retroactive extension to provide that continuing extension, and I will continue to work for a much-needed permanent extension that would eliminate concerns over expirations or lapses.

The legislation also extends and expands and creates important tax credits for individuals.

Supporting this rule and the tax relief legislation we will consider later today is simply common sense. We can provide tax relief and incentives to the middle class, spur innovation, create tens of thousands of new jobs, reduce our dependence on oil from hostile nations and reduce greenhouse gas. We can do all of this in a fiscally responsible manner.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this rule and the underlying legislation.

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

Mr. SESSIONS. I want to thank the gentleman, my friend from New York, for yielding the time.

Mr. Speaker, I rise in opposition to this new record-breaking 64th closed rule being offered by this Democrat-led Congress, the most open, honest and ethical Congress in the history, proclaimed by our Speaker, NANCY PELOSI. But we have this new record-breaking 64th closed rule, so it makes me kind of wonder which conference she was really in reference to.

Mr. Speaker, I oppose this underlying legislation also. Just in the last 24 hours, Senate Democrat Majority Leader HARRY REID referred to the introduction of this bill as the ability to ''snatch defeat from the jaws of victory,'' because it guts a carefully negotiated and bipartisan compromise reached in the Senate. So what the Senate has worked very closely and clearly on and passed the bill, this Speaker decided we are not going to do it that way. In the waning days of this session, we are not going to play ball with our colleagues in the Senate. So what it does is it leaves many of the deal's most important provisions in limbo, rather than addressing them responsibly today.

Two evenings ago, the Senate passed a comprehensive tax extenders package by an overwhelming and bipartisan vote of 92–3. This legislation included an $18 billion fully offset energy tax policy proposal, as well as a partially offset tax relief package, including an AMT patch to prevent middle class families from being hit with an unprecedented and unintended tax bill, along with important extensions of current tax policy, disaster-related tax provisions for the victims of the Midwest floods and Hurricane Ike, and for mental health parity legislation.

Understanding the delicate balance in that Chamber, Democrat Majority Leader HARRY REID 2 days ago begged Speaker PELOSI not to send the Senate back a different bill, because it won't pass, and that if the House messes, and I quote, ''messes with the package, it will die.''

Today, news reports have surfaced that he is ''furious'' that House Democrats refuse to accept his bipartisan deal and has retaliated with procedural tactics intended to delay the House from continuing along the House Democrat leadership's preferred course of action.

But rather than heeding these dire warnings from their own leadership, from the Senate leadership of their own party, this House Democrat leadership has decided to chop up this legislation into pieces, making substantive and negative changes to many of them, and to engage in a game of legislative chicken with the Senate, rather than doing the responsible thing and making sure that important measures like, we will just name one, like helping the victims of natural disaster, or, as we have heard, tax relief for middle class families who are at risk of being unintentionally caught by a tax created for the super-wealthy, and fairness for our own Nation's rural schools. Each of these passed. They passed in the Senate bill, and we could do it here today.

I am disappointed, Mr. Speaker, that this Democrat majority thinks that scoring some sort of political points on the eve of an election is more important than passing these measures. But, unfortunately, this kind of political gamesmanship has come up all too often in what Speaker PELOSI once again, and we reiterate, promised would be the most open, honest and ethical Congress in history.

Included in this House Democrat package are a number of energy tax incentives for energy efficiency and conservation, which, along with the upcoming October expiration on the ban of drilling for American energy, will go a long way to fulfilling House Republicans' long-term commitment to an all-of-the-above strategy, which helps America achieve energy independence.

Also included in this legislation are important tax provisions for American families trying to make ends meet and for American business trying to create jobs here in America and to be competitive with companies around the world. These include measures like the Research and Development Tax Credit, the State and local sales tax deduction, and the deduction for out-of-pocket expenses for teachers. This is particularly important for families, schools and businesses in my home State of Texas, and I strongly support their inclusion in this legislation.

I do not support, however, the inclusion of measures to permanently raise taxes on the American economy during an economic crisis to simply extend these current job-creating tax policies. Tax increases are never the way to solve a soft economy.

I ask all of my colleagues to vote with me to defeat this rule so that the House can end this political charade and cover a vote for its vulnerable Members, and take up the better Senate option to provide American families and businesses with tax relief they deserve.

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

Mr. ARCURI. Mr. Speaker, contrary to what my friend says, Democrats are not trying to make any political points here. In fact, it is just the contrary. We are trying to get something done here.

I certainly understand that Senator REID has some considerations that he has to make in the Senate, but we have some considerations here in the House, and one of them is something that is very important to me, and that is paying for these provisions that we do, something important to the Blue Dog Coalition here and something important to Congress. We need to pay for it, and that is what this bill is doing. It is paying for it, and it is very important.

I would now like to yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I would like to address the importance of this bill, the American job creation bill, and how this bill relates to another bill we are working on. By doing that, I just want to share something I saw in Colorado about 3 weeks ago.

I was in Golden, Colorado, at the National Renewable Energy Lab. At that National Renewable Energy Lab I saw a functioning system of powering our cars with solar energy.

It was a photovoltaic cell about 400 square feet mounted on a little pod that basically would run two cars, two electric plug-in cars for a day, just by charging them for about 6 to 8 hours. So you plug them in, they run 40 miles on all electricity, and then they could go another 250 miles on gasoline. Basically what it showed was a vision for this country using home-grown solar power and home-grown electric cars.

This bill is absolutely imperative to make sure that we get that solar energy located in the United States. So these industries like Ausra Solar Thermal Power, like Nanosolar in Palo Alto with photovoltaic power, so we keep building those businesses right here in the United States. And the renewable tax credits are imperative in this bill.

But I want to point out how this dovetails with another bill that is under consideration today in the House, and that is a bill we will have to try to stimulate job creation.

It very important in those plug-in cars that we have that we manufacture in this country the batteries that are going to run our electric cars. When we have plug-in electric cars and fully electric cars, the batteries will represent 50 percent of the value of those cars, and we cannot allow those jobs to go to China and Korea. Unfortunately, right now the plans are to make the car bodies here, but make the batteries in China and Korea. That is a sure loss of tens of thousands of jobs.

So we are working on another bill here today parallel to this one that would create a loan guarantee program to ensure that those battery production jobs stay in America. I am hopeful that we get these renewable energy tax credits extended, and I think it is imperative that we move forward to save the battery industry in this country.

Mr. SESSIONS. Mr. Speaker, it sounds like our friends on the Democratic side are talking off talking points of the Republican Party today, cutting taxes, keeping jobs in America, expanding our economy. We can sure use a little bit of this. It goes a long way. We ought to make it permanent, but we shouldn't do it with a tax increase attached to it.

Mr. Speaker, at this time I would like to yield 5 minutes to my friend, the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I want to thank my friend from Texas for yielding.

Mr. Speaker, let me talk about the broad bill and speak as to how important that bill is. I think it is vitally important to extend these tax extenders. Frankly, I think these tax extenders that we have here ought to be made permanent, but maybe we will have a debate on that at a future time.

It is especially important to my State of Washington, because it allows for the sales tax deduction of State sales tax from my Federal income tax obligation, because Washington State, along with six or seven other states, doesn't have an income tax, and this is simply a fairness issue.

So this is a very important bill, very broadly, but it is not a complete bill. This bill in its current form will not pass the Senate and therefore will not become law.

Why is that, Mr. Speaker? The reason why is because it leaves out a very, very important provision, a provision that the Senate put in there, and I don't always like to congratulate the Senate, but in this case, in their wisdom, to take care of a problem that faces rural America, especially, and especially rural America that has a lot of Federal lands, and that is the Secure Rural Schools Act. It extends it for 4 years.

What is this act? This act is simply an act to recognize that Federal policies in the past, i.e. policies that don't allow some communities to log their Federal lands and get the revenue from that, puts a big hurt on local government and school districts. The Secure Rural Schools Act is designed to mitigate that because of Federal policy.

Now, what I can't understand about this is this has broad bipartisan support. It has had support a number of times. And, here we are, winding our way down in this Congress, and you would think that the broad bipartisanship of this would recognize that the Senate passed this bill 93–2 and that they say I think this has a pretty good chance of becoming law. But, no, earlier this morning I offered an amendment to the rule to allow me to simply bring up the opportunity to vote up or down on this issue, and it was defeated on a partisan vote.

Mr. Speaker, this issue is very, very important. I have in front of me here, Mr. Speaker, and I will include it for the RECORD, a letter from the National Forest Counties and Schools Coalition.

□ 1415

The essence of this—and it is dated today—a letter to Speaker PELOSI to include this provision in the Tax Extenders Act.

Well, it is in the act. It is in the act that passed the Senate.

Now maybe there are politics being played with this. I know that we are in a political arena here, sometimes that happens, but I think the Speaker of the House, who comes from urban San Francisco, doesn't understand rural America.

I would suggest that probably the chairman of the Ways and Means Committee, who comes from urban New York City, doesn't understand the needs of rural America. I can only think that's the reason it wasn't included in something that has broad bipartisan support.

I think that we should defeat this rule, and I think what we need to do at the end of the day is to pass the Senate bill, because we know the President will sign it. He has sent a letter to every Member of the House saying that he would sign that bill.

I don't like to concede everything to the Senate. There are a lot of times I disagree with what they are saying.

But I think we need to take into account what the majority leader has said. I think we need to take into account what was said by the senior Senator from Oregon. By the way, Oregon is one of these States that are heavily hit, impacted by the lack of rural school language in this bill.

Senator WYDEN said, after passage of the Senate bill, and I quote, ''Now it's up to the House and the President to do the right thing, or thousands of critical employees in hundreds of communities across Oregon could face a very difficult winter.''

Well, I have got to tell you, the President is on board. He doesn't have to say the President would do the right thing, the President said he would sign this bill. It's up to the House.

The way to accomplish that is to defeat this rule so we can take up the Senate bill and concur with them, send it to the President's desk, and it will become law.

NATIONAL FOREST COUNTIES AND SCHOOLS COALITION,
Red Bluff, CA, September 25, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI: We are writing this letter to ask that you please include four years of funding for Secure Rural Schools and PILT in the final version of the Tax Extenders Act of 2008. As you are aware this legislation is crucial to school children and teachers across the nation, and the continuation of vital county services. The Administration ''supports prompt passage'' of H.R. 6049, and has not threatened to veto that legislation if it includes funding for Secure Rural Schools and PILT.

We would very much appreciate your leadership on this issue. You have an opportunity to ensure that school children are afforded the opportunity for a quality education. We look forward to working with you, and other members of Congress, to include this funding package in the final legislation.

Thank you for all your efforts on our behalf.

Sincerely,

ROBERT E. DOUGLAS,
Executive Director.

Mr. RANGEL. Will the gentleman yield?

Mr. HASTINGS of Washington. I will be happy to yield to my friend.

Mr. RANGEL. I don't think there is anything that you have said in support of rural schools that I do not believe in and that I am not willing to support.

I just want to make it abundantly clear that the issue that has caused this logjam with the Senate has nothing to do with the causes that you advocate and I support. There is only one issue that has not brought us here, and that is the issue of whether or not we pay for the extenders or don't pay for the extenders.

It seems like an issue, when we are asked to come up with $700 billion, that should not really concern us that much. But the truth of the matter is, they have sent the bill over here.

The SPEAKER pro tempore (Mr. ROSS). The time of the gentleman from Washington has expired.

Mr. ARCURI. Mr. Speaker, I yield such time as he may consume to the chairman of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. The only real big issue is that they have sent over a 2-year extension, but it's paid for only 1 year. The position that has been taken by the majority in the House is that instead of 2 years, we are prepared to accept the extender package, as is, except that we will reduce it to 1 year so there would be no years unpaid for, or, in the alternative, and I spoke just yesterday with Senator GRASSLEY, we are prepared to pay for the 2 years.

There is a difference, they claim over there, and I have no reason to disagree with them, that if we do anything on the House side, exercise any prerogative in the payment of this, they cannot hold on to their 60 votes.

I want the gentleman to know that I only wish that rural schools would be the only issue, because it could be resolved. It is not the issue. It is only the issue that I stated with you, and I have shared this with the chairman of the Senate Finance Committee, Senator BAUCUS, and have shared it with our Speaker.

That is the issue that is holding up the passage. So we will send another bill back over there.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. RANGEL. Yes, I will.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding.

Mr. Speaker, there are two points I want to make, and I know there are Members on your side that have advocated paying for things.

Yesterday we had two tax bills on the floor, the AMT fix, that didn't have a pay-for, and the disaster relief which didn't have a pay-for. So we have made exceptions to that in the past.

This issue has been in front of us for some time. It is absolutely critical to these communities involved.

Now I would suggest, in fact, when Mr. BLUMENAUER from Oregon was upstairs in the Rules Committee this morning in your stead, he suggested that rural schools probably shouldn't be on this bill, particular bill, because it's a tax bill.

I will concede that that may be a logical course of action. But if that is the case, it seemed to me there should have been another vehicle, like an appropriation bill in the CR, and it wasn't on the CR. We are running out of time, is what I am just suggesting to my friend.

Let me ask my friend, if this bill does not pass, is there any likelihood whatsoever of the Senate bill that passed 93–2 being enacted into law?

Mr. RANGEL. I am telling you that the issues that we have and concerns with the credibility of funding tax decreases is one that exists, but probably between our parties, and we have division in the House. But we would like to believe that in the House of Representatives that we initiate taxes and just sometimes, just sometimes the other body has to yield to our requests.

Four times we sent it over, four times we tried to negotiate. Even yesterday I was talking and trying to see whether we could work out something.

There are times when the integrity of the House is important in order to recognize that we have to get things done, but we have to also maintain some principles. We are at that point now.

I don't know how long it's going to take, but I just came to the floor, when I heard your eloquent argument, which hardly anyone can dispute, to make it clear that if you are a Republican or a Democrat, and you want to help, if you are in business, and you are concerned about the extension of benefits that workers and companies need, if you are concerned about the energy crisis, and you want to do something, that we are going to keep sending packages. If we had someone as eloquent as you on the other side saying let's get something done this year, we wouldn't have this problem.

So when it gets down to it, who is going to yield? Well, we have, again and again and again and again.

As proud as I am of being a Member of Congress and chairman of this committee, it has to stop somewhere where the other body knows that they are just one body of the Congress. They just can't say that they can't get anything done.

But once they do come together, then it means that we don't have anything to say about anything as to what gets in their package.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. RANGEL. I yield.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding. Far be it from me to defend the actions of the other body. I am a Member of this House and I am proud to be a Member of this House.

But we have to recognize this is a bicameral process. Sometimes we have to recognize, as they have to recognize on some legislation that we pass, where we don't move, and that's happened in the past.

This one is a 93–2. That is overwhelming, and it includes language, as I mentioned on Secure Rural Schools, that is very, very important.

So I hope that the Senate bill passes. I would urge my colleagues to defeat this rule, as I mentioned, and the underlying bill so we can take that up, and I appreciate the gentleman yielding me the length of time.

Mr. RANGEL. I appreciate the time that you have given me.

Mr. SESSIONS. Mr. Speaker, I appreciate the chairman, the gentleman from New York, coming down and being on the floor. I really do respect and appreciate that.

It's my hope that the gentleman from New York also heard, and I am not claiming any insensitivity here at all, but I hope that he has heard the story about these 41 States and these, in particular, communities that had counted on and received this money for a long time.

The actual impact, and I am going to yield in just a minute to the gentleman from Oregon, who can more clearly enunciate, but the real impact on 41 States, rural communities, that have forests in their areas, is a real and genuine problem. I had an opportunity this year in August to go out to Oregon and see firsthand.

I had an opportunity firsthand to meet with people who tried to explain to me. They said, Congressman SESSIONS, please look at what we are asking for and the need.

It is my hope, and I would like to know that the gentleman who is the chairman of the Ways and Means Committee would be able to hear firsthand.

And so at this time I would like to yield 5 minutes to the distinguished gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Thank you to my colleague from Texas, and I note the chairman, apparently, has had to leave the floor, but perhaps he will be able to hear this somewhere wherever he is.

It is extraordinarily important to the States that are involved, to the 4,400 school districts that are involved, the 600 rural counties that are involved, this is the opportunity that is being lost. This measure, when it came from the other body, passed by the other body, had in it a 4-year reauthorization bipartisan of the Secure Rural Schools and Community Self-Determination Act.

That funding is used to help school kids go to school in areas where there is a high preponderance of Federal lands, timber lands. That funding is being taken away. It helps pay for search and rescue, fire and police. That funding is being taken away.

You see, I have got counties that up to 70 percent of their land mass is off their tax rolls because it's Federal land. We have 11 national forests in my district alone in the nearly 70,000 square miles of Oregon that I represent.

The mills are closed because of change in policy and litigation. The jobs are lost, the revenues have dried up. Now the Federal Government, in effect, is breaching its nearly century-old commitment, century-old commitment, to share revenues and help.

Now yesterday on this House floor the majority waived twice PAYGO rules on two other tax provisions, waived them. They have waived them before.

If they were going to bring a bill here that has pay-fors in it to pay for the tax extensions, why did they rip out county payments and not, instead, pay for them somehow and put that on the floor? It's a choice they made.

Why didn't they allow us to have at least a vote on the floor on an amendment and let the will of the House be worked, as they promised they would do if they got control of this House, and now seem less inclined to allow?

So there is no opportunity for my side of the aisle, the Republicans, to even offer an amendment, to keep the Federal Government's commitment for the last 100 years to these rural schools and counties and sheriffs' departments, to do the search and rescue, to do the fire work, to do everything they do, educate our kids, among other things. It also denies us the opportunity to reauthorize titles II and III of the Secure Rural Schools and Community Self-Determination Act, which brings together in a collaborative process environmental organizations, forestry and community leaders in all the States.

How can we be better stewards of the lands around us? How do we get out and do the work that, A, produces jobs; B, makes our forests healthier and safer and our communities safer?

That funding stream has dried up. There have been massive layoffs in the local governments that I represent. We have counties in Oregon, some of which are contemplating bankruptcy, bankruptcy, dissolve, go away, turn themselves back to the States and the neighboring counties. This is real serious stuff, and it has been going on a long time.

This is the opportunity before us. We asked the leadership in a bipartisan way. Members of both parties sent letters to the leadership saying can you give us another 1-year extension in the CR. They chose not to, and that's their prerogative.

This is the vehicle that's come from the Senate, or at least the vehicle that the Senate passed would have reauthorized and funded county payments for the next 4 years in a phased-out process.

Now some have alleged in the press that it was dropped because the President was going to veto this bill if it was in it. That's not what the statement of administrative policy says, and I don't believe that's what the chairman said or the leadership on the Democrat side of the aisle said.

This isn't because the President said he would veto it, because he didn't say he would veto it. He said he would sign it if the House would take it up. So this could become law. This could become law. This could be passed, this could become law. We could get back

on track in 600 rural counties and 4,400 school districts in 42 States and be the partner we should be.

We do a lot of things in this Congress for this, our Nation's city. That's right, because there is a huge Federal footprint and presence here, so we do a lot of things to help the residents of Washington, DC. I believe the figure is 26 percent of the land mass of Washington, DC is Federal. And the rest is private.

You get out in the west and upwards of half of our States in some cases, and sometimes more, is Federal ground. When there is a fire in the forest, which we have had, again, another record season of fire-fighting costs and loss of life and loss of habitat and forests, it is the local sheriff's department. It is the local community that is affected.

□ 1430

In southern Oregon this year in the Rogue Valley, for nearly a month the air quality was about as bad as you can get because of the fires in northern California choking the air shed. There is so much work we need to do out in our forests.

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

Mr. SESSIONS. I yield the gentleman an additional 3 minutes.

Mr. WALDEN of Oregon. In the Winema-Fremont National Forest, there is more than 500,000 acres of Federal and private land that is ready to go up in smoke. It is disease-ridden. There is beetle kill. And because of the way that the budget is structured and this Congress' refusal—we did it in the House but the Senate hasn't taken it up, a bill to create a separate fire category for the Forest Service, they have had to take $1 million out of that one forest alone to pay for current fire-fighting costs elsewhere, which means the money is not available to go in and do the thinning and remove the dying trees and open up the stands and deal with the beetle kill. They have had to put all of that, or at least $1 million of it, on hold which just means that the problem gets worse faster. So when it ignites, and it will, folks, you will have half-a-million acres in the northwest, in the Winema-Fremont National Forest, go up in smoke.

Now this legislation, if we can get an amendment, and if you vote down the previous question, I will offer a 4-year extension as the alternative. So you will have a chance to vote. If you are for county payments, vote ''no'' on the previous question.

If that fails, then our motion to recommit will be the full Senate bill that has the 4-year extension with county payments in it.

So this is where the rubber hits the road. This is where you have an opportunity to be for county payments, for your local schools, for the sheriff service, for search and rescue. For all the things, the collaborative approaches to forest management that this legislation in the past has helped provide.

Unless you think that this is a partisan issue, it never was and should never be, because it was enacted in a Republican Congress with a Democrat President, and it has been hailed as a marvelous success on the ground, and it has been a wonderful partnership until it was allowed to expire. Today we need to reauthorize it. Today we need to be given at least the opportunity to vote on it. What is wrong in a democratic institution, the finest on the planet, of offering us at least an opportunity to vote? You have the votes if you want to kill it. You outnumber us on rules more than 2-to-1. There are ways to do this. It doesn't have to be this way.

Mr. ARCURI. Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Maryland, 1 minute.

Mr. HOYER. I thank the gentleman for yielding.

I rise in strong support of this rule and strong support of this bill.

I want to say to my friend, I am mindful of the issue he raises. I think that ought to be addressed and I certainly will look forward to working with him and others in addressing this as we move along; and before, hopefully, we leave here because he makes a good point.

I support this bill for two reasons. First, because it provides essential tax relief to American families and businesses. And secondly, just as importantly, because it is paid for.

The tax credits extended by this bill, some of the most necessary, are those that support renewable energy and energy efficiency. Business and political leaders agree. This summer, 51 State governors sent us a letter which read in part: ''Extending tax incentives for energy efficiency and conservation will slow the growth of future energy needs, minimize ratepayers' costs, and lessen potential environmental impacts.''

New energy technologies may not end the pain of $4 a gallon gas in the short term, but those technologies which this bill helps to support are the only long-term solutions to our energy crunch. In the meantime, alternative energy tax credits will create tens of thousands of American jobs. We must pass this legislation.

Now, I was proud of the fact that the House passed a bill expanding domestic production of oil just this month. But a country that controls less than 3 percent of the world's oil supply, while using more than a quarter, cannot drill its way out of the fundamental problem. Boone Pickens has made that very clear to all of us.

That is why I am glad to see the House consider farsighted legislation like this. But I don't just support the goals of this bill, I support it because its tax credits are not financed by even more debt. We are going to incur a lot of debt, we are going to incur a lot of debt in this week. We did so yesterday. Almost all of the Members of this House voted to so-called fix the alternative minimum tax. I voted against that. I voted against it because it wasn't paid for.

The means used to pay for this legislation are not controversial. They include a provision to close a loophole that allows hedge fund managers and other high-income corporate executives to defer taxes through offshore tax havens. What does that mean, the rest of us pay more.

A large majority of the business community agrees that we should close that loophole. So do majorities in the House and Senate. Only a Republican minority in the Senate, frankly, is putting high-income tax loopholes above fiscal sanity. They are insisting, instead, that we pay for this bill with borrowed money.

I understand that bind, the bind that presents for principled Senate Democrats. But fiscal responsibility is not something we can compromise on, especially now. We have a crisis. This economy is in the worse shape it has been in half a century, notwithstanding the protestations that were made in 2001 and 2002 and 2003 and 2004 and 2005 and 2006 about how good this economy was, and the fact that the tax and economic policies being pursued by this administration were making our economy grow and expand and create jobs. The fact of the matter is, we have lost jobs this year; 500,000 jobs. Bill Clinton in the same period of time in his administration created 1.4 million new jobs. That is a net turnaround of 2 million jobs.

But fiscal responsibility is not something that we can compromise on, especially now. In crisis, we need to act. But in time of financial crisis brought on, in part, by massive fiscal irresponsibility and regulatory neglect, Mr. Speaker, no matter how much we value this extenders bill, it is simply wrong to pay for it by once more whipping out the national credit card. We don't need to do that. We have not done it, and I hope my colleagues on both sides of the aisle will support this bill. They support the policies. All we are asking is to pay for it, and the pay-fors in this bill are not controversial. That is the kind of thinking that swung the Clinton surplus deep into record debt under President Bush and led to more foreign borrowing by this administration than by the first 42 administrations combined. In other words, we have had to borrow more money from foreign governments during the last 90 months than we borrowed in the previous 219 years.

We helped to create a crisis of confidence in our financial system which we are being asked to pay for, dearly. Charging our children and grandchildren for our priorities is deeply unwise, and I would suggest immoral.

This year, Senator BOB CORKER, a Republican, was one of the few Republicans to bravely break with his party and insist that this bill be paid for. He said, and I call my Republican colleagues' attention to what BOB CORKER had to say: ''It is the first time in a

long time I thought we had something that was intellectually honest,'' and that is paying for this bill. ''And I have to tell you, my big fear is our tremendous lack of fiscal discipline.'' So said BOB CORKER, Republican from Tennessee, when calling upon his body to pay for this bill.

That fear of more debt is entirely reasonable. I am glad more and more Members of Congress are coming to share it.

I urge my colleagues on both sides of the aisle, not because they are Republicans or Democrats, but because they love our country, they want to see our fiscal ship of state righted, realizing we are in a crisis time, and they have an opportunity to act in a fiscally responsible way today. Take that opportunity. Show America that we have the courage to pay for what we buy while at the same time giving tax relief to people who need it, to businesses who will expand and create jobs, and to an energy independence that is so critical for our Nation.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman, my friend, the majority leader of the House, for coming down and being on the floor. I would, if I can, not take his words but to take his feelings and understandings in the way I accept this, as well as the gentleman from Oregon, that the majority leader has indicated that he will try before this session is over to address this issue. It is my hope that the majority leader, and so that we don't engage in talking past each other, would not do what happened on July 30 when the gentleman, the chairman of the Agriculture Committee said in a colloquy that he would also work with another Member of the Republican team before the bill came back on an amendment. That never happened.

It is my hope, without calling anyone's bluff around here, to take the gentleman's words that I believe he very sincerely stated, that he would initiate the opportunity to find a place in the budget, I'm sorry, in an appropriation bill, to get passed by the House of Representatives and the Senate because that's what we are talking about. We are talking about a bill today that could have passed because the President would sign it and the Senate would agree to it. So I have taken it that way.

Now, the gentleman from Maryland also indicated that he saw nothing controversial in this bill, but extending future taxes for 1 year, this provision is going to cost employers $1.474 billion. That is a tax increase. That means it makes it more difficult for employers to hire employees. It sounds like the same type of arrangement that some of our other States have done, up to and including the State of Illinois that raised taxes just like this which puts Illinois where they are 48 out of 50 in job creation. It places States in a position and employers in the position where they lay off employees. So there is a controversial piece in this package that I am disappointed is in there as a permanent tax increase.

Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I am very pleased to have heard the tremendous support for our rural schools throughout America. I am bringing this up because the Senate tax extenders package has funding for rural schools in it. We have gone for the entire year without addressing this problem. Our layoff notices have gone out in California already. I have one county, Plumas County, where they will be laying off a majority of their administrators, nearly one-third of their teachers, they will be closing all school libraries and closing some, if not all, of the school cafeterias. This is a problem that cries out for action.

I was very happy to hear the chairman of the Ways and Means Committee, as reported to me, that he indicated that he did not have a problem with this. I personally spoke with the President of the United States who understands the problem of our rural schools and is willing to support it. We just can't get the House of Representatives to keep it in the bill when it comes to the floor.

Mr. Speaker, representing the 4,400 schools that qualify for this aid, and the 780 counties in this country where the schools are located, I implore you, we must act to save our rural communities. They are entitled to be included in this bill and to get the funding that they deserve. It is unconscionable that we keep going with bills through this Congress and fail to address this issue.

So please, let's work together on a bipartisan basis and a bicameral basis and take care of our rural communities starting with the Secure Rural Schools and Self-Determination Act for our communities.

Mr. ARCURI. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Ways and Means Committee.

Mr. BLUMENAUER. I appreciate the gentleman yielding me this time to speak on this, and his leadership in bringing this measure to the floor.

This is an important element to bring together to finally wrap up and end a game of political ping-pong. We have passed four times through the House of Representatives these critical energy provisions, along with the tax extenders.

We have a proposal before us today that is something that our friends on the other side of the Capitol ought to be able to accept. It meets all of the needs of things that we all agree should be part of this legislation, and it is paid for by using provisions all of which have already passed the other body. These are not controversial. These are things on which there is agreement.

We can meld these together and be able to have the provisions that are so critical for research and development, for solar, for wind. There are others obviously that deal with important parts of our economy and items that relate to individual families in terms of tax extenders.

□ 1445

There is something in this legislation for virtually everybody on the floor of the House, for the people that we represent, and in terms that do not have to be controversial. Indeed, our chairman of Ways and Means took out a provision that is near and dear to his heart, a proposal that was a recommendation from the President of the United States, to keep the American commitment at Ground Zero; not that it's not important, but it's not there in order to make this a clean tax bill and to minimize controversy.

There have been some concerns about the rural schools provision. I come from the State of Oregon. I have been here working in a bipartisan basis, to atone for what the last Republican-controlled Congress did, where they allowed this provision to expire. The Republicans chose not to renew it, so we started from scratch. We had to scramble to find a budget home.

I see my colleague, PETER DEFAZIO from Oregon here, who's been a champion trying at every turn to move this forward. And we've actually got it through in several provisions through the House of Representatives.

It's ironic that there are some who would come to the floor, and sadly, as we heard them, attack the Speaker, the Rules Committee Chair in the past and others who are trying to help us and whose leadership is critical.

I've talked to the majority leader a few minutes ago. You just heard his words on the floor as he told me privately that he would continue to work with us. We're not done yet. Let's look for a provision in which we could get help for rural school. The best way to do it is to take people at their word, yes, try and work with them, and yes, not to insult the people who we're relying on to help us guide it through. I would hope we are people of goodwill.

The rural schools funding is not a tax provision and not germane. I hope we can find an opportunity in an economic stimulus bill or something else, that is appropriate. I want to deal with the problem at Ground Zero.

But let's not muddy the waters on this bill. Let's not vote against the rule. Let's not disparage people whose help we need at a time when there are all sorts of things going on here and we're going to need to work together cooperatively.

Mr. RANGEL. Will the gentleman yield?

Mr. BLUMENAUER. I would be honored to.

Mr. RANGEL. Let me try to clear up some things. It's insulting to believe that because I come from the City of New York that I don't understand the problems of education in rural areas. In

this great country it's so important that all of our kids have——

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

Mr. ARCURI. I yield an additional 2 minutes.

Mr. BLUMENAUER. And I continue to yield.

Mr. RANGEL. Thank you so much, a distinguished member of our committee, and I've heard your eloquent plea on behalf of education for our rural children. And whether they're in inner cities or rural areas, in order for this country to be productive, in order for this country to make certain that we can compete, we've got to improve the quality of education.

Now, people are talking about the other body's bill as though we have it. They're holding up that bill at the desk. They won't bring that bill over here. All we're trying to do is to say, don't hold back the incentives that we have for businesses to continue what they're doing in order to get energy.

Now, I can give some assurances too. We have to think, not as Democrats and Republicans, but we have to think about having the House of Representatives respected, and to believe that in the House of Representatives, the people govern.

And I can assure you, if we can break down that gridlock as relates to who's going to be responsible and pay for these incentives, I have no problems, even though that bill does not have jurisdiction in my committee, as the chairman in accepting that, because I know how important it is.

But if you weaken us, they come over here, and you believe that they're right because they have 90 votes? Well, God knows that we can work out something with Republicans and have our way on everything as long as we say you're going to get what you want. That's not the way we think that we should legislate.

You have a good issue. We accept the issue. We can work with the issue. And we can do it in the other body's bill. That other body's bill has not been sent over here, for political purposes, in order to believe that at the last minute there's going to be a cave-in.

Mr. BLUMENAUER. I want to thank the chairman for his expression of support. I just would conclude by saying that we want to make sure that this bill goes forward for the things the American people need, and we can work on the long term for these other solutions. And I appreciate the gentleman's clarification——

Mr. RANGEL. We can do it in this bill.

Mr. BLUMENAUER. And your leadership.

Mr. SESSIONS. Mr. Speaker, the gentleman from New York has hit upon a great idea, which means we can do this today, which means, if the previous question is defeated, we can just add the gentleman, Mr. WALDEN's amendment right to the bill. We can get it accepted. There's no need to go back to committee. It'll just be accepted as it is.

We've heard lots of people from the majority, including the majority leader, the gentleman from New York, who does care about schools. He cares about education. But today we can resolve this.

You see, what happened is I was just upstairs, Mr. Speaker, at the Rules Committee, and we lost 9–4 on a party-line vote. We tried the process. Republicans respectfully came and tried. Evidently we're making progress today. That makes me happy.

So the gentleman can, with respect, whatever his words may be, will have a chance today. We're not going to send anything back to the committee. We'll just add the amendment to the bill once the previous question is defeated.

Mr. RANGEL. Will the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. RANGEL. I want to give you as much assurance as to what can be done and what can't be done. It may sound good to say that you can add it to the bill. Just because it has no germaneness in the Senate does not prevent me, in conference, from accepting it. But I can't help to make your amendment germane on a bill that has nothing to do with rural education, no matter how deep the commitment.

All I can promise you, if we showed the solidarity in sending our bill over there as they clearly have in sending their bill over here, I can assure you in conference, if it's in their bill I will be able to support it. But the question of having an amendment when it's not germane is something that we can't win on.

Mr. SESSIONS. Reclaiming my time, I would like to ask the gentleman. It's my understanding that this was a conference report.

Mr. RANGEL. We have never, never, never, been able to go into conference. We've ended conferences with the other body. They make up their mind what they want to do and they come and tell me, and then around the edges we get some agreement.

Mr. SESSIONS. Well, I thank the gentleman. Reclaiming my time, you know, we could sit here and ping-pong back between you and me too. I'm trying to say that the gentleman, Mr. WALDEN, has respectfully brought the issue for over 2 years.

We were upstairs yesterday in the Rules Committee. The gentleman from Pasco, Washington, DOC HASTINGS, politely asked. He served on the committee 12 years. I've only served on it 10 years. We politely asked if we could get it in. And now we're down being nice to each other on the floor.

All I'm suggesting to you is we can go through our own parliamentary procedure properly. We can get it included in and then we know that all of our words did matter.

But without that, without that, the gentleman from Oregon is correct. Otherwise, then it is only the Democrat leadership, the Speaker and the Rules Committee who will be responsible for it not making it. The committee had that opportunity yesterday. We're going to give every single Member of this body the opportunity in just a few minutes. I'm hopeful that people take us up on it.

Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, this is indeed a unique situation as I rise to speak on something that I consider to be extremely significant, and it seems as if it has almost bipartisan and bi-House support for doing this at the same time.

We throw around a lot of numbers in this floor, and I think there's only two that I would like to emphasize right now, 52 and 4. 52 and 4. Because one of the situations that we have in this particular issue is that if you live east of the Rocky Mountains, only 4 percent of all of it is owned by the Federal Government; and 52 percent of those of us who live west of it is owned by the Federal Government, which creates a unique and significant problem.

Mr. Speaker, if I could, for a moment, I would like to yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, I'm going to ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

I'm going to offer and place forward this amendment to H. Res. 1501. It will allow this body to be able to vote, when we defeat the previous question, to add in the amendment directly to the bill.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, it will be entered into the RECORD.

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin, a member of the Ways and Means Committee, Mr. KIND.

Mr. KIND. Mr. Speaker, I want to thank my good friend from New York for yielding me the time and for his management of this important rule and the important legislation that we're going to have a chance to debate and consider in a short while.

But I also want to thank the chairman of the Ways and Means Committee for his strong commitment to the rural school portion that's been discussed on the floor here.

As someone who represents Western Wisconsin, with many rural schools, I have the utmost confidence that we're going to find a way, working with the Senate, whether it's in conference in the reconciliation that will inevitably have to take place between this energy tax incentive extender bill that we have before us and what they've moved earlier in the week in order to get this provision done. It is important, across the aisle, that we accomplish that.

But let's get back to the substance of what we have before us here, which represents, I believe, an important step along the road to developing a comprehensive energy plan that makes sense for our country's future and our children's future because of the crucial investment that it makes with the tax incentives to develop alternative and renewable energy sources in this country.

Throughout the summer, and for too long, we have heard the chant from the other side that the answer to our energy woes is ''drill, drill, drill.'' But Thomas Friedman is correct in stating that it's comparable to a group of citizens standing up on the eve of the information technology revolution, screaming for more electric typewriters, electric typewriters, electric typewriters, when our national chant really should be, ''invent, invent, invent.'' It's the only way we're going to see our way out of the energy box and crisis that we're facing as a Nation and throughout the world. That's what this bill helps us to accomplish, with tax incentives for the development of wind and solar, fuel cell development, geothermal, electric hybrid technology, but also the incentives to enhance conservation and an efficiency program, which is another important aspect towards energy independence; extending the credit for energy efficient improvements to existing homes, for instance, energy efficient commercial buildings, energy efficient appliance credits, accelerated depreciation for smart meters and smart grid systems, qualified green building and sustainable design projects, as well as the extension of the R&D tax credit, which will help spur the investment in clean technology and clean energy sources.

The only real difficulty we have with this legislation is the fact that the Democratic Party, since we took the majority, believes that we need to start paying for things again. We have responsible offsets to pay for this so we don't dig a hole deeper for our children to climb out of. And when we adopted pay-as-you-go budgeting rules, we did it not because we thought it was going to be fun or easy. We did it because we thought it was the responsible thing to do, so that we don't leave a legacy of debt to our children and grandchildren.

And the revenue offsets that we identify in this bill to pay for the investment and build-out of renewable energy in this country, come from the exorbitant tax breaks that big oil companies receive under their bill at a time of record profits with oil companies sitting on huge cash reserves. That's why this legislation is important, and I encourage my colleagues to support it.

Mr. SESSIONS. Mr. Speaker, we will reserve our time.

□ 1500

Mr. ARCURI. Mr. Speaker, I yield 1 minute to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. This week, Congress is grappling with grave economic issues, issues that are facing our Nation's economy, and we're all being called upon right now to ensure that America's financial situation is secure. But today we also have an opportunity to look beyond the present and ensure that America's future is strong, and that's what this energy tax bill is all about.

In particular, I want to call your attention to the solar tax credits. Solar power is clean, it's domestic, it's renewable, it's going to bring us closer to energy independence and provide us with powerful economic benefits across our great Nation.

According to a recent study, an 8-year extension of the solar ITC could lead to more than 440,000 jobs and attract $232 billion in investment. Not only is that serious economic stimulus, it will foster a cleaner, safer, and more sustainable world. But without the solar ITC being signed into law this year, it will not happen.

We have to pass this bill. We must work with the Senate. We must work with the White House.

Time is not on our side.

Mr. SESSIONS. We will reserve our time, Mr. Speaker.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. No one's district, with perhaps the exception of the other gentleman from Oregon, is impacted more than mine by the issue of counties and schools. And no one has worked harder to try to get it included. And actually it was said yesterday that we didn't have a vote in the House on county schools. We did, actually, in May, and the Republicans chose to side with Big Oil instead of with counties and schools. I got 218 votes, but I needed a two-thirds majority to pass it.

And it was also included in an energy package last year, a major energy initiative sent by the House to the Senate which was filibustered by 41 Republican Senators, again, over the issue of protecting Big Oil.

So the record's pretty clear here. I appreciate the chairman of the Ways and Means Committee saying he's going to work with us and try to help us with this vehicle or other vehicles in the closing days of this Congress to get this critical funding, and I take heart with that because he's an honorable man.

We've got another problem, and it is downtown. It's called George Bush. Here is the President's statement on county schools: ''Finally, the administration opposes new, mandatory funding for payments in lieu of taxes, and believes that any extension of rural community payments should be phased out, as it has previously proposed. The administration urges Congress to eliminate all such provisions from the final bill.'' All such provisions. That's the President's position.

If this President would lift one pinky, we would have county school funding. He muscled $465 million in foreign aid into the continuing resolution that passed the House yesterday because he wanted $365 million for Georgia, but he didn't ask for a penny for county schools here in the United States of America. And by the way, that wasn't Georgia the State, that's Georgia the country overseas; one of his favorite places, I guess.

If we just had a little bit of help downtown, we could get this done. And we're not done here yet. We're going to fight like heck in the next 2 days to get it.

Mr. SESSIONS. Mr. Speaker, we will reserve our time.

Mr. ARCURI. Mr. Speaker, I am prepared to close. I have no further speakers.

I reserve my time.

PARLIAMENTARY INQUIRY

Mr. SESSIONS. Mr. Speaker, it's my understanding that the bill that we're debating now and that was passed by the Rules Committee is not the package that is on the floor now, that there was a change that was made upwards of $100 million, and that the Rules Committee, in fact, met—and in my opinion should not have—and we passed a bill that's not on the floor.

And I don't know—I'm looking for some clarification on this. I'm saying that right now on the floor. This is not the same bill that is presently on the floor that we passed in the Rules Committee.

And I'm asking for the Speaker to rule this bill out of order or to tell me what we believe is the correct thing to do because we think that there's been a huge mistake.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. SESSIONS. I would say I have a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SESSIONS. Mr. Speaker, what version of the bill do we presently have on the floor, and was it the same that was passed by the Rules Committee this morning?

The SPEAKER pro tempore. The Chair does not interpret a resolution while it is pending.

The gentleman from New York is recognized.

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

Mr. SESSIONS. Then I would ask the gentleman from the Rules Committee, and I would say directly to the gentleman, we do not believe that the bill that is presently on the floor today was exactly the same bill that was considered and passed in the Rules Committee and we are asking for clarification. We believe there is at least a $100 million difference.

Mr. ARCURI. As I understand it, the bill that is on the floor today is the very same bill that was before the Rules Committee earlier today.

Mr. SESSIONS. So you believe it is exactly the same bill that we passed in the Rules Committee?

Mr. ARCURI. As I understand it, it is the same bill that we saw in the Rules Committee. That's right.

Mr. SESSIONS. I was looking for a direct answer from the gentleman.

Mr. Speaker, we've made our point today that we're going to ask that the gentleman, once the previous question is defeated, the gentleman from Oregon will have a chance to not send the bill back to committee; just to accept the amendment. And we have made our case on the floor today. We asked for and received clarification about the bill.

I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Oregon will state his parliamentary inquiry.

Mr. DEFAZIO. The parliamentary inquiry would be if the previous question, as the gentleman suggests, were defeated, under the rules of the House and the germaneness, are all rules at that point waived and this could be added to the bill, or would the germaneness rule apply and would a point of order stand against it?

The SPEAKER pro tempore. If the previous question was defeated, the rules of the House would continue to apply.

Mr. DEFAZIO. I guess that means it would not be in order; is that correct?

The SPEAKER pro tempore. That would be a hypothetical question. The Chair will not render an advisory opinion.

Mr. ARCURI. Mr. Speaker, supporting this rule and the tax relief legislation we will consider later today is simply common sense. We can provide tax relief and incentives to middle class families, spur innovation, and creates tens of thousands of new jobs, reduce our dependence on oil from hostile nations, reduce greenhouse gases, and we can do it in a fiscally responsible way. That is to say, we can do it without putting the price tag on our children and our grandchildren. We can pay for it today.

I urge my colleagues to vote ''yes'' on the previous question and the rule.

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

AMENDMENT TO H. RES. 1501 OFFERED BY REP. SESSIONS OF TEXAS

Strike all after the resolved clause and insert the following:

That upon the adoption of this resolution it shall he in order to consider in the House the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 10 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment there to, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment relating to the reauthorization of the Secure Rural Schools and Community Self-Determination Act printed in section 4 of this resolution, if offered by Representative Walden of Oregon or his designee, which shall be in order without intervention of any point of order, shall he considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and and opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 7060 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 he designated by the Speaker.

SEC. 3. House Resolution 1489 is laid on the table,

SEC. 4. The amendment referred to in section 1 is as follows:

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

SEC. 409. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

''SEC. 2. PURPOSES.

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each

eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $500,000,000 for fiscal year 2008; and

''(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

''SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

''SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25–percent payment or 50–percent payment, as applicable, shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any amounts that are appropriated to carry out this Act;

''(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.— Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the

eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

''SEC. 103. TRANSITION PAYMENTS TO STATES.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(B) for fiscal year 2009, 81 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(C) for fiscal year 2010, 73 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

''SEC. 201. DEFINITIONS.

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

''SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

''SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee

agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2008, 35 percent.

''(ii) For fiscal year 2009, 45 percent.

''(iii) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

''SEC. 205. RESOURCE ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) Bureau of land management advisory committees.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

''SEC. 206. USE OF PROJECT FUNDS.

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

''SEC. 207. AVAILABILITY OF PROJECT FUNDS.

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

''SEC. 208. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

''TITLE III—COUNTY FUNDS

''SEC. 301. DEFINITIONS.

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''SEC. 302. USE.

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45–day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

''SEC. 303. CERTIFICATION.

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under

section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

''SEC. 304. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

''TITLE IV—MISCELLANEOUS PROVISIONS

''SEC. 401. REGULATIONS.

''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

''SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

''SEC. 403. TREATMENT OF FUNDS AND REVENUES.

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) Act of May 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) Weeks Law.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:''6906. Funding

''For each of fiscal years 2008 through 2012—

''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the— fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

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

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

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

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and a motion to suspend the rules with regard to House Concurrent Resolution 255.

The vote was taken by electronic device.

The previous question was ordered. A subsequent voice vote was taken on adoption of the resolution, and a recorded vote was ordered thereon.

Mr. HOYER. Mr. Speaker, is it in order for me to ask unanimous consent that that vote be vacated?

The SPEAKER pro tempore. The gentleman may make such a request.

Mr. HOYER. I ask unanimous consent that the vote that we just took be vacated.

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

Mr. SESSIONS. Mr. Speaker, I reserve the right to object.

Under my reservation, I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

There was a mistake made in the notice that was given to the minority. That was not anybody's intention; it was a mistake. We want to give another opportunity to consider the rule with the minority having the proper information in front of them when we do so.

I have discussed this with the minority, and I think this is the appropriate procedure for us to fairly follow. And I've discussed it with your leadership.

Mr. SESSIONS. I would like to yield to the ranking member of the Rules Committee, Mr. DREIER.

Mr. DREIER. I thank the gentleman for yielding.

Mr. Speaker, I would simply like to inquire of the distinguished majority leader if he might enlighten us as to exactly what that problem is with which the Rules Committee is going to have to contend.

Mr. HOYER. I think it was discussed. There was a figure that was incorrectly given in the bill that you had in your possession that was different from the bill that was on the desk.

Mr. DREIER. If the gentleman would continue to yield.

It's my understanding that there were a couple of items that were put in in handwriting from the Ways and Means Committee that were not reflected in what went forward to the Rules Committee. And I thank my friend for yielding.

Mr. HOYER. Would the gentleman yield?

Mr. SESSIONS. I would yield.

Mr. HOYER. I thank the gentleman for yielding.

Frankly, I have not seen it, and I don't know. What I do know is that Mr. ARCURI informed me, and obviously has asked us—Mr. ARCURI feels very badly that a different version than was at the desk was given to the minority inadvertently; and as a result, the minority did not have the document in front of it. It was at the desk, but nobody's gone up to the desk to compare the items. And as a result, we think, in fairness, we ought to have that document in front of you.

Mr. DREIER. Would the gentleman yield?

Mr. SESSIONS. I would continue to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

It's my understanding that there also was a disparity between the bill that was included on the Web site as well as the bill that was submitted to the Rules Committee. So it sounds to me as if there is quite a bit of confusion around this. And I hope very much that this will be an issue that can be addressed.

And I would say, if my friend would continue to yield, that to me this really underscores—and I know that we're in what we hope will be the last week of this session of this Congress—that moving rapidly like this does create the potential for problems. And so it seems to me that there may be a little more to this than appears right now, as I just heard that the Web site had something that was reported differently.

I thank my friend for yielding.

Mr. HOYER. Would the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Now, frankly, I don't want to get into moving rapidly. The administration, of

course, came here Thursday and wanted us to pass $700 billion, and they want us to pass this very soon. So ''rapidly'' sometimes is in the eye of the beholder.

The point is, you're correct; there was a discrepancy. We think that was not fair. It was not intentional. But Mr. ARCURI, who gave the information to the minority and the information that was on the Web site, was not correct. We think, under those circumstances, in fairness to all, that we ought to redo this, and that's what we intend to do. And we discussed it with your leadership and we all agreed that that was the right thing to do.

Mr. SESSIONS. Continuing my reservation, I would say to the gentleman that we're not in any hurry over here in doing it right. The Republican Party is not in a rush, and we would wish for us to do very deliberately that which needs to be done.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding.

Mr. Speaker, this is really very, very important because we are at the last days of this session and we know there is a rush to try to get things done. And I understand that it was a bookkeeping—it wasn't intentional. I understand all of that, we've been through this before. But the significance of this, and it needs to be understood by this body as we are being asked in the future to make some big decisions, the difference in this little error was $100 million. It wasn't small potatoes, so to speak. And I just want to say that the right thing to do—and I hope this is what's going to happen—is that the Rules Committee goes back upstairs and reports it out correctly so we can have the text. But I think that point needs to be made. And I appreciate the gentleman for yielding.

Mr. HOYER. Would the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. HOYER. I told the gentleman from Washington that's exactly what I'm trying to do, which is why I thought it best to obviate the vote so we can do exactly what you've suggested. I've discussed it with your leadership and they've agreed. I hope we can do that, and I hope there's not an objection.

Mr. SESSIONS. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Without objection, the vote on adoption of the resolution is vacated.

There was no objection.

Mr. HOYER. Mr. Speaker, I ask unanimous consent that both the vote on the adoption of the rule and the vote on the previous question be vacated.

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

There was no objection.

Mr. ARCURI. Mr. Speaker, under the rules, I withdraw House Resolution 1501.

The SPEAKER pro tempore. The resolution is withdrawn.

□ 1545

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

UNITED STATES COMMITMENT TO PRESERVATION OF RELIGIOUS AND CULTURAL SITES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 255, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 255, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 18, as follows:

[Roll No. 641]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul