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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 26, 2008.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You always guide and protect us. Each day gives us new opportunities to move and act by Your holy inspiration. We seek Your wisdom on the decisions which need to be made this day on behalf of the Nation.

Let the work of Congress today spring forth from our responsibilities to the Constitution of the United States of America and through Your divine providence prove successful and reach fulfillment. This we pray, calling upon Your holy name with all humility and truth. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. YARMUTH) come forward and lead the House in the Pledge of Allegiance.

Mr. YARMUTH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

PLAYING MONOPOLY WITH AMERICA

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, we will work our way through our current financial crisis, but we must not forget how we got to this point. Essentially, George Bush's friends have been playing Monopoly with America.

I am sure everyone has played Monopoly; it is all about taking money that is given to you and making more money. The players roll the dice, then buy up hotels and railroads and, yes, houses, largely on credit, so they can take money from other players. The problem with Monopoly, as it is with our economy over the past couple decades, is that the players never have to worry about people or the communities in which they live.

Madam Speaker, we have allowed our economy to evolve in such a way that the missions of many of our largest corporations are no longer in alignment with the goals and dreams of our citizens or in the best interests of our society. Like Monopoly, their only goal is to make and end up with the most money.

Madam Speaker, we must use the people's power to prevent George Bush's friends from continuing to roll the dice and play Monopoly with America. Then we will have an economy and country that works for everyone.

OUTER CONTINENTAL SHELF

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Madam Speaker, today I rise to congratulate the Members of this body on their support for the continuing resolution which we approved earlier this week, as it removed the provision that had prohibited oil and gas leasing in vast areas of the Outer Continental Shelf. This action is indeed historic. I know, because I am one of the few Members of this body who was here when the moratorium was first placed on the Interior appropriations bill. This history is instructive and one that needs to be recorded.

The story began in 1969 with a 3 million gallon oil spill off of Santa Barbara. Until recently, a lesser known consequence of this event was the congressional moratorium that forbid exploration of the OCS.

The late 1970s were a time of oil shortages, lines at the pump, and even gasoline rationing. In 1978, President Carter boldly declared our energy situation to be the moral equivalent of war. Congress rose to that challenge by passing the Outer Continental Shelf Lands Act, declaring it to be the policy of the United States that, and I quote: ''The OCS is a vital national resource held by the Federal Government for the public, which should be made available for expeditious and orderly development . . . ''

Had we done that, we would have oil today. The ink was barely dry on these words before Congress began derailing its own policy, and by 1981 with the long lines at the pumps gone, Congress placed the first moratorium, which applied to only 736,000 acres in one area. Since then, the amount of

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oil and gas resources we placed off limits has exploded to almost 266 million acres—18 percent of the whole Outer Continental Shelf.

Next, in July 1985 Secretary of the Interior Donald Hodel and members of the California congressional delegation announced a preliminary agreement to both protect and develop the California Outer Continental Shelf. Under that agreement, just 150 of the 6,450 tracts under moratoria restrictions would be available for lease, with the remainder protected until the year 2000.

Even that minimal concession sparked an outcry, including the specter of oil soaked beaches, and headlines in the LA Times: "Drilling Plan Sparks Coast Battle Cry".

At that time I testified and still believe today that the issue of leasing on the OCS is principally one of aesthetics, the Not in My Back Yard (NIMBY) syndrome, not an environmental one. Further, I said: "Today we have no energy crisis, making it the ideal time to begin the safe and orderly development of the OCS. In the event of an energy crisis in the near future how many of us are going to want to tell our constituents that we were responsible for tying up this national resource?"

The Hodel deal crumbled, and a bipartisan Congressional negotiating team was named to try to craft a new proposal. This group met 16 times between January and July 1986, but no consensus could be reached. Rather the Secretary was directed to consider all of the proposals in preparing the next Five-Year Plan for OCS Leasing and Development.

This effort was followed in 1989 by the President's establishment of an Interagency OCS Task Force to examine adverse impacts of lease sales offshore California and the eastern Gulf of Mexico.

In testimony before that body I noted that: "The real effects of these moratoria have been to deprive the Nation of the opportunity to determine the size of its offshore resource base, to increase our dependence on unstable foreign sources, to increase our exposure to the risk of tanker spills and to increasingly force our domestic oil and gas industry to look to other nations for opportunities to locate oil and gas resources."

Not surprisingly, in June 1990 President George H. W. Bush announced his decision to put 99 percent of the California coast and the coast of southwest Florida off limits to oil and gas leasing and development until after the year 2000. Despite even that assurance the "one year" annual legislative moratorium remained in effect. However, on July 15 of this year President George Bush lifted the Executive Ban on drilling, reigniting the age old debate. and this week, this House removed the last barrier to exploring in the OCS. The issue is not behind us though, and the next Congress must be vigilant in ensuring that these lands remain open to exploration.

MAKE WALL STREET PAY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Henry "Hank" Paulson, former CEO of Goldman Sachs, has a plan: Borrow $700 billion in the name of the American taxpayers, shovel it into the vaults at Goldman Sachs and other investment banks and places on Wall Street, and hopefully it will trickle down and somehow solve the underlying housing problem.

We spent all week trying to figure out a way to protect the American taxpayers with his faulty plan. There really is no way to do that, except for one: Make Wall Street pay to bail out itself.

From 1914 until 1966, there was a tiny fee assessed on every transaction on Wall Street. In fact, the Congress, over the objections of Wall Street, doubled it in 1935 at the height of the Great Depression. It had no impact on Wall Street. It could raise the money Wall Street needs to heal itself.

Let's remember all that rhetoric about bootstraps and all that. Let Wall Street pull itself up by its own bootstraps, and assess a minuscule fee on every stock transaction. It is done in London; it can be done in the U.S. Wall Street can pay for its own bailout. Call now.

STRONG ENERGY STRATEGY MEANS A STRONGER ECONOMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, this week the House of Representatives voted to lift the ban on offshore deepwater drilling. This was a strong first step towards more American energy, but it was only a first step. Lifting this ban should not divert our attention away from working on an all-of-the-above energy strategy. Our Nation's short-term and long-term energy needs require a comprehensive approach which includes conservation and the development of alternative resources.

At a time of economic uncertainty, a realistic and innovative energy strategy would be a powerful boost not only to the advancement of new technology but also of economic opportunity. Additionally, any efforts we can make to relieve the pain at the pump and reduce electricity bills for American families would be in itself a positive incentive to grow American small businesses and commerce.

Our Nation faces many challenges, but we do not lack the ability, the resources, or the resolve to address them.

In conclusion, God bless our troops, and we will never forget September 11th.

WALL STREET

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Madam Speaker, there is something every American should remember as we deal with the administration's economic crisis. For almost 8 years, President Bush and the Republican Party have been staging events, issuing press releases, and telling everyone that we have to privatize Social Security and give it to Wall Street to invest.

For almost 8 years, the President and the Republicans have been telling the American people that Wall Street will wave its magic wand and inflate Social Security to Social Nirvana. They want satchels of money dropped off by that statue down on Wall Street of the bull, and they promise that Wall Street will use an incantation, something like "hocus pocus," and they would work out their magic—for a fee, of course.

Democrats and Americans managed to hold their ground and have not taken this greedy plan to grab their Social Security. But the Wall Street Wonders worked their so-called magic in a lot of other places, and their outcome is just this: Now you see it, now you don't.

That describes the administration's bailout plan: Give us $700 billion and, like magic, the problems will go away. Hocus pocus, it's time for the administration to declare the magic wand option is off the table. It is time to recognize government has a responsibility to protect the people.

ALTERNATIVE RESCUE PLAN

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Madam Speaker, I rise today to urge all of my colleagues on both sides of the aisle to give serious consideration to the alternative rescue plan that my colleagues and I have hammered out over the last few days and announced yesterday.

Unlike the Paulson plan, our plan makes Wall Street pay for Wall Street's mistakes. Unlike the Paulson plan, it calls for a workout, not a bailout. By requiring owners of mortgage-backed securities to purchase insurance, we put the ball squarely where it belongs, with those who were responsible, not the innocent, hardworking taxpayers.

Let's not play the blame game. Let's work together to find a solution. We have a terrible problem here right now. Let's find that solution.

WALL STREET

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Last weekend, the establishment told us that if we did not give the administration and Wall Street $700 billion in unmarked bills within 48 hours, the sky would fall. The sky is still in the heavens.

Last night, Washington Mutual failed in the largest bank failure of our history. This illustrates that we do have a serious problem and we ought to come up with the right solution.

Last night, there was an enormous, precipitous drop in the likelihood that this House would rubber-stamp the establishment's program by this weekend. The markets are stable in spite of

Washington Mutual and in spite of the fact that their $700 billion is now not likely to be disbursed exactly this weekend.

We have a few days to craft a good solution, one that limits the power of the administration, limits the amount of money we spend, and limits the pay of Wall Street executives receiving bailouts. Let's get it right this time.

A WORKOUT, NOT A BAILOUT

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, I agree with some of my colleagues on both sides of the aisle; we need to work on this together. We have a problem in this country in terms of our financial situation, and it should be a workout, not a bailout. However, it is important that we establish who is responsible for this happening.

There is responsibility on both sides of the aisle, but it is primarily on the side of the majority in this House because they failed over the years to recognize that you cannot continue to spend, spend, spend, and not have a day of reckoning.

We were given a proposal at the beginning of the week by the administration, and I liken it to a sick patient who is told by their doctor: You are going to die if you don't take this experimental treatment. If you take it, it may kill you; if you don't take it, you may die. You will have scars on your body forever.

We needed a second opinion. Most people would get a second opinion if they were facing that, and that is what we have to offer the American people now, a second opinion.

MCCAIN AND HIS POLITICAL SHOW IN WASHINGTON

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, last week Lehman Brothers filed for bankruptcy and the stock markets fell 500 points. Senator MCCAIN's response? He declared that the fundamentals of the economy were strong.

What a difference a week makes. Senator MCCAIN must have had an epiphany on Wednesday when he decided to suspend his campaign so that he could come back to Washington.

And what exactly created this epiphany? How about new poll numbers that show Senator OBAMA leading Senator MCCAIN by nine points.

This was a political ploy. Senator MCCAIN is trying to distract the American public from the fact that he was part of the Washington gang that helped create this mess in the first place. He has proudly proclaimed that he is the biggest supporter of deregulation in Washington, and that is what created this problem. When you take the referees off the field, the game gets out of hand. Case in point: Wall Street.

Madam Speaker, Senator MCCAIN represents more of the same in Washington. Change is needed, and that is not Senator MCCAIN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order: ordering the previous question on House Resolution 1502, by the yeas and nays; adoption of House Resolution 1502, if ordered; motion to suspend the rules on H.R. 6045, de novo.

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

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

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1502, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 206, nays 186, not voting 41, as follows:

[Roll No. 645]

YEAS—206

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
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
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
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—41

Abercrombie
Bishop (GA)
Boehner
Brown, Corrine
Burton (IN)
Clay

Costa
Cramer
Cubin
Davis (IL)
Dingell
Doolittle
Engel
Fattah
Green, Al
Herger
Holt
Johnson (GA)
Langevin
LaTourette
Marchant
Mollohan
Moran (VA)
Payne
Peterson (PA)
Pickering
Pitts
Renzi
Reynolds
Rush
Sali
Sanchez, Loretta
Sarbanes
Sires
Smith (NJ)
Souder
Tiahrt
Towns
Waters
Weller
Young (AK)

□ 0951

Messrs. CONAWAY and GERLACH and Ms. GRANGER changed their vote from ''yea'' to ''nay.''

Ms. BERKLEY changed her vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. LANGEVIN. Madam Speaker, on September 26, 2008, I was unavoidably detained and unable to be in the Chamber for a rollcall vote. Had I been present, I would have voted "yea" on rollcall No. 645, Ordering the Previous Question on H. Res. 1502.

Stated against:

Mr. SALI. Madam Speaker, on rollcall No. 645, I was unavoidably detained. Had I been present, I would have voted "nay."

Mr. TIAHRT. Madam Speaker, on rollcall No. 645, I was unavoidably detained. Had I been present, I would have voted "nay."

Mr. HERGER. Madam Speaker, on rollcall No. 645, I was unavoidably detained. Had I been present, I would have voted "nay."

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

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

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 188, not voting 30, as follows:

[Roll No. 646]

YEAS—215

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Childers
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Ellsworth
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 (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
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
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—30

Abercrombie
Bachus
Blunt
Boehner
Cantor
Clay
Cole (OK)
Costa
Cramer
Cubin
Davis (IL)
Dingell
Doolittle
Engel
Green, Al
Holt
Johnson (GA)
Marchant
Payne
Peterson (PA)
Pickering
Pitts
Putnam
Renzi
Rush
Sanchez, Loretta
Sires
Waters
Weller
Young (AK)

□ 1001

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.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6045.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6045.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 2, not voting 27, as follows:

[Roll No. 647]

YEAS—404

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
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
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio

DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
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
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
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
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
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 (FL)
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
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—27

Abercrombie
Blunt
Boehner
Clay
Costa
Cubin
Davis (IL)
Dingell
Engel
Franks (AZ)
Green, Al
Holt
Johnson (GA)
Lungren, Daniel E.
Marchant
Payne
Peterson (PA)
Pickering
Pitts
Renzi
Rush
Sanchez, Loretta
Stearns
Waters
Weldon (FL)
Weller
Young (AK)

□ 1012

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Madam Speaker, I regret that I was delayed in reaching the floor this morning and missed rollcall vote Nos. 645, 646 and 647. Had I been present, I would have voted "yea" on all three votes.

MESSAGE FROM THE SENATE

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

H.R. 6890, An act to extend the waiver authority for the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109–148, relating to elementary and secondary Education hurricane recovery relief, and for other purposes.

H.R. 6894. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles;

H.R. 1777. An act to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

H.R. 6063. An act to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1738. An act to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.

S. 2982. An act to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

S. 3128. An act to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project.

S. 3597. An act to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009.

S. 3598. An act to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality.

The message also announced that pursuant to Public Law 110–183, the Chair, on behalf of the Minority Leader, announces the appointment of the following individual as a member of the Commission on the Abolition of the Transatlantic Slave Trade:

Mark Rodgers, of Virginia.

REQUESTING RETURN OF H.R. 3068, FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM ACT OF 2007

The SPEAKER pro tempore laid before the House the following privileged message from the Senate:

In the Senate of the United States, September 25 (legislative day, September 17), 2008.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H.R. 3068) entitled "An Act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony."

The SPEAKER pro tempore. Without objection, the request is granted.

There was no objection.

RENEWABLE ENERGY AND JOB CREATION TAX ACT OF 2008

Mr. RANGEL. Madam Speaker, pursuant to H. Res. 1503, I call up 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Renewable Energy and Job Creation Tax Act of 2008".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART 1—RENEWABLE ENERGY INCENTIVES

Sec. 101. Renewable energy credit.

Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. Special rule to implement FERC and State electric restructuring policy.
PART 2—CARBON MITIGATION PROVISIONS
Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Carbon audit of the tax code.
Subtitle B—Transportation and Domestic Fuel Security Provisions
Sec. 121. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 122. Credits for biodiesel and renewable diesel.
Sec. 123. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 124. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 125. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 126. Transportation fringe benefit to bicycle commuters.
Sec. 127. Alternative fuel vehicle refueling property credit.
Sec. 128. Certain income and gains relating to alcohol fuels and mixtures, biodiesel fuels and mixtures, and alternative fuels and mixtures treated as qualifying income for publicly traded partnerships.
Subtitle C—Energy Conservation and Efficiency Provisions
Sec. 131. Credit for nonbusiness energy property.
Sec. 132. Energy efficient commercial buildings deduction.
Sec. 133. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 134. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 135. Qualified green building and sustainable design projects.
TITLE II—EXTENSION OF TEMPORARY PROVISIONS
Subtitle A—Extensions Primarily Affecting Individuals
Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Treatment of certain dividends of regulated investment companies.
Sec. 204. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 205. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 206. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 207. Qualified investment entities.
Sec. 208. Real property tax standard deduction.
Subtitle B—Extensions Primarily Affecting Businesses
Sec. 221. Research credit.
Sec. 222. Indian employment credit.
Sec. 223. New markets tax credit.
Sec. 224. Railroad track maintenance.
Sec. 225. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 226. Seven-year cost recovery period for motorsports racing track facility.
Sec. 227. Accelerated depreciation for business property on Indian reservation.
Sec. 228. Expensing of environmental remediation costs.
Sec. 229. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 230. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 231. Qualified zone academy bonds.
Sec. 232. Tax incentives for investment in the District of Columbia.
Sec. 233. Economic development credit for American Samoa.
Sec. 234. Enhanced charitable deduction for contributions of food inventory.
Sec. 235. Enhanced charitable deduction for contributions of book inventory to public schools.
Sec. 236. Enhanced deduction for qualified computer contributions.
Sec. 237. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 238. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 239. Subpart F exception for active financing income.
Sec. 240. Look-thru rule for related controlled foreign corporations.
Sec. 241. Expensing for certain qualified film and television productions.
Subtitle C—Other Extensions
Sec. 251. Authority to disclose information related to terrorist activities made permanent.
Sec. 252. Authority for undercover operations made permanent.
Sec. 253. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
TITLE III—ADDITIONAL TAX RELIEF AND OTHER PROVISIONS
Sec. 301. Refundable child credit.
Sec. 302. Provisions related to film and television productions.
Sec. 303. Exemption from excise tax for certain arrows designed for use by children.
Sec. 304. Modification of penalty on understatement of taxpayer's liability by tax return preparer.
TITLE IV—REVENUE PROVISIONS
Sec. 401. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 402. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 403. Broker reporting of customer's basis in securities transactions.
Sec. 404. 0.2 percent FUTA surtax.
Sec. 405. Increase and extension of Oil Spill Liability Trust Fund tax.
Sec. 406. Nonqualified deferred compensation from certain tax indifferent parties.
Sec. 407. Delay in application of worldwide allocation of interest.
Sec. 408. Time for payment of corporate estimated taxes.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART 1—RENEWABLE ENERGY INCENTIVES

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(2) OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''October 1, 2011'':

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking ''the 8 cent amount in paragraph (1),'' in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

''(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

''(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

''(i) the applicable percentage with respect to such facility, multiplied by

''(ii) the eligible basis of such facility.

''(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

''(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

''(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may be carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

''(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

''(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the

Secretary for the month in which such facility is originally placed in service.

''(ii) METHOD OF PRESCRIBING APPLICABLE PERCENTAGE.—The applicable percentage prescribed by the Secretary for any month under clause (i) shall be the percentage which yields over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

''(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

''(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

''(II) by using a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, and

''(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

''(D) ELIGIBLE BASIS.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

''(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

''(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

''(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

''(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

''(I) which a qualified facility will require for utilization of such facility, and

''(II) which is not a qualified facility.

''(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

''(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.

''(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are originally placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is originally placed in service at the mid-point of such year or the first day of the following calendar year.''.

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(e) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

(3) LIMITATION BASED ON INVESTMENT IN FACILITY.—The amendment made by subsection (b)(2) shall apply to property originally placed in service after December 31, 2009.

(4) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (c) shall apply to electricity produced and sold after the date of the enactment of this Act.

(5) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before October 1, 2011.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''October 1, 2011'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (B) of section 38(c)(4) is amended by redesignating clause (vi) as clause (vii), by striking ''and'' at the end of clause (v), and by inserting after clause (v) the following new clause:

''(vi) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48, and''.

(2) TECHNICAL AMENDMENT.—Clause (v) of section 38(c)(4)(B) is amended by striking ''section 47 to the extent attributable to'' and inserting ''section 46 to the extent that such credit is attributable to the rehabilitation credit under section 47, but only with respect to''.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Subsection (c) of section 48 is amended—

(A) by striking ''QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY'' in the heading and inserting ''DEFINITIONS'', and

(B) by adding at the end the following new paragraph:

''(3) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(ii) which produces—

''(I) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(iii) the energy efficiency percentage of which exceeds 60 percent, and

''(iv) which is placed in service before January 1, 2017.

''(B) LIMITATION.—

''(i) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(ii) APPLICABLE CAPACITY.—For purposes of clause (i), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(iii) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) SPECIAL RULES.—

''(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this paragraph, the energy efficiency percentage of a system is the fraction—

''(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(II) the denominator of which is the lower heating value of the fuel sources for the system.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(ii) shall be determined on a Btu basis.

''(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(D) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(i) subparagraph (A)(iii) shall not apply, but

''(ii) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this subparagraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(3) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraphs (1)(B), (2)(B), and (3)(B)''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) REMOVAL OF LIMITATION FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1), as amended by subsections (c) and (d), is amended—

(A) by striking subparagraph (A), and

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A), as amended by subsections (c) and (d), is amended—

(A) by striking clause (i), and

(B) by redesignating clauses (ii) through (v) as clauses (i) and (iv), respectively.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) SOLAR ELECTRIC PROPERTY LIMITATION.—The amendments made by subsection (b) shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

(3) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 105. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

PART 2—CARBON MITIGATION PROVISIONS

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,250,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $950,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking ''and'' at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $150,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

SEC. 115. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 121. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 122. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by striking ''or D396'' in subparagraph (B) and inserting '', D396, or other equivalent standard approved by the Secretary''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following flush sentence:

''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Subsection (f) of section 40A (relating to renewable diesel) is amended by adding at the end the following new paragraph:

''(4) CERTAIN AVIATION FUEL.—

''(A) IN GENERAL.—Except as provided in the last three sentences of paragraph (3), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

''(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6426(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (c) shall apply to fuel produced, and sold or used, after February 13, 2008.

SEC. 123. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(7) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 124. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Section 30 is amended to read as follows:

''SEC. 30. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

''(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which has a gross vehicle weight rating of less than 14,000 pounds,

''(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity.

''(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(3) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

''(4) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(5) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30 (determined without regard to subsection (c) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end the following new paragraph:

''(34) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 104, is amended by striking ''and 25D'' and inserting '', 25D, and 30''.

(D) Section 26(a)(1), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30''.

(2) Section 30B(h)(1) is amended by striking ''section 30(c)(2)'' and inserting ''section 30(d)(3)''.

(3)(A) Section 53(d)(1)(B) is amended by striking clause (iii) and redesignating clause (iv) as clause (iii).

(B) Subclause (II) of section 53(d)(1)(B)(iii), as so redesignated, is amended by striking ''increased in the manner provided in clause (iii)''.

(4) Section 55(c)(3) is amended by striking ''30(b)(3),''.

(5) Section 1016(a)(25) is amended by striking ''section 30(d)(1)'' and inserting ''section 30(f)(1)''.

(6) Section 6501(m) is amended by striking ''section 30(d)(4)'' and inserting ''section 30(f)(4)''.

(7) The item in the table of sections for subpart B of part IV of subchapter A of chapter 1 is amended to read as follows:

''Sec. 30. New qualified plug-in electric drive motor vehicles.''.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking ''sections 27, 30, and 30B'' and inserting ''section 27''.

(B) Paragraph (3) of section 55(c) is amended by striking ''30B(g)(2),''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 125. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor or truck, and

''(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 126. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means,

with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 127. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking ''30 percent'' in subsection (a) and inserting ''50 percent'',

(2) by striking ''$30,000'' in subsection (b)(1) and inserting ''$50,000'', and

(3) by striking ''$1,000'' in subsection (b)(2) and inserting ''$2,000''.

(b) EXTENSION OF CREDIT.—Subsection (g) of section 30C is amended to read as follows:

''(g) TERMINATION.—This section shall not apply to any property placed in service after—

''(1) December 31 2017, in the case of property relating to natural gas, compressed natural gas, or liquified natural gas, and which is not of a character subject to an allowance for depreciation,

''(2) December 31, 2014, in the case of—

''(A) property relating to hydrogen, and

''(B) property relating to natural gas, compressed natural gas, or liquified natural gas, and which is of a character subject to an allowance for depreciation, and

''(3) December 31, 2010, in any other case.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 128. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) is amended by inserting '', or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, or any alcohol fuel defined in section 6426(b)(4)(A) or any biodiesel fuel as defined in section 40A(d)(1)'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 131. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''placed in service after December 31, 2007'' and inserting ''placed in service—

''(1) after December 31, 2007, and before January 1, 2009, or

''(2) after December 31, 2009.''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsection (b), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after December 31, 2008.

SEC. 132. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 133. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection

(b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 134. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

''(iii) any qualified smart electric meter, and

''(iv) any qualified smart electric grid system.''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 135. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

TITLE II—EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Extensions Primarily Affecting Individuals

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(c) TEMPORARY COORDINATION WITH HOPE AND LIFETIME LEARNING CREDIT.—In the case of any taxpayer for any taxable year beginning in 2008 or 2009, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer's net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

SEC. 203. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 204. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2007'' and inserting ''2007, 2008, or 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 206. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 207. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008, except that such amendment shall not apply to the application of withholding requirements with respect to any payment made on or before the date of the enactment of this Act.

SEC. 208. REAL PROPERTY TAX STANDARD DEDUCTION.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by inserting ''or 2009'' after ''2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

Subtitle B—Extensions Primarily Affecting Businesses

SEC. 221. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) COMPUTATION OF CREDIT FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—Paragraph (2) of section 41(h) is amended to read as follows:

''(2) COMPUTATION OF CREDIT FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—

''(A) IN GENERAL.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year, the applicable base amount with respect to such taxable year shall be the amount which bears the same ratio to such applicable amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.

''(B) APPLICABLE BASE AMOUNT.—For purposes of subparagraph (A), the term 'applicable base amount' means, with respect to any taxable year—

''(i) except as otherwise provided in this subparagraph, the base amount for the taxable year,

''(ii) in the case of a taxable year with respect to which an election under subsection (c)(4) (relating to election of alternative incremental credit) is in effect, the average described in subsection (c)(1)(B) for the taxable year, and

''(iii) in the case of a taxable year with respect to which an election under subsection (c)(5) (relating to election of alternative simplified credit) is in effect, the average qualified research expenses for the 3 taxable years preceding the taxable year.''.

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

(2) COMPUTATION OF CREDIT FOR TAXABLE YEAR IN WHICH CREDIT BEGINS.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2007.

SEC. 222. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 223. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 224. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 225. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 226. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 227. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 228. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 229. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 230. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 231. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54C. QUALIFIED ZONE ACADEMY BONDS.

''(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

''(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

''(3) the issuer—

''(A) designates such bond for purposes of this section,

''(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and

''(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

''(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008 and 2009, and, except as provided in paragraph (4), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

''(4) CARRYOVER OF UNUSED LIMITATION.—

''(A) IN GENERAL.—If for any calendar year—

''(i) the limitation amount for any State, exceeds

''(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

''(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

''(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

''(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

''(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

''(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

''(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

''(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

''(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

''(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

''(A) rehabilitating or repairing the public school facility in which the academy is established,

''(B) providing equipment for use at such academy,

''(C) developing course materials for education to be provided at such academy, and

''(D) training teachers and other school personnel in such academy.

''(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

''(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

''(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

''(C) services of employees as volunteer mentors,

''(D) internships, field trips, or other educational opportunities outside the academy for students, or

''(E) any other property or service specified by the eligible local education agency.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a qualified zone academy bond,

which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a qualified zone academy bond, a purpose specified in section 54C(a)(1).''.

(3) Section 1397E is amended by adding at the end the following new subsection:

''(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of this subsection.''.

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified zone academy bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 232. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2014'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2014''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2014''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2014''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2010''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 233. ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 234. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 235. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 236. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 237. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 238. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''4-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 239. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

SEC. 240. LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 241. EXPENSING FOR CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2008.

Subtitle C—Other Extensions

SEC. 251. AUTHORITY TO DISCLOSE INFORMATION RELATED TO TERRORIST ACTIVITIES MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE ON REQUEST.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. 252. AUTHORITY FOR UNDERCOVER OPERATIONS MADE PERMANENT.

(a) IN GENERAL.—Subsection (c) of section 7608 is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 253. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

TITLE III—ADDITIONAL TAX RELIEF AND OTHER PROVISIONS

SEC. 301. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting ''($8,500 in the case of taxable years beginning in 2009)'' after ''$10,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2008.

SEC. 302. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.''.

(b) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W-2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.''.

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: ''A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.''.

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

''(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

''(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.''.

(c) CONFORMING AMENDMENT.—Section 181(d)(3)(A) is amended by striking ''actors'' and all that follows and inserting ''actors, production personnel, directors, and producers.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXPENSING.—The amendments made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2007.

SEC. 303. EXEMPTION FROM EXCISE TAX FOR CERTAIN ARROWS DESIGNED FOR USE BY CHILDREN.

(a) IN GENERAL.—Paragraph (2) of section 4161(b) (relating to arrows) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXEMPTION FOR CERTAIN ARROW SHAFTS.—Subparagraph (A) shall not apply to any shaft measuring 5/16 of an inch or less in diameter and consisting of either—

''(i) all fiberglass and hollow, or

''(ii) all natural wood,

with no laminations or artificial means of enhancing the spine of such shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly is not suitable for use with a bow described in paragraph (1)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to shafts first sold after the date of enactment of this Act.

SEC. 304. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 (relating to understatement due to unreasonable positions) is amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—If a tax return preparer—

''(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

''(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

''(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

''(C) REPORTABLE TRANSACTIONS.—If the position is with respect to a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years beginning after the date of the enactment of this Act.

TITLE IV—REVENUE PROVISIONS

SEC. 401. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer has oil related qualified production activities income for any taxable year beginning after 2009, the amount otherwise allowable as a deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this paragraph, the term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.

''(C) PRIMARY PRODUCT.—For purposes of this paragraph, the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(b) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 402. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

''(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

''(1) the amount of the combined foreign oil and gas income for the taxable year,

''(2) multiplied by—

''(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

''(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

''(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

''(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

''(A) foreign oil and gas extraction income, and

''(B) foreign oil related income.

''(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

''(A) oil and gas extraction taxes, and

''(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.''.

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

''(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

''(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

''(i) first by the amount determined under subparagraph (B), and

''(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

''(B) REDUCTION FOR PRE-2009 FOREIGN OIL EXTRACTION LOSSES.—The reduction under

this paragraph shall be equal to the lesser of—

''(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2009, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Renewable Energy and Job Creation Tax Act of 2008) for preceding taxable years beginning after December 31, 1982.

''(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

''(D) FOREIGN OIL AND GAS LOSS DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

''(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

''(II) the sum of the deductions properly apportioned or allocated thereto.

''(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

''(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

''(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

''(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

''(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Renewable Energy and Job Creation Tax Act of 2008.''.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking ''oil and gas extraction taxes'' each place it appears and inserting ''foreign oil and gas taxes'', and

(2) by adding at the end the following new paragraph:

''(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

''(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

''(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

''(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

''(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Renewable Energy and Job Creation Tax Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.''.

(d) CONFORMING AMENDMENT.—Section 6501(i) is amended by striking ''oil and gas extraction taxes'' and inserting ''foreign oil and gas taxes''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any security (other than any stock for which an average basis method is permissible under section 1012), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred, and

''(II) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such stock is held.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2011, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

''(ii) January 1, 2012, in the case of any stock for which an average basis method is permissible under section 1012, and

''(iii) January 1, 2013, or such later date determined by the Secretary in the case of any other specified security.

''(4) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(5) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, if a covered security is acquired or disposed of pursuant to the exercise of an option that was granted or acquired in the same account as the covered security, the amount received with respect to the grant or paid with respect to the acquisition of such option shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—In the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security or the exercise of a cash-settled option on a specified security, reporting under subsections (a) and (g) with respect to such option shall be made for the calendar year which includes the date of such lapse, closing transaction, or exercise.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2013.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any customer, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year with respect to any item reportable to the taxpayer shall instead be required to be furnished on or before February 15 of such calendar year if furnished with such consolidated reporting statement.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT OR AVERAGE BASIS METHOD.—Section 1012 is amended—

(1) by striking ''The basis of property'' and inserting the following:

''(a) IN GENERAL.—The basis of property'',

(2) by striking ''The cost of real property'' and inserting the following:

''(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property'', and

(3) by adding at the end the following new subsections:

''(c) DETERMINATIONS BY ACCOUNT.—

''(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

''(2) APPLICATION TO CERTAIN REGULATED INVESTMENT COMPANIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any stock for which an average basis method is permissible under section 1012 which is acquired before January 1, 2012, shall be treated as a separate account from any such stock acquired on or after such date.

''(B) ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—If a regulated investment company elects to have this subparagraph apply with respect to one or more of its stockholders—

''(i) subparagraph (A) shall not apply with respect to any stock in such company held by such stockholders, and

''(ii) all stock in such company which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding such stock as a nominee.

''(3) DEFINITIONS.—For purposes of this section, the terms 'specified security' and 'applicable date' shall have the meaning given such terms in section 6045(g).

''(d) AVERAGE BASIS FOR STOCK ACQUIRED PURSUANT TO A PERIODIC STOCK INVESTMENT PLAN.—

''(1) IN GENERAL.—In the case of any stock acquired after December 31, 2010, in connection with a periodic stock investment plan, the basis of such stock while held as part of such plan shall be determined using one of the methods which may be used for determining the basis of stock in a regulated investment company.

''(2) TREATMENT AFTER TRANSFER.—In the case of the transfer to another account of stock to which paragraph (1) applies, such stock shall have a cost basis in such other account equal to its basis in the periodic stock investment plan immediately before such transfer (properly adjusted for any fees or other charges taken into account in connection with such transfer).

''(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

''(4) PERIODIC STOCK INVESTMENT PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'periodic stock investment plan' means—

''(i) any stock purchase plan, and

''(ii) any dividend reinvestment plan.

''(B) STOCK PURCHASE PLAN.—The term 'stock purchase plan' means any arrangement under which identical stock is periodically purchased pursuant to a written plan.

''(C) DIVIDEND REINVESTMENT PLAN.—

''(i) IN GENERAL.—The term 'dividend reinvestment plan' means any arrangement under which dividends on any stock are reinvested in stock identical to the stock with respect to which the dividends are paid.

''(ii) INITIAL STOCK ACQUISITION TREATED AS ACQUIRED IN CONNECTION WITH PLAN.—Stock shall be treated as acquired in connection with a dividend reinvestment plan if such stock is acquired pursuant to such plan or if the dividends paid on such stock are subject to such plan.''.

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

''SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

''(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

''(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

''(1) any broker (as defined in section 6045(c)(1)), and

''(2) any other person as provided by the Secretary in regulations.

''(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.''.

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d) is amended by redesignating subparagraphs (I) through (DD) as subparagraphs (J) through (EE), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

''Sec. 6045A. Information required in connection with transfers of covered securities to brokers.''.

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

''SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

''(1) a description of any organizational action which affects the basis of such specified security of such issuer,

''(2) the quantitative effect on the basis of such specified security resulting from such action, and

''(3) such other information as the Secretary may prescribe.

''(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

''(1) 45 days after the date of the action described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such action occurred.

''(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return,

''(2) the information required to be shown on such return with respect to such security, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

''(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

''(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

''(1) the name, address, phone number, and email address of the information contact of such person, and

''(2) the information described in paragraphs (1), (2), and (3) of subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) is amended by redesignating clause (iv) and each of the clauses which follow as clauses (v) through (xxiii), respectively, and by inserting after clause (iii) the following new clause:

''(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),''.

(B) Paragraph (2) of section 6724(d), as amended by subsection (c)(2), is amended by redesignating subparagraphs (J) through (EE) as subparagraphs (K) through (FF), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

''Sec. 6045B. Returns relating to actions affecting basis of specified securities.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2011.

(2) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

SEC. 404. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of tax) is amended—

(1) by striking ''through 2008'' in paragraph (1) and inserting ''through 2009'', and

(2) by striking ''calendar year 2009'' in paragraph (2) and inserting ''calendar year 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2008.

SEC. 405. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking ''is 5 cents a barrel.'' and inserting ''is—

''(i) in the case of crude oil received or petroleum products entered before January 1, 2017, 8 cents a barrel, and

''(ii) in the case of crude oil received or petroleum products entered after December 31, 2016, 9 cents a barrel.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2017.''.

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 406. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation of a service provider which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is, directly or indirectly, allocated to—

''(A) United States persons (other than persons exempt from tax under this title),

''(B) foreign persons with respect to whom such income is subject to a comprehensive foreign income tax,

''(C) foreign persons with respect to whom—

''(i) such income is effectively connected with the conduct of a trade or business within the United States, and

''(ii) a withholding tax is paid under section 1446 with respect to such income, or

''(D) organizations which are exempt from tax under this title if such income is unrelated business taxable income (as defined in section 512) with respect to such organization.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation of a service provider is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) SERVICE PROVIDER.—The term 'service provider' has the meaning given such term in the regulations under section 409A, determined without regard to method of accounting.

''(5) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case of a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation payable by such foreign corporation which, had such compensation been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(6) EXCEPTION WITH RESPECT TO EMPLOYEES OF CERTAIN SUBSIDIARIES.—This section shall not apply to compensation deferred under a nonqualified deferred compensation plan of a nonqualified entity if—

''(A) such compensation is payable to an employee of a domestic subsidiary of such entity, and

''(B) such compensation is reasonably expected to be deductible by such subsidiary under section 404(a)(5) when such compensation is includible in income by such employee.

''(7) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

''(1) disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section, and

''(2) providing appropriate treatment where an individual who was employed by an employer which is not a nonqualified entity is temporarily employed by a nonqualified entity which is related to such employer.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (V), by striking the period at the end of subparagraph (W) and inserting '', and'', and by adding at the end the following new subparagraph:

''(X) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

(6) CERTAIN PREEXISTING ARRANGEMENTS.—If, pursuant to a written binding contract entered into on or before December 31, 2007, any portion of compensation payable under such contract for a period is determined as a portion of the amount of gain recognized on the disposition during such period of a specified asset, the amendments made by this section shall not apply to the portion of compensation attributable to such disposition notwithstanding the fact that such portion of compensation may be reduced by realized losses or depreciation in the value of other assets during such period or a prior period or be attributable in part to services performed after December 31, 2008, but only if—

(A) payment of such portion of compensation is received by the service provider and included in its gross income no later than the earlier of—

(i) 12 months after the end of the taxable year of the service recipient during which the disposition of the specified asset occurs, or

(ii) the last taxable year of the service provider beginning before January 1, 2018; and

(B) the specified asset is held by the service recipient on the date of the enactment of this section.

SEC. 407. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2010'' and inserting ''December 31, 2016''.

(b) TRANSITION.—Paragraph (7) of section 864(f) is amended by striking ''30 percent'' and inserting ''55 percent''.

(c) COORDINATION WITH OTHER LEGISLATION.—If H.R. 6983 of the 110th Congress is enacted into law—

(1) such law shall be treated, solely for purposes of carrying out the amendments made by this section, as having been enacted immediately before the enactment of this Act, and

(2) in lieu of the amendments made by subsections (a) and (b):

(A) Paragraphs (5)(D) and (6) of section 864(f), as amended by such law, are each amended by striking ''December 31, 2012'' and inserting ''December 31, 2018''.

(B) Subsection (f) of section 864, as amended by such law, is amended by striking paragraph (7).

SEC. 408. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 58 percentage points.

The SPEAKER pro tempore (Mrs. TAUSCHER). Pursuant to House Resolution 1502, the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. RANGEL. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume, and ask unanimous consent that the remainder of my time be controlled by the distinguished subcommittee chairman of the Ways and Means Committee, the gentleman from Massachusetts (Mr. NEAL).

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

There was no objection.

□ 1015

Mr. RANGEL. Madam Speaker, before I get into the substance of this important legislation, let me make it abundantly clear that in my opinion, there is nobody in this House that is not concerned with the direction in which this country has gone in the past in relying on fossil fuels.

In addition to that, we, all being patriots, do recognize that probably everyone in this Chamber agrees that many of the important tax provisions should not expire because business can lose confidence in the system and certainly in the Congress. People should be allowed to rely on what we say will be tax incentives, and probably most of us believe that these incentives should even be permanent, rather than 1 or 2 years, but at least they should not be allowed to expire.

Unfortunately, there is a cloud of politics that remains over our shoulders and the other body.

I just heard that the arrogance of the other body has said that notwithstanding what we do here today, that they would not even receive the legislation because they put a time on us. I don't care whether you are Republican or Democrat. It is shameful that the other House can hold us in such complete disregard that they can dictate what they are not going to look at.

On the other side, instead of referring to them as the majority and minority, or Republicans and Democrats, I am inclined to believe that they are the gang of 60 that determine what the law is going to be, notwithstanding the intent of the House where the people are supposed to govern. I do hope that somewhere along the line, no matter what our major policy differences might be, that our leadership can get together to let the other body know that it is a two-body Congress, and that this eagle has to work with two wings instead of one.

Another political issue is this: I was shocked and amazed yesterday that when the rule came up, most all of the debate from the minority was the protection and support of our rural schools. We should not have been arguing or debating each other, because education of our young people, whether they come from urban, inner cities or rural areas, is not just important to that community, but really is important to the United States of America, who must compete with the rest of the world.

If we don't have the ability to give access to a decent education for our young people, no matter what great part of our country they come from, then we lose our competitive edge. None of our competitors care whether or not our workforce is black or white, Jew or gentile, rural or in the city. We have to come together as a Nation and recognize that our failure to produce educated people is not a local and State issue, but our support for it is to protect our national security. There is a way that we could do that and not have it divert attention from the important issues that are in this bill.

Where is this rural support bill? Is it in our bill? Did we initiate it in the House? Has anyone in the minority ever asked that it be included in an energy bill or tax extension? No. Why? Because we've got rules over there.

But they don't have rules on the other side, so they put it in the bill. I have told my colleagues on the Ways

and Means Committee, I got their support, the Democratic Caucus, and even made an appeal yesterday. If you are really serious about it, we can't put it in our bill here today, but it's in their bill, and we are willing to accept it. What is it about accepting the rural area bill that you guys and gals don't understand?

But how can we accept it? The only way we can is that if they take the Senate-passed bill and send it over here. So you can talk all you want about your dedication to education, albeit rural or urban. But if you really are sincere about it, the only vehicle that you have for it is to get that bill over here, and my leaders and my committee have given assurance, bring the bill over, and we will accept it.

Why won't they send it over? Because of lack of respect of the House of Representatives. They are holding it at the desk thinking, in the middle of the night, when we have to go home, it's their way or the highway. I do hope we have some pride in our legislative initiatives that we find out our differences. But at the end of the day when the House speaks, they don't have to accept it, but they shouldn't have the arrogance of saying that they are not even going to look at it.

Having said that, here we go again, with the whole Nation looking at us, wondering do we have any concern about the energy crisis that we find ourselves in. The gasoline price at the pump causes everyone to consider what is it going to be for rent, what is it going to be for mortgages, what is it going to be for food, what is it going to be to put clothes on the kids, because we find ourselves in this energy crunch, and God knows how long it's going to take.

The only thing that we can do, as representatives of the American people, is to say how long, how long, and we're doing something about it. It even affects our national security to believe that we are so dependent on countries that we don't even believe in their form of government, but yet we send them money each and every day, each and every year, to consume the oil that they have.

We have put together the bill that just makes a lot of common sense. No one has challenged our bill on the merits. Sure you can talk about drill, drill, drill. Do what you have to do politically. But let's get back to what we can do realistically.

It may take some time. It's not going to bring changes tomorrow, but we will be able to tell our kids and our grandkids that we looked for alternatives, wind, solar, water, anything that's possible. We provide these incentives. We can create a whole new industry in search of some answers to the crisis. We are talking about creating jobs, creating ideas, creating thoughts.

We can't do it as Democrats or Republicans. We have to do it as a Congress. They have accepted all of these things on the other side. We can get together and save the future of our country if we ever got together as one Congress instead of two bodies.

We also have in our bill a commitment that we have made to provide incentives for research and development; for States that don't have income taxes, but we can have them to be able to deduct their local and State taxes for Federal tax purposes; for teachers who dedicate themselves each and every day to help the kids to give them a little help in doing it.

The business sector, the social sector, are depending on us that when we have a law, that we just don't leave it saying it expired because we have differences of politics on the other side. We have done everything that we could to take anything controversial out of this bill, whether it's helping the people that have suffered as a result of a terrorist attack against New York, whether it's providing some protection for people that may work in energy to make certain that they get a decent wage, whether we give lawyers an opportunity to operate their accounting system the same way other professionals do. If it was controversial, we said, We'll drop it. Let's see how we can meet across the aisle.

But if the whole debate is going to be about rural schools, we can take care of that in the Speaker's corridor and not waste the people's time in debate. If the whole thing is going to be whether or not we are going to be fiscally responsible and pay for 2 years of the extension of these things, we will let the people and the business people decide which side is right, whether we are going to increase the indebtedness to our children or grandchildren, or whether at a time when the Federal Government is asking us to provide $700 billion of tax exposure, can we say that where we could control, we did try to control.

That's the major difference between the other side and us. Do we pay for 1 year of the extensions, or do we really just lock horns and not do anything? This is the option. This is the last time this year. I hope we can jump over the hurdles of politics and get something done.

For more specifics to the bill, our distinguished chairman of the committee that has studied this, the one that has done the taxes, the one that has done the taxes for energy, is going to take over.

But you know as well as I do, people on the committee and people not, that what we are saying and advocating makes sense. The only difference between passing a bill and getting the President to sign it is politics. I truly believe, or at least I want to believe, that we can get over that too.

Madam Speaker, I yield the balance of my time to RICHARD NEAL, a distinguished Member from Massachusetts, an outstanding member of the Ways and Means Committee, a great American and a great Member of Congress.

Mr. NEAL of Massachusetts. Madam Speaker, I yield myself such time as I might consume, and I want to thank Chairman RANGEL.

Let me stand in support of this energy and tax extenders legislation we are considering today. I have been here for 20 years. This is a good piece of work. I want to thank CHARLIE RANGEL for his hard work on this legislation again and again and again.

This is the sixth time we are going to send this energy package over to the other body. But they keep moving the goalpost. And every time they move the goalpost a few yards farther, we still pass the bill. We keep meeting their demands, and they keep saying it's not good enough. A clean AMT patch is on the way to the Senate. It's already been declared dead on arrival. It seems in the other body they can't take ''yes'' for an answer.

As my colleagues here know, this bill contains extensions of popular tax incentives that expired at the end of last year. This has to be done. This needs to get under way.

I want to thank Chairman RANGEL for asserting the constitutional responsibility of the House of Representatives in moving this legislation and within this body, the Ways and Means Committee, which has jurisdiction over this matter.

In my home State, 94,000 teachers will get a deduction for their out-of-pocket expenses for classroom supplies, 1,000 businesses in Massachusetts will get some credit for the millions they spend on research here in the U.S.

The R&D tax credit is important. Without this bill, 121,000 families in Massachusetts cannot take a deduction on their college tuition expenses.

This bill includes a number of popular and forward-thinking incentives for energy efficiency. There are many well-crafted positions and provisions in this bill. There is not enough time to mention them all this morning.

Let me conclude by simply saying that Chairman RANGEL has crafted a very balanced bill which does no harm to the Federal Treasury. It asks that hedge fund managers pay a bit more, and it delays an international tax break that hasn't gone into effect yet. It is responsible legislation.

I urge support of this bill, and let's send a strong message to the Senate and to the President. We want this tax relief bill done now, and we can do it in a fiscally responsible way.

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

Mr. CAMP of Michigan. Madam Speaker, I yield myself such time as I may consume.

(Mr. CAMP of Michigan asked and was given permission to revise and extend his remarks.)

Mr. CAMP of Michigan. Madam Speaker, I rise today in opposition to H.R. 7060, the majority's latest extenders package, a bill that will never actually deliver the tax relief it's promising because it will never pass the Senate and it will never be enacted into law.

I agree with the distinguished chairman of the Ways and Means Committee—it's time to be realistic. We are in the waning hours of this Congress, only a day away from our scheduled adjournment, a day or two or three.

Yet here we are, conducting another purely political exercise on a tax bill that is doomed in the other body because of our House majority's insistence on adhering to the misguided PAYGO rules.

Indeed, as the end of the 110th Congress draws near, it's interesting to see the application of PAYGO to expiring tax provisions remain as difficult for the majority today as it has ever been.

□ 1030

Throughout the year, Republicans have insisted that we should not have to raise taxes to prevent a tax increase. Democrats, meanwhile, have insisted that PAYGO requires us to find offsets for these tax extensions. Of course, the majority's adherence to PAYGO has been somewhat intermittent. It has been waived to fund unemployment benefits, and on the housing bill passed in July. And PAYGO has never applied to spending, which continues to grow at unsustainable rates. It has also been waived for extensions of some tax provisions, including just Wednesday on the AMT patch. Nevertheless, the majority has steadfastly refused to waive PAYGO for other expiring tax provisions even in the face of ample evidence that the Senate and the President are not in agreement with that position.

On Tuesday, the Senate acted on a bipartisan basis to find common ground on this issue. They agreed, by an overwhelming vote of 93–2, to approve a comprehensive tax relief package containing extenders provisions that are not fully offset, as many Democrats would prefer, but contain more offsets than Republicans would like.

Is the Senate's package perfect? Of course it isn't. But given the limited time left in this Congress, the Senate's comprehensive package is likely the only option that will lead to enactment of much-needed extensions of expired and expiring provisions, including the AMT patch, the State and local sales tax deduction, the research and development tax credit which is so critical for restarting our economy, and the extension of the subpart F exception for active financial services income.

Why is this our only option? Because the Senate, which has labored long and hard to develop that compromise, has indicated in no uncertain terms that it is not going to reconsider these issues again this year.

The Senate majority leader made that point on Tuesday on three separate occasions. In the morning he urged the House: ''Don't send us back something else. We can't get it passed. If they try to mess with our package, it will come back here, it will die, and we will have snatched defeat from the jaws of victory.''

In the early afternoon, he told a reporter that he had talked to House leaders and ''told them how important it is that we get a bill back like the one we sent them . . . If they send us back something different . . . it is dead, sorry to say.''

And then, to make sure that there was no confusion, even later in the afternoon the majority leader said, ''If the House doesn't pass this, the full responsibility of this not passing is theirs, not ours.''

So let's be clear. The Senate's comprehensive tax package, which passed 93–2, is the only clear path for enactment of the AMT patch and the tax extender package we are debating here today. Let me say that as a member of the Ways and Means Committee, I don't like being told by the Senate what we should or should not do. This is not how I prefer to legislate, of course. However, with adjournment looming and with a continuing resolution that takes us into next year, it is time to be realistic, as the distinguished chairman said. We are headed down a path that will leave all of these critical issues unresolved well into 2009.

Simply put, the majority's insistence on paying for extenders has painted us into this corner. And, unfortunately, we don't have time to wait for the paint to dry. Failing to act on the extenders this year will be burdensome to businesses and families alike.

It is important to note, Madam Speaker, that the House majority's extenders bill contains no net tax relief. None. That is in stark contrast to the Senate's position. The Senate's comprehensive tax package contains approximately $107 billion in net tax relief after subtracting out the AMT patch, the disaster-related tax provisions and the mental health parity benefits from the Senate's package to account for the House's passage of those provisions as separate freestanding bills. We see that the remaining Senate extenders provisions by themselves provide approximately $35 billion in net tax relief. On the other hand, the House extenders bill provides no net tax relief to American taxpayers because every last penny of tax relief is offset with revenue raisers elsewhere, and that is not a good deal for the American taxpayer.

It is also a bad deal for U.S. businesses and employers that are trying to compete with their foreign counterparts. That is because the House bill provides a long-term delay, potentially until 2019, of the implementation of more rational worldwide interest allocation rules that are currently scheduled to go into effect in 2011. These more rational rules, originally enacted by Republicans in 2004, were good policy then and remain good policy now.

While the majority refers to those as an international tax provision, when implemented, these rules will actually help companies avoid double taxation on their foreign income, and we shouldn't push off for nearly a decade the effective date of a provision that will help American businesses and employers compete.

I would also note, Madam Speaker, that the House bill in many instances provides considerably less generous tax benefits than the Senate bill, including and especially with respect to energy-related tax benefits. For example, the House bill omits entirely a number of Senate proposals, including an extension and modification of the election to expense certain refineries, an energy-efficient home credit, and a special depreciation allowance for certain reuse and recycling property. In addition, the House bill places considerable limitations on a number of the Senate's other energy-related provisions, including a reduction in the maximum credit for plug-in hybrids, a key restriction on the credit for producing electricity from most renewable sources.

Moreover, unlike the Senate package, the House bill does not contain $3.3 billion in funding for the Secure Rural Schools Program.

Madam Speaker, when the 110th Congress convened last January, I had high hopes that these 2 years would be spent working on a bipartisan basis on issues people care about. That doesn't mean that we shouldn't have real disagreements about what each side believes in. But, unfortunately, in the face of a bipartisan Senate solution to the extenders debate, and the ticking clock on this Congress, the House majority is still clinging to PAYGO on this bill.

Time is short, Madam Speaker. Whether we defeat the House bill now or whether the Senate rejects it later, this bill's life expectancy is exceedingly short. The sooner the majority sees that, the sooner we can begin debating the Senate's comprehensive package which would actually be enacted into law. I urge opposition to this bill.

I reserve the balance of my time.

Mr. NEAL of Massachusetts. Madam Speaker, I yield 1 minute to the gentleman from New York, the chairman of the Ways and Means Committee.

Mr. RANGEL. We don't have a lot of speakers. That's why I asked the gentleman to yield.

Madam Speaker, assuming that the majority was persuaded by the eloquence of the gentleman from Michigan and we wanted to embrace the bill that 60 Members in the other House had, and assuming further that we wanted to help the rural schools which is in that bill, the gentleman knows that we can't react on bills that they have passed over there until they send it over here.

So we shouldn't allow the other House to interfere with the process that we have. We don't need a whole lot of harmony. We have different constituents and different policies. It is okay to say their way or the highway, and the minority may say that is the

way they want to go. But even if we yield to that, if we said that 60 votes over there are far more important than 435 votes over here, how could we possibly do anything until they send it over here?

Mr. NEAL of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the provisions of H.R. 7060, the Renewable Energy and Job Creation Act of 2008, provides tax relief by extending generally for 2 years various energy tax incentives and other temporary tax provisions. I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the bill, JCX75–08. The technical explanation expresses the committee's understanding and legislative intent behind this important legislation. It is available on the Joint Committee's Web site at www.jct.gov.

Madam Speaker, the Senate has not sent a bill over to us. None of us got elected here to defer to what the other body happens to think on any given day. We have repeatedly sent them good legislation over the course of the last year and a half, only to have it summarily rejected.

I want to submit today, I bet you during the course of Mr. CAMP's career, along with mine, that will be the last time he quotes the majority leader of the United States Senate on a piece of legislation.

This is a responsible bill, and it is the constitutional prerogative of the House of Representatives to originate this legislation. What is the sense of being on the Ways and Means Committee if you defer to the other body on these matters? We have separate responsibilities for good reason, and that's what we are entertaining today.

A reminder—there is no Senate bill to consider. They have not sent one over. How about the idea that they have said if they don't have the paperwork by 11 o'clock, they're not going to consider this bill. Why be on the Ways and Means Committee? Why be a member of the House of Representatives?

We have done a good job with these legislative matters and sent them back to them responsibly. We have rules here, and we adhere to them. That is the fundamental difference.

I reserve the balance of my time.

Mr. CAMP of Michigan. At this time I yield 3 minutes to a distinguished senior member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Speaker, I rise in strong opposition to this phony tax extender bill. After months of negotiations, the Senate finally reached an agreement on extending critical tax relief for individuals, businesses, and energy security. The Senate passed that agreement 3 days ago by an overwhelming bipartisan vote of 93–2. With Congress preparing to adjourn, time is of the essence.

And yet here we are back at square one considering a proposal that the Senate has already rejected on four separate occasions.

I am especially disappointed that the legislation before us today drops a provision to extend the Secure Rural Schools Program through 2011. This program is vital to small counties in my district and across the West.

Madam Speaker, my counties depend on these payments to provide the most basic services like education for their kids. I would like to insert in the RECORD a letter from the National Education Association emphasizing the importance of including Secure Rural Schools in this legislation.

Several of us from the West have been working all year to get this program reauthorized, and we finally got a 93–2 vote in the Senate for a bill that would get it done. But now we have blown up a good bill and rural counties are getting lost in the shuffle.

I understand that some of my friends on the other side of the aisle feel that the Senate bill doesn't raise taxes enough. And, frankly, there are some things in the Senate bill that I don't like either. It is a compromise. But taking this approach virtually guarantees that we won't get this tax relief done at all.

No more R&D credit, no more tax relief for higher education expenses, no more incentives for renewable energy production.

I urge a resounding ''no'' vote on this futile exercise, and I urge this House to pass the Senate's bipartisan compromise and get this done.

SEPTEMBER 24, 2008.

Hon. CHARLES RANGEL,
Chair, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHAIRMAN RANGEL: On behalf of the National Education Association's (NEA) 3.2 million members, we strongly urge you to include in tax extenders legislation provisions to extend the Secure Rural Schools and Community Self-Determination Act. These issues are critically important to children and public education. NEA members across the country will be watching congressional actions closely.

We are very disappointed that provisions to extend the Secure Rural Schools program are not included in current House-drafted tax extender bill drafts, despite inclusion of such provisions in the Senate-passed bill. The program is absolutely essential to the survivability of over 800 rural counties and 4,400 schools near national forests in 42 states across the country. It has made a real difference for schools in rural, timber-dependent counties, by ensuring them a consistent funding stream. Since its creation in 2000, the program has been an enormous success. Prior to implementation of this program, schools in forest counties were in crisis, experiencing dramatic reductions in funding. The program has restored critical educational services for students in rural schools and prevented the closure of numerous isolated rural schools.

Unfortunately, the program has expired. Failure to reauthorize and fund it immediately will result in a substantial and devastating funding cut for rural counties across the country. In fact, a number of counties around the country have already sent out pink slips notifying employees of potential layoffs.

We urge your immediate attention to this critical matter.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Advocacy.

Mr. NEAL of Massachusetts. Madam Speaker, a grim reminder: There are 4,000 businesses in Mr. HERGER's district and State that employ high-tech researchers who need the R&D tax credit.

I yield 2 minutes to the gentleman from Michigan, my friend and a longtime member of the Ways and Means Committee, Mr. LEVIN.

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

Mr. LEVIN. Madam Speaker, we are going to pass this legislation. To say we are not going to have legislation regarding these energy provisions or the R&D tax credit or others is really a straw man.

The question is whether or not we are going to exercise our constitutional responsibility and act on a bill that is paid for.

The basic difference between the Senate and the House is not over rural schools. Mr. RANGEL has already made that clear. It is not a question of tax relief. You so strangle fiscal responsibility that when we try to pay for something, you say that isn't tax relief. That's a strange logic.

The tax provisions here have essentially passed the Senate before, and the additional one is extension of a provision that the President has already agreed before to allow to go into effect later.

So let me not be personal but very direct. If you want to simply say the Senate shall rule, run for the Senate. If you want to exercise responsibilities as Members of the House, stay here. This is a bill that is solid substantively. It is not political. It involves a basic question of whether we want to try to be fiscally responsible in passing beneficial legislation. We should be fiscally responsible.

□ 1045

Mr. CAMP of Michigan. Madam Speaker, I yield myself such time as I may consume.

Well, frankly, in terms of responsibility, if the majority had exercised their responsibility, we wouldn't have let these extenders expire for 9 months and be here at the closing days of the session. We would have dealt with these earlier on in the session.

We've heard a lot of discussion about the House's role and the Senate's role. But as we know, we have three branches of government. And another important point in this discussion is the statement of administration policy, which is, that we have an SAP that says that this legislation, H.R. 7060, if

it were presented to the President, his senior advisers would recommend he veto the bill. And also in the statement, we have that the administration will support the bipartisan compromise in the Senate.

So this isn't just about turf between the House and the Senate and what our responsibilities are. It's also about what is actually going to become enacted into law. Clearly what we're doing today is not going to go very far.

So the question I have to ask is, why do we continue down this path? We've done this before on mental health parity, which we finally did accept the Senate language on. We've done it before on Medicare, where we finally accepted the Senate language yet this year. So there have been other occasions where we've done this. And I would just urge again my colleagues to vote ''no'' on this legislation because its shelf life is very, very short.

I reserve the balance of my time.

Mr. NEAL of Massachusetts. I yield myself 1 minute and will ask the gentleman a question: Do Members of the House of Representatives serve under the President of the United States?

Mr. CAMP of Michigan. Will the gentleman yield?

Mr. NEAL of Massachusetts. I would yield.

Mr. CAMP of Michigan. I'd be happy to say that, first of all, we have three branches of government.

Mr. NEAL of Massachusetts. Would you answer the question yes or no from our constitutional perspective: Do Members of the House of Representatives serve under the President of the United States?

Mr. CAMP of Michigan. Well, of course not.

Mr. NEAL of Massachusetts. We serve with the President of the United States.

Mr. CAMP of Michigan. We have three coequal branches of government.

Mr. NEAL of Massachusetts. I reclaim my time, Madam Speaker.

With that, I would like to yield 2 minutes to the gentleman from Texas, a fine member of the Ways and Means Committee, Mr. DOGGETT.

Mr. DOGGETT. Perhaps the sixth time will be the charm. This is the sixth time that this House has approved this legislation to encourage more renewable energy, more solar energy, more wind energy, and provisions that I authored that will encourage plug-in hybrid vehicles and geothermal heat pumps and will promote small business development of biodiesel.

American innovation can fuel new jobs and increase exports abroad. We can put more green where it really counts, in the wallets and in the purses of the working families of America.

The choice is ours. We can either run this new economy that is less dependent on fossil fuels, or we can get run over by it.

Now, really this is not a House/Senate dispute. This is about the Republicans taking the renewable energy bill hostage. Their approach boils down to this: They absolutely refuse to let us take America forward into a less fossil fuel-dependent economy unless we borrow the money to do it.

We all know what the George Bush approach has been for 8 years. ''What, me worry?'' Well, his philosophy is ''just swipe the debt on the national credit card.'' Just borrow a little more money, whether it's the cost of the Iraq war, or it's $700 billion for a Wall Street bailout. ''Don't worry, it's a free lunch. What, me worry? No, just put it on the credit card.''

And that's what they're saying this morning. They will not let us move forward with renewable energy and a new green economy unless we borrow more money. How much more money do they think the American people can stand to borrow?

Under President George Bush we have added almost $4 trillion, more than all the presidents before him put together borrowing from foreign sources. And they want us to borrow even more before they will allow us to do what the American people want, and that is, to look to the future.

If this George Bush bailout proposal has taught us anything, it is the danger of over-borrowing.

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

Mr. NEAL of Massachusetts. I yield the gentleman 15 more seconds.

Mr. DOGGETT. The President's answer to us this morning regarding an over-leveraged Wall Street is to further over-leverage the American people.

Today's bill doesn't make that mistake. If it's worth doing, it's worth paying for. That's what we do.

Mr. CAMP of Michigan. Madam Speaker, I see there are a few more speakers on that side so I will reserve my time for right now.

Mr. NEAL of Massachusetts. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON), a fine member of the Ways and Means Committee.

Mr. THOMPSON of California. Madam Speaker, in my district, over 30 wineries and countless homes and businesses have already gone solar, and more are looking to do the same every day. We need to build on this momentum by extending the solar investment tax credit.

Solar business owners in my district are feeling the effects of not having this extension. Commercial and large residential sales of solar technology have ground to a halt because of the uncertainty over the solar investment tax credit extension. One local business owner told me that several wineries and small businesses have stopped plans to install solar technology because of this delay. Expanding solar is, first and foremost, about promoting renewable energy and fighting global climate change.

But this bill has a critical economic impact as well. 110,000 green jobs, new green jobs, will be created in the solar industry with this bill. The multiplier effect of economic growth by this bill will create an additional 330,000 jobs throughout our country in sectors outside of the solar industry. California alone will get over 200 of those jobs.

In these troubled economic times, we need to do all that we can to add jobs and move towards energy independence. I urge my colleagues on both sides of the aisle to support this vital bill which will move us one step closer to a strong, green economy. And don't forget it's paid for as well.

Mr. CAMP of Michigan. I would yield myself such time as I may consume and just briefly say that we will not see those goals achieved because this bill will not be enacted into law. Not only has the Senate majority leader said he will not take it up, we also have a statement from the administration that his advisers would recommend it be vetoed.

I reserve the balance of my time.

Mr. NEAL of Massachusetts. Madam Speaker, I would like to yield 2 minutes to the distinguished gentleman from New Jersey, and a very good member of the Ways and Means Committee, Mr. PASCRELL.

Mr. PASCRELL. Madam Speaker, I rise to speak on an issue that has an impact on millions of Americans, and that is the Renewable Energy and Job Creation Act of 2008.

I wish to thank my colleague, Chairman RANGEL, for his leadership.

The Renewable Energy and Job Creation Act is a vital piece of legislation. The tax incentives are the best way to bring renewable energy into the American home.

The bill will extend $42 billion of expiring temporary tax provisions for 2 years through 2009. These are bread-and-butter tax cuts that millions of Americans count on. Jobs could be lost if Congress fails to renew these tax incentives.

These are bread-and-butter tax cuts, and we believe, on this side of the aisle, that if you're going to cut taxes, you find money to do it so that you don't run the government like Enron. That's why we are in the position we are in on Wall Street. And you're trying to make this Wall Street.

These extenders not only impact the businesses that claim them, but also their customers, suppliers and others.

The restaurant industry is projected to spend $70 billion over the next 10 years for building construction and renovation. Every dollar spent in the construction industry creates more than 28 jobs in the overall economy, for every dollar.

Failure to renew the research tax credit would also encourage businesses to move their work out of the United States. The United States used to have an attractive research tax credit. Other countries have recently taken the lead. Countries like China now have more attractive research tax incentives, luring research jobs away from the United States. Inaction in this area would hurt our middle class.

Madam Speaker, the basic question is, should we pay for what we're doing, or should we kick the can down the street and put the burden on our children and our grandchildren? The answer is no.

Mr. CAMP of Michigan. At this time, Madam Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. I want to thank my colleague from Michigan.

Let me make a couple of points here. First of all, it's ironic that the argument by the Democrat majority on the floor today is one that says, you can't cut taxes unless you raise taxes and all this other discussion, when in 35 or 34 minutes, up in the House Rules Committee the Democrat majority is going to, I'm told, move a stimulus bill that spends tens and tens and tens of billions of dollars for which I believe there are no offsets. There's a little inconsistency here.

And for those of us from the West, that are home to the rural timbered counties where Federal land may equate to over half of our States and our districts, you want to talk about loss of jobs? Come to my district, where we have three counties of the 20 that are over 8 percent unemployment and have been. The mills have been closed. These are blue-collar jobs that have gone away because this Congress has failed to reauthorize—

Mr. PASCRELL. Will the gentleman yield?

Mr. WALDEN of Oregon. I will in a second. I'm a little passionate on this, and then I'd be happy to yield.

Mr. PASCRELL. And so am I.

Mr. WALDEN of Oregon. I'd love to have your help reauthorizing secure county roads and schools. It's in the Senate version of this legislation. The President has said he will sign that legislation, it can become law, and then our counties don't have to gut their sheriff's departments, their fire departments, their search and rescue departments. The libraries are closing. The school teachers have been fired.

It doesn't have to happen that way. The Senate has risen to the challenge and come forward with a way to do that.

Every time we have asked for help to reauthorize and fund this, this majority has figured out a way to deny that, other than one emergency extension.

We need your help on this. This is the time that if the previous question had been defeated, we could have offered an amendment to add it to this bill. This is the time that, if this bill went away, and we just took up the Senate bill when it got here, it could become law tomorrow and we could resolve this problem.

I've only got a few seconds here, but I'd be happy to yield.

Mr. PASCRELL. I would agree with much of what my friend just said, by the way. Your district did not invent unemployment. We have had unemployment in my district for at least 4 or 5 years. We've been trying to get our hands around that. It's not an easy thing to do. But, in conclusion, we want to pay for what we do.

Mr. NEAL of Massachusetts. Madam Speaker, I would like to yield 2 minutes to the gentlelady from Nevada, a fine member of the Ways and Means Committee, Ms. BERKLEY.

Ms. BERKLEY. I thank the gentleman for yielding and for his leadership on these important issues.

Madam Speaker, I rise in support of this bill to provide incentives for clean, renewable domestic energy production, to improve our energy security, and to extend provisions that provide vital tax relief to parents, teachers, college students, small businesses and millions of other middle class Americans.

The energy provisions in this bill will allow my home State of Nevada to become an even stronger leader in the field of renewable energy. In a State that has a renewable energy standard and sunshine almost every day of the year, our entrepreneurs are anxious to secure the 8 years of solar energy tax credits contained in this bill, while our public utilities will finally be able to claim that credit as well.

Instead of capping solar tax credits at $2,000 for residential property owners, this bill will allow home owners to recoup 30 percent of their solar energy installation costs as a tax credit.

Solar is just one renewable energy source in this bill. There's also tax credits for wind, geothermal and biomass. The time is long past due for these important tax credits to be extended.

This legislation also renews a number of expired individual and business tax credits, and will ensure that the residents of Nevada and other States that do not pay a State income tax are treated fairly and allowed to deduct State and local sales taxes instead.

□ 1100

It's also important to note that the tax relief in this bill is fully paid for and will not add a single dollar to the national debt. Now, that's good fiscal policy.

I urge support for this bill, and I urge the Senate and the President to do their part to enact this important legislation.

Mr. CAMP of Michigan. At this point, Madam Speaker, I yield 2 minutes to the distinguished gentleman from Oregon.

Mr. WALDEN of Oregon. I thank my colleague from Michigan for the time.

I want to make a couple of other points because I actually have legislation that would not only pay for a 10-year extension of these tax extenders and incent production of renewable energy, but would do much more, including fully fund county payments and fully fund payment in lieu of taxes by developing America's great energy reserves and using the royalties and the fees from the SEA Act, The Security and Energy for America Act, to actually pay for these things because I was a small business person for 21 years and 7 months, owned and operated a small company. I understand about paying taxes, and I understand about meeting budgets. And I have legislation that would accomplish both, but the majority won't allow it to even have a hearing.

So we're confronted today with legislation that only goes part way and doesn't deal with the biggest issue affecting Republicans and Democrats and Independents and school kids and people who are out in the woods. We have an enormous crisis in our Federal forests. We, the people in this House, are the stewards of those great lands. I've got half a million acres of Federal and private timber land that is ready to go up in fire in one of our national forests, Winema-Fremont, half a million acres. That's as big as the Biscuit Fire a few years ago. It's all bug infested and dead, and we need to get in there and work in it.

Reauthorization of Secure Rural Schools would help us do that, through the various titles.

You're going to spend $250 an acre to treat those lands. If you don't pass Secure Rural Schools and other legislation that would help us go in and treat it, you're going to spend $1,500 to $2,000 an acre to fight fire. And my good friend knows all about fighting fire. You get in and you prevent it.

This is why, for multiple reasons, not only for our kids, for law enforcement, for search and rescue, for libraries that are being closed, why can't this majority give us an opportunity to at least have a vote to reauthorize and fund the Secure Rural Schools and Community Self-Determination Act? It was bipartisan when it became law in 2000. Bill Clinton signed it into law.

Mr. NEAL of Massachusetts. Madam Speaker, I yield to the gentleman from American Samoa for a unanimous consent request.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of the Renewable energy and Job Creation Tax Act of 2008, and publicly thank the Honorable CHARLES RANGEL, Chairman of the House Committee on Ways and Means, and Senator MAX BAUCUS, Chairman of the Senate Finance Committee, for extending 30A tax credits to American Samoa for an additional 2 years as a means to protect the jobs of some 5,000 of our tuna cannery workers.

Given the unparalleled financial crisis America is now facing, I especially appreciate the support of my colleagues in the House and Senate. On behalf of the people of American Samoa, I thank you for extending these tax credits which are essential to stabilizing the operations of our canneries and economy.

In these challenging times, I remain hopeful that local tuna canneries will also put measures in place to supplement what the Federal Government has once again done for them, especially since American Samoa's economy

is more than 80 percent dependent, either directly or indirectly, on the U.S. tuna fishing and processing industries.

I also continue to hope that the American Samoa government will do everything it can to diversify our local economy as I will continue to do everything I can at the Federal level to keep American Samoa's economy and canneries strong.

Again, on behalf of the some 5,000 cannery workers in American Samoa whose jobs I will work to protect at every turn, I thank my colleagues for their support.

Mr. Speaker, I want to especially thank the gentleman from Massachusetts, Mr. NEAL, Chairman of the House Ways and Means subcommittee on Select Revenue Measures, for his leadership in getting this bill approved both in committee and by this body.

Mr. NEAL of Massachusetts. Mr. Speaker, with that, I yield 1 minute to the distinguished gentlelady from Connecticut, a member of the Appropriations Committee and my friend, Ms. DELAURO.

Ms. DELAURO. Mr. Speaker, I rise in support of this bill. It illustrates our commitment to restoring middle class prosperity, a clear and practical approach to strengthen our economy, achieve energy independence and give families the opportunity to reach for the American dream.

By expanding the child tax credit, lowering its floor to $8,500, we can finally make a direct and a critical impact for all families with children: $3 billion benefiting 13 million children. That is 2.9 million children newly eligible and more than 10 million who would see their credit increased.

I believe with the child tax credit we make opportunity real for American families. Today, amidst our current financial crisis and an economy that continues to shed jobs and produces less income, these 13 million children come from families with parents who work hard every single day and struggle every day just to get by.

We have a responsibility to make our economy work, a responsibility to help ordinary Americans face today's economic challenges. Expanding the child tax credit is a great way to do it.

I urge my colleagues to vote ''yes'' on this bill.

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Michigan for yielding time to me on this issue.

I think that what the American people are seeing here again today is an exercise in futility. They want us to come here and work together to get good legislation passed, and we are trying to do that.

Let me say that even the Democrats on the Senate side want us to do that. Let me share this quote from the majority leader in the Senate, the Democratic majority leader in the Senate:

''I say to my friends on the other side of the Capitol, the House, don't send us back something else. We can't get it passed. If they try to mess with our package, it will come back here, it will die, and we will have snatched defeat from the jaws of victory.'' Senate Majority Leader HARRY REID on the Senate floor, 9–23–2008.

These folks don't even listen to their own party. We have what you would call a failure to communicate here. The Senate wants to get this bill passed, and the House is playing games. It's the same kind of game playing that we see day after day after day on the floor of this House.

Republicans are here to work; Democrats take off the entire month of August. They don't want to work. We stayed here and worked. We wanted a good energy bill. Now we want to do something on this tax extenders bill, and what do we get? Games back.

Let's listen to Senator HARRY REID. Let's get our work done. We have other important work that needs to be done, and we're wasting the time of Members on something that is dead on arrival in the Senate. That is not leadership.

I want the American people to understand the Democrats are in charge of the House and the Senate. They cannot blame Republicans when they fail. They have the votes. They are in charge.

Mr. NEAL of Massachusetts. Mr. Speaker, I understand it's the opportunity for the minority leader on the Ways and Means Committee to use his time to close.

Mr. CAMP of Michigan. That is correct, Mr. Speaker. I am prepared to close.

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

We've heard a lot about the principled stand of the majority in terms of PAYGO, but I have to say that to inflict permanent tax increases on the American people to pay for temporary extensions of tax relief is just nonsensical. And let me just say that their application of this principle has been inconsistent at best. It wasn't applied for the unemployment benefits extension that we did; it wasn't applied for the housing bill; it hasn't been applied when they wanted to extend AMT, alternative minimum tax relief; it won't be applied to the stimulus package that's being put through the Rules Committee right now.

So to say that this bill is the only way because it has PAYGO when PAYGO is not applied in any kind of consistent manner across anything that they present to this House I think is an argument that really collapses under its own weight.

Secondly, we have clear indication from the Senate, as the distinguished gentlewoman from North Carolina so eloquently said, who has stated that they will not take up this bill. They've passed a bipartisan compromise 92–3. We would have bipartisan support for that bill were it to come to this body, were my colleagues to bring that forward.

Not only is it the other body, but it's also the administration. The President has said this bill would be vetoed if it ever reaches his desk. We know it won't get that far.

So recognizing that we have limited time left in this Congress, recognizing that it really takes three branches of government, it really takes particularly the executive and legislative branch to at least get a bill enacted into law, the third branch to make sure it's constitutional; but knowing what the other branch of government has said already about this bill, knowing that we don't have unanimity in the legislative side, it makes absolute sense that we bring forward the Senate bill.

Then on policy grounds, let me just say, the House bill has more tax increases than necessary, and the Senate measure includes a number of key items that are not included in the House bill that some of my colleagues have talked about today, particularly with regard to rural schools, but also especially in the area of energy.

When you look at this bill lacking the credit for small wind power systems, which is going to so help our dependence on foreign oil, the business tax credit for geothermal heat pumps, which is part of our all-of-the-above strategy trying to support wind, solar, alternatives, geothermal, nuclear, whatever we can to help lessen our dependence on foreign oil, and then also the bonds to help municipal and cooperatives to install wind and solar power plants. We see those operating all over the country, efforts to try to get these alternative energy sources up and running. And here we've delayed 9 months to move forward on a bill and then bring a bill forward to this body which is inadequate in those alternative energy methods. Also for refining capacity, for energy-efficient homes, those are critical.

And lastly, which is important to so many Members from the gulf coast still dealing with the aftermath of Katrina, the extension of tax credits for rehabilitating buildings in the GO Zone.

These aren't just minor problems. These are glaring omissions that have received bipartisan support in the Senate. They're lacking in the House bill.

So I would urge my colleagues to vote ''no'' on this legislation.

I yield back the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I have been here for 20 years. I want to tell you something today. This is a good piece of legislation. This deals with the energy needs of the country, and I want to say to my friend, Mr. CAMP, I consulted with him on major portions of this legislation. There are provisions in this legislation that Mr. CAMP and I worked hand-in-glove on.

We are here this morning where the minority side says, ''Well, we have to check with the President.'' We didn't get elected to be members of the executive branch; we got elected to be Members of the legislative branch. Every

school child in America knows that. Since when do we submit here without asking any questions of the executive to the whims of what they might want to do?

I want to say this today. The reason that historians will write about the last 7½ years being as difficult as it has been for the American people, including what is in front of this Nation today, is because the minority today, who were the majority for the first 6 years of the Bush administration, they abdicated their responsibility.

The job of this body is to occasionally ask a question of the President of the United States. Instead, it was, ''Yes, Mr. President.''

''Can we move quickly enough, Mr. President?''

''Weapons of mass destruction? Yes, Mr. President.''

''Invasion of Iraq? Yes, Mr. President.''

''$2.3 trillion worth of tax cuts? Yes, Mr. President.''

''Regulations thrown out the window? Yes, Mr. President.''

Since when do Members of this body ask themselves is it okay with the United States Senate? Is it okay with the President of the United States?

Our job here is to help the 660,000 people that sent us here, and that means occasionally clearing your throat and saying, ''No, Mr. President.''

This bill addresses many fundamental issues for the American people. The R&D tax credit is very important. When the Senate says to us they're not going to act on our legislation if we don't get it over there by 11 o'clock, they haven't even submitted a bill to us to act upon.

This deference all of a sudden to the United States Senate surprises me. We have a separate responsibility here to move forward with what we believe to be in the best interest of the American people and not to accept automatically what the executive branch says or what the Senate says.

I've been associated with some good legislation, and from time to time perhaps in this body over two decades, some not-so-good legislation. This, Mr. Speaker, is a good piece of legislation, and the minority was included in the writing of this legislation.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 7060, Renewable Energy and Job Creation Tax Act. This legislation provides tax relief for millions of Americans while spurring business investment and innovation in renewable energy.

H.R. 7060 will benefit the families of millions of children by expanding the child tax credit to those earning $8,500 a year in 2009. This bill also helps families by extending the state and local sales tax deduction, and will help over 4 million families better afford college by providing a tuition deduction. As a former superintendent of schools, I am pleased that this legislation includes a tax deduction that will save money for more than 3 million teachers when they pay for classroom supplies and expenses. The bill also includes an additional $400 million for Quality Zone Academy Bonds to help states and localities address school construction and renovation needs. While I am a supporter of funding for local counties and municipalities, and I am disappointed that this bill does not include the four-year county payments extension for secure rural schools, I believe this bill contributes significantly to the needs of our families.

This bill provides critical support in the form tax breaks and incentives to the small businesses that form the backbone of our economy. This bill extends the Research and Development Tax Credit for two years to spur American innovation and business investment as well as a two year extension of the 15-year straight-line cost recovery for leasehold improvements and qualified restaurant improvements.

Developing alternative energy sources and reducing our dependence on foreign oil is one the most critical challenges facing our country. H.R. 7060 will increase the production of renewable fuels and renewable electricity, and encourage greater energy efficiency. This bill features an eight-year extension of the investment tax credit for solar energy and a multi-year extension of the production tax credit for other sources of alternative energy like biomass, geothermal, hydropower, and solid waste. With millions of Americans struggling to afford rising gas prices, H.R. 7060 includes tax incentives for the installation of E–85 pumps for flex-fuel vehicles, and a $3,000 tax credit toward the purchase of fuel-efficient, plug-in hybrid vehicles. There are also incentives for incorporating energy conservation in commercial buildings and residential structures. The energy provisions in H.R. 7060 will help create and preserve more than 500,000 good-paying green collar jobs at a time when our economy is struggling and unemployment is at a five-year high.

Finally, as a member of the House Budget Committee, I am pleased that this bill includes offsets that minimize its impact on the federal budget. H.R. 7060 is paid for by including provisions that close offshore tax loopholes and tighten taxes deductions for oil and gas companies. This attention to fiscal responsibility is even more important today as we face an uncertain economy and a growing deficit.

The Renewable Energy and Job Creation Tax Act is a crucial step towards getting our economy back on track and making our nation energy independent. I support H.R. 7060 and I urge my colleagues to join me in voting for its passage.

Mr. UDALL of Colorado. Mr. Speaker, support this legislation that will extend critical tax credits for renewable energy and for American families while not adding to the Federal deficit.

As co-chair of the Renewable Energy and Energy Efficiency Caucus, I am especially pleased to see the House take action on needed tax credits for renewable energy. The Production Tax Credit (PTC) in particular has been instrumental in promoting the creation of a renewable energy industry. An extended PTC will provide more market certainty and we must have an extension of this key tax credit before the current credit expires at the end of 2008.

I must add that, while I am pleased that the bill provides a three-year extension of the PTC for most renewable energy sources, I am concerned that it only provides a one-year extension for wind energy.Wind is a very promising renewable energy source and a one-year extension will not be as helpful for the industry. I will continue to lead the fight to extend the wind energy PTC for more than one year.

The bill also extends the Investment Tax Credit (ITC) for solar energy, qualified fuel cells, and microturbines for eight years. The ITC will help companies with initial investment costs in expanding these renewable energy sources across the country.

Rising gas prices are forcing many Coloradans to dip into their savings just to make ends meet. This bill will help families reduce their fuel bills by providing $3000 in tax credits toward the purchase of fuel-efficient, plug-in hybrid vehicles. It will also help address long-term fuel cost concerns by expanding production of homegrown fuels and incentives for the installation of E–85 pumps for consumers to fill up flex-fuel vehicles.

This bill also will support advances in energy efficiency and conservation in commercial and residential buildings, as well as energy efficient appliances.

And this bill will also help Colorado businesses stay competitive by extending the research and development tax credit for one year. While again I would like to see this key tax credit extended for more than one year, this is a step in the right direction.

To help with the hard economic times that Coloradans are facing, this bill includes several other key tax credits, including expanding the child tax credit for some of our neediest families, allowing teachers to take a deduction for purchasing classroom supplies out of their own pocket, and providing additional support for families paying for college education.

Although this bill includes several important provisions and I will vote for it, I am disappointed that it does not include provisions that passed in the Senate and in previous House bills—particularly those related to clean renewable energy bonds (CREBS) and the Secure Rural Schools Program.

CREBs provide a critical tool for public power providers and electric cooperatives to invest in renewable energy. This is a unique tool for Colorado's rural co-ops and municipal utilities and I hope to see us address this issue before the session ends. CREBS provisions were in the version of the bill originally passed by the House, but in the Senate they were revised. My understanding is that is the reason they have been omitted entirely from the bill now before us. My hope is that further discussions between the House and Senate will resolve this impasse.

The ''Secure Rural Schools'' program, originally authorized in 2000, was designed to establish stability to certain annual payments made to States and counties containing National Forest System lands and certain public domain lands managed by the Bureau of Land Management.

Since 1908, 25 percent of Forest Service revenues, such as those from timber sales, mineral resources and grazing fees, have been returned to the States in which national forest lands are located. Because receipts from timber sales have fluctuated over time, the 106th Congress in 2000 enacted the Secure Rural Schools and Community Self-Determination Act (Public Law 106–393) to address this instability by providing funding for a period of seven years, but requiring reauthorization after that time.

While Colorado is not among the States receiving the largest payments, the program has helped some of our rural counties meet urgent needs. In fact, last year payments under the program to Colorado counties amounted to more than $6.4 million, helping to offset the costs of public schools, roads, and other needs of Colorado residents.

That is why I cosponored legislation (H.R. 3058) to renew the program's authorization, and why I voted for that legislation when the House considered it on June 5th of this year. Unfortunately, while 218 of us voted for the bill, the final total included 193 against and thus, because it was considered under a procedure requiring two-thirds approval, the bill did not pass.

In its version of this legislation the Senate included funding for both the Secure Rural Schools program and for the Payment in Lieu of Taxes (PILT) program, which makes payments to counties across the country where certain categories of Federal lands are located. PILT is also very important to Colorado, and I strongly support funding for it—and I would have preferred to have both its funding and that for the Secure Rural Schools program included in the bill now before us.

Nonetheless, despite the lack of these provisions, this is a good bill. I hope we can move it forward and promote positive change that will benefit our families and rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

I encourage my colleagues in the House to vote for this needed legislation, and also encourage quick action in the Senate so that we may move it to President's desk.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 7060, the Renewable Energy and Job Creation Tax Act of 2008. This bill provides much needed tax relief for many Americans and will help create jobs at a time when unemployment is increasing. Furthermore, this legislation provides needed incentives for renewable energy investments that will help reduce greenhouse gas emissions and decrease our dependence on foreign oil.

These are uncertain times for the economy. The troubles on Wall Street have created problems on Main Street, and America's working families are struggling. In times like these, we need tax relief that everyone can count on. The legislation before us today will help achieve this goal.

First, H.R. 7060 extends several important expiring tax provisions. In particular, the bill will provide property tax relief for tens of millions of Americans, support for parents through an expanded child tax credit, relief for more than 11 million families through state and local sales tax deduction, help for more than 4.5 million families to cover the cost of education through the tuition deduction, and relief for more than 3.5 million teachers who will be reimbursed for out-of-pocket expenses for their classrooms.

H.R. 7060 also addresses the need for more clean energy production in our country by providing long term extensions of the renewable energy production tax credit and the solar energy and fuel cell investment tax credit, while amending them to increase accessibility. These long term extensions will give utilities and investors the predictability they need to move forward with new generation projects in the years to come. The bill also addresses energy use and carbon emissions by extending multiple energy efficient credits for homes and businesses, creating incentives for carbon capture and sequestration demonstration projects, and calling for carbon audit of the tax code to determine what policies are encouraging wasteful energy use and unnecessary carbon emissions. The bill also addresses our dependence on dirty foreign oil by extending and improving tax credits for the production of cellulosic biofuels and plug-in electric vehicles.

Finally, this bill is fully offset and complies with pay-go rules. Under the leadership of Chairman RANGEL and Speaker PELOSI, we are demonstrating that we can provide tax relief without sending the debt on to our children. After years of fiscal recklessness—deficit financed tax cuts for the wealthy and out of control government spending—this bill sets a precedent of fiscally responsible tax reform.

Again, Mr. Speaker, I am happy to support this sensible and fair tax bill before us today. I urge my colleagues to support H.R. 7060.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of the Renewable Energy and Job Creation Tax Act of 2008, and publicly thank the Honorable CHARLES RANGEL, Chairman of the House Committee on Ways and Means, and Senator MAX BAUCUS, Chairman of the Senate Finance Committee, for extending 30A tax credits to American Samoa for an additional two years as a means to protect the jobs of some 5,000 of our tuna cannery workers.

Given the un-paralleled financial crisis America is now facing, I especially appreciate the support of my colleagues in the House and Senate. On behalf of the people of American Samoa, I thank you for extending these tax credits which are essential to stabilizing the operations of our canneries, and economy.

In these challenging times, I remain hopeful that our local tuna canneries will also put measures in place to supplement what the federal government has once again done for them, especially since American Samoa's economy is more than 80 percent dependent, either directly or indirectly, on the U.S. tuna fishing and processing industries.

I also continue to hope that the American Samoa Government will do everything it can to diversify our local economy as I will continue to do everything I can at the federal level to keep American Samoa's economy and canneries strong.

Again, on behalf of the some 5,000 cannery workers in America Samoa whose jobs I will work to protect at every turn, I thank my colleagues for their support.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the Renewable Energy and Job Creation Tax Act of 2008 (H.R. 6049) for the innovation it will drive and the fiscal responsibility it represents. In our efforts to fashion a bicameral way forward on these important incentives, I sincerely hope that my colleagues in the Senate will take yes for an answer and forward this compromise package to the President without delay.

This pro-growth legislation provides $15 billion for tax incentives in the areas of renewable energy, energy efficiency and conservation. It extends the production tax credit for wind, biomass, geothermal and hydropower facilities and expands that credit to include the promising field of marine renewables. It extends the investment tax credit for solar energy, fuel cells and microturbines for eight years and similarly extends the residential solar property credit for another eight years while removing the existing $2000 cap. And it extends important energy efficiency incentives across the residential, commercial and industrial sectors—including accelerated depreciation of smart grid systems and related equipment—while expediting next generation transportation technologies like cellulosic ethanol and plug-in hybrids.

On the extenders side of the equation, this legislation maintains important provisions in the code ranging from the R&D tax credit to encourage business innovation to IRA charitable rollover provisions that support the good works of our non-profit sector to an above-the-line deduction for tuition costs and an enhanced child credit to help our families' budgets during these challenging economic times. Moreover, to meet our colleagues in the Senate halfway, this legislation extends these provisions for two years, as in the Senate bill, and then pays for it by delaying the effective date of an offset the Senate has in principle already agreed to.

Mr. Speaker, this is important, broadly supported, fiscally responsible legislation that needs to be enacted into law this year. I urge its immediate adoption.

Mr. SHAYS. Mr. Speaker, I support of H.R. 7060, the Renewable and Job Creation Tax Act, because the renewable tax extensions provided in this bill are long overdue.

American scientists and engineers are at the forefront of breakthrough energy technologies that will change the way we power our homes, cities and transportation. The Federal Government must provide incentives to bring this innovation online and into the marketplace. What we do today will lay the foundation for reducing energy consumption and producing diverse, American-made energy for the short and long term.

Renewable energy is a critical component of our energy future. And yet, renewable sources only make up about seven percent of the energy in our country today. This legislation provides the much-needed assurance investors need to develop and expand wind, solar, geothermal and biofuel energy sources, and rewards consumers who purchase these technologies and other energy-efficient products with tax credits of their own.

Among other things, this bill extends the credit for residential solar property for eight years and eliminates the annual credit cap for solar electric property. The bill also includes residential small wind equipment and geothermal heat pumps as qualifying property. These are powerful incentives for consumers to cut their energy costs through energy efficiency and conservation.

High energy costs are bringing down our economy; energy bought from overseas is depriving us of American jobs; and foreign purchases of energy is transferring $700 billion to countries that would do us harm.

I strongly believe in a comprehensive energy policy that includes conservation, renewable sources, nuclear power, and American oil

and natural gas. Extending the tax credits and incentive in this bill is a strong step in the direction of American energy independence, and I urge passage of H.R. 7060.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of the Renewable Energy and Job Creation Tax Act of 2008. This legislation is a timely, necessary, and comprehensive approach to addressing our energy crisis. I support efforts to extend the expiring business tax provisions. Opponents of H.R. 6049 are concerned that the House Amendment to the Senate Amendment to this bill would permanently increase taxes on businesses to pay for a temporary, one-year extension of expiring business tax provisions. I fail to see the merits of the opponent's contention and I believe that the benefits far outweigh any potential costs. Given the circumstances, the American economy is spiraling downward, energy prices are high, and unemployment is high, some kind of relief must be granted. To the extent that this body can grant some kind of relief, it is to be supported. I urge my colleagues to support this legislation. I am committed to working with industry actors to make sure that some balance is struck in the future.

The following are provisions that are widely supported by various interest groups:

Extension of Expired and Expiring Business Tax Provisions—Legislation is urgently needed to extend critically important provisions. A number of provisions—such as the R&D credit, the election to deduct state and local general sales tax, and the railroad track maintenance credit—already have expired. Others—such as the exception under subpart F for active financing income and the look-through treatment of payments between related controlled foreign corporations (CFCs) under the foreign personal holding company rules—expire at the end of this year.

Clean Energy Tax Incentives—The extension of the clean energy tax incentives. These incentives will go a long way toward the development of the renewable and alternative energy technologies essential to America's energy future. The Chamber believes it is critical to promote the responsible use of all energy sources. To reach this goal, government and business should support investment in new technologies that expand alternative energy and enable traditional sources of energy to be used more cleanly and Cleanly and efficiently.

Some business interests have concerns with revenue offset provisions included in the House Amendment to the Senate Amendment to H.R. 6049, including those related to:

Punitive Oil and Gas Taxes—Business claim that Congress must be mindful of the crosswinds hitting the American economy from the financial sector to the housing sectors. Many believe tax increases on the oil and gas industries are out of sync with an American economy showing great demand for increased domestic energy production, which could provide the opportunity for the energy industry to add a significant number of high-wage jobs. Many are concerned with provisions that would freeze the section 199 deduction for oil and gas companies. This change would discourage energy investment, resulting in the loss of jobs, a decrease in the supply of oil and gas, and an increase in the costs for businesses that rely on oil and gas.

Many businesses interest groups are also concerned with the proposed modifications of the foreign tax credit rules for oil and gas companies, as this change would place domestic firms at a competitive disadvantage to foreign oil and gas manufacturers.

FUTA Surtax—Some businesses are concerned with the proposed extension of the FUTA surtax, which was added to the tax code in 1976 as a temporary measure and should have been allowed to expire long ago, having outlived the purposes and term that served as the rationale for its enactment.

Nonqualified Deferred Compensation—Some acknowledges that tax deferred plans used by offshore partnerships are created as part of complex legal agreements between managers and limited partners who are usually passive foreign investors. Foreign investors utilize these deferral arrangements to better align the interests of the manager with the investors. Altering these economic arrangements could cause these investments to migrate to other countries.

I will end, as I began. I believe that this bill is solid and makes great strides toward providing relief to the American people. I support this bill, and I am committed to working with industry and businesses to make sure that their concerns are heard and addressed.

I urge my colleagues to support this bill.

Mr. NEAL of Massachusetts. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ROSS). Pursuant to House Resolution 1502, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CAMP of Michigan. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CAMP of Michigan. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Camp of Michigan moves to recommit the bill H.R. 7060 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

DIVISION A—ENERGY PROVISIONS

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This division may be cited as the ''Energy Improvement and Extension Act of 2008''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title, etc.

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

Sec. 101. Renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Energy credit for small wind property.
Sec. 105. Energy credit for geothermal heat pump systems.
Sec. 106. Credit for residential energy efficient property.
Sec. 107. New clean renewable energy bonds.
Sec. 108. Credit for steel industry fuel.
Sec. 109. Special rule to implement FERC and State electric restructuring policy.

Subtitle B—Carbon Mitigation and Coal Provisions

Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax; funding of Black Lung Disability Trust Fund.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Tax credit for carbon dioxide sequestration.
Sec. 116. Certain income and gains relating to industrial source carbon dioxide treated as qualifying income for publicly traded partnerships.
Sec. 117. Carbon audit of the tax code.

TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

Sec. 201. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 202. Credits for biodiesel and renewable diesel.
Sec. 203. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 204. Extension and modification of alternative fuel credit.
Sec. 205. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 206. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 207. Alternative fuel vehicle refueling property credit.
Sec. 208. Certain income and gains relating to alcohol fuels and mixtures, biodiesel fuels and mixtures, and alternative fuels and mixtures treated as qualifying income for publicly traded partnerships.
Sec. 209. Extension and modification of election to expense certain refineries.
Sec. 210. Extension of suspension of taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 211. Transportation fringe benefit to bicycle commuters.

TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS

Sec. 301. Qualified energy conservation bonds.
Sec. 302. Credit for nonbusiness energy property.
Sec. 303. Energy efficient commercial buildings deduction.
Sec. 304. New energy efficient home credit.
Sec. 305. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 306. Accelerated recovery period for depreciation of smart meters and smart grid systems.

Sec. 307. Qualified green building and sustainable design projects.
Sec. 308. Special depreciation allowance for certain reuse and recycling property.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 402. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 403. Broker reporting of customer's basis in securities transactions.
Sec. 404. 0.2 percent FUTA surtax.
Sec. 405. Increase and extension of Oil Spill Liability Trust Fund tax.

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND AND REFINED COAL FACILITIES.—Paragraphs (1) and (8) of section 45(d) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(2) 2-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2011'':

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF REFINED COAL AS A QUALIFIED ENERGY RESOURCE.—

(1) ELIMINATION OF INCREASED MARKET VALUE TEST.—Section 45(c)(7)(A)(i) (defining refined coal), as amended by section 108, is amended—

(A) by striking subclause (IV),

(B) by adding ''and'' at the end of subclause (II), and

(C) by striking '', and'' at the end of subclause (III) and inserting a period.

(2) INCREASE IN REQUIRED EMISSION REDUCTION.—Section 45(c)(7)(B) (defining qualified emission reduction) is amended by inserting ''at least 40 percent of the emissions of'' after ''nitrogen oxide and''.

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(e) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REFINED COAL.—The amendments made by subsection (b) shall apply to coal produced and sold from facilities placed in service after December 31, 2008.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (c) shall apply to electricity produced and sold after the date of the enactment of this Act.

(4) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (vi) as clause (vi) and (vii), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48,''.

(2) TECHNICAL AMENDMENT.—Clause (vi) of section 38(c)(4)(B), as redesignated by paragraph (1), is amended by striking ''section 47 to the extent attributable to'' and inserting ''section 46 to the extent that such credit is attributable to the rehabilitation credit under section 47, but only with respect to''.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Subsection (c) of section 48 is amended—

(A) by striking ''QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY'' in the heading and inserting ''DEFINITIONS'', and

(B) by adding at the end the following new paragraph:

''(3) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(ii) which produces—

''(I) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(iii) the energy efficiency percentage of which exceeds 60 percent, and

''(iv) which is placed in service before January 1, 2017.

''(B) LIMITATION.—

''(i) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(ii) APPLICABLE CAPACITY.—For purposes of clause (i), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(iii) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) SPECIAL RULES.—

''(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this paragraph, the energy efficiency percentage of a system is the fraction—

''(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(II) the denominator of which is the lower heating value of the fuel sources for the system.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(ii) shall be determined on a Btu basis.

''(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(D) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(i) subparagraph (A)(iii) shall not apply, but

''(ii) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this subparagraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(3) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraphs (1)(B), (2)(B), and (3)(B)''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. ENERGY CREDIT FOR SMALL WIND PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A), as amended by section 103, is amended by striking ''or'' at the end of clause (iv), by adding ''or'' at the end of clause (v), and by inserting after clause (v) the following new clause:

''(vi) qualified small wind energy property,''.

(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

''(IV) qualified small wind energy property, and''.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c), as amended by section 103, is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity.

''(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to all such property of the taxpayer shall not exceed $4,000.

''(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which has a nameplate capacity of not more than 100 kilowatts.

''(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2016.''.

(d) CONFORMING AMENDMENT.—Section 48(a)(1), as amended by section 103, is amended by striking ''paragraphs (1)(B), (2)(B), and (3)(B)'' and inserting ''paragraphs (1)(B), (2)(B), (3)(B), and (4)(B)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 105. ENERGY CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3), as amended by this Act, is amended by striking ''or'' at the end of clause (v), by inserting ''or'' at the end of clause (vi), and by adding at the end the following new clause:

''(vii) equipment which uses the ground or ground water as a thermal energy source to heat a structure or as a thermal energy sink to cool a structure, but only with respect to periods ending before January 1, 2017,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 106. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) REMOVAL OF LIMITATION FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1), as amended by subsections (c) and (d), is amended—

(A) by striking subparagraph (A), and

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A), as amended by subsections (c) and (d), is amended—

(A) by striking clause (i), and

(B) by redesignating clauses (ii) through (v) as clauses (i) and (iv), respectively.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified

small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) SOLAR ELECTRIC PROPERTY LIMITATION.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2008.

(3) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 107. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by governmental bodies, public power providers, or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $800,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a new clean renewable energy bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified clean renewable energy bonds.''.

(c) EXTENSION FOR CLEAN RENEWABLE ENERGY BONDS.—Subsection (m) of section 54 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 108. CREDIT FOR STEEL INDUSTRY FUEL.

(a) TREATMENT AS REFINED COAL.—

(1) IN GENERAL.—Subparagraph (A) of section 45(c)(7) of the Internal Revenue Code of 1986 (relating to refined coal), as amended by this Act, is amended to read as follows:

''(A) IN GENERAL.—The term 'refined coal' means a fuel—

''(i) which—

''(I) is a liquid, gaseous, or solid fuel produced from coal (including lignite) or high carbon fly ash, including such fuel used as a feedstock,

''(II) is sold by the taxpayer with the reasonable expectation that it will be used for purpose of producing steam,

''(III) is certified by the taxpayer as resulting (when used in the production of steam) in a qualified emission reduction, and

''(IV) is produced in such a manner as to result in an increase of at least 50 percent in the market value of the refined coal (excluding any increase caused by materials combined or added during the production process), as compared to the value of the feedstock coal, or

''(ii) which is steel industry fuel.''.

(2) STEEL INDUSTRY FUEL DEFINED.—Paragraph (7) of section 45(c) of such Code is amended by adding at the end the following new subparagraph:

''(C) STEEL INDUSTRY FUEL.—

''(i) IN GENERAL.—The term 'steel industry fuel' means a fuel which—

''(I) is produced through a process of liquifying coal waste sludge and distributing it on coal, and

''(II) is used as a feedstock for the manufacture of coke.

''(ii) COAL WASTE SLUDGE.—The term 'coal waste sludge' means the tar decanter sludge and related byproducts of the coking process, including such materials that have been stored in ground, in tanks and in lagoons, that have been treated as hazardous wastes under applicable Federal environmental rules absent liquefaction and processing with coal into a feedstock for the manufacture of coke.''.

(b) CREDIT AMOUNT.—

(1) IN GENERAL.—Paragraph (8) of section 45(e) of the Internal Revenue Code of 1986 (relating to refined coal production facilities) is amended by adding at the end the following new subparagraph

''(D) SPECIAL RULE FOR STEEL INDUSTRY FUEL.—

''(i) IN GENERAL.—In the case of a taxpayer who produces steel industry fuel—

''(I) this paragraph shall be applied separately with respect to steel industry fuel and other refined coal, and

''(II) in applying this paragraph to steel industry fuel, the modifications in clause (ii) shall apply.

''(ii) MODIFICATIONS.—

''(I) CREDIT AMOUNT.—Subparagraph (A) shall be applied by substituting '$2 per barrel-of-oil equivalent' for '$4.375 per ton'.

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the later of the date such facility was originally placed in service, the date the modifications described in clause (iii) were placed in service, or October 1, 2008, and ending on the later of December 31, 2009, or the date which is 1 year after the date such facility or the modifications described in clause (iii) were placed in service.

''(III) NO PHASEOUT.—Subparagraph (B) shall not apply.

''(iii) MODIFICATIONS.—The modifications described in this clause are modifications to an existing facility which allow such facility to produce steel industry fuel.

''(iv) BARREL-OF-OIL EQUIVALENT.—For purposes of this subparagraph, a barrel-of-oil equivalent is the amount of steel industry fuel that has a Btu content of 5,800,000 Btus.''.

(2) INFLATION ADJUSTMENT.—Paragraph (2) of section 45(b) of such Code is amended by inserting ''the $3 amount in subsection (e)(8)(D)(ii)(I),'' after ''subsection (e)(8)(A),''.

(c) TERMINATION.—Paragraph (8) of section 45(d) of the Internal Revenue Code of 1986 (relating to refined coal production facility), as amended by this Act, is amended to read as follows:

''(8) REFINED COAL PRODUCTION FACILITY.—In the case of a facility that produces refined coal, the term 'refined coal production facility' means—

''(A) with respect to a facility producing steel industry fuel, any facility (or any modification to a facility) which is placed in service before January 1, 2010, and

''(B) with respect to any other facility producing refined coal, any facility placed in service after the date of the enactment of the American Jobs Creation Act of 2004 and before January 1, 2010.''.

(d) COORDINATION WITH CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—

(1) IN GENERAL.—Subparagraph (B) of section 45(e)(9) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''The term'' and inserting the following:

''(i) IN GENERAL.—The term'', and

(B) by adding at the end the following new clause:

''(ii) EXCEPTION FOR STEEL INDUSTRY COAL.—In the case of a facility producing steel industry fuel, clause (i) shall not apply to so much of the refined coal produced at such facility as is steel industry fuel.''.

(2) NO DOUBLE BENEFIT.—Section 45K(g)(2) of such Code is amended by adding at the end the following new subparagraph:

''(E) COORDINATION WITH SECTION 45.—No credit shall be allowed with respect to any qualified fuel which is steel industry fuel (as defined in section 45(c)(7)) if a credit is allowed to the taxpayer for such fuel under section 45.''.

(e) EFFECTIVE DATE.—The amendments made by section shall apply to fuel produced and sold after September 30, 2008.

SEC. 109. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

Subtitle B—Carbon Mitigation and Coal Provisions

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,550,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking ''and'' at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) ELIGIBLE PROJECTS INCLUDE TRANSPORTATION GRADE LIQUID FUELS.—Section 48B(c)(7) (defining eligible entity) is amended by striking ''and'' at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting '', and'', and by adding at the end the following new subparagraph:

''(H) transportation grade liquid fuels.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX; FUNDING OF BLACK LUNG DISABILITY TRUST FUND.

(a) EXTENSION OF TEMPORARY INCREASE.—Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

(b) RESTRUCTURING OF TRUST FUND DEBT.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) MARKET VALUE OF THE OUTSTANDING REPAYABLE ADVANCES, PLUS ACCRUED INTEREST.—The term ''market value of the outstanding repayable advances, plus accrued interest'' means the present value (determined by the Secretary of the Treasury as of the refinancing date and using the Treasury rate as the discount rate) of the stream of principal and interest payments derived assuming that each repayable advance that is outstanding on the refinancing date is due on the 30th anniversary of the end of the fiscal year in which the advance was made to the Trust Fund, and that all such principal and interest payments are made on September 30 of the applicable fiscal year.

(B) REFINANCING DATE.—The term ''refinancing date'' means the date occurring 2 days after the enactment of this Act.

(C) REPAYABLE ADVANCE.—The term ''repayable advance'' means an amount that has been appropriated to the Trust Fund in order to make benefit payments and other expenditures that are authorized under section 9501 of the Internal Revenue Code of 1986 and are required to be repaid when the Secretary of the Treasury determines that monies are available in the Trust Fund for such purpose.

(D) TREASURY RATE.—The term ''Treasury rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(E) TREASURY 1-YEAR RATE.—The term ''Treasury 1-year rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States with remaining periods to maturity of approximately 1 year, to have been in effect as of the close of business 1 business day prior to the date on which the Trust Fund issues obligations to the Secretary of the Treasury under paragraph (2)(B).

(2) REFINANCING OF OUTSTANDING PRINCIPAL OF REPAYABLE ADVANCES AND UNPAID INTEREST ON SUCH ADVANCES.—

(A) TRANSFER TO GENERAL FUND.—On the refinancing date, the Trust Fund shall repay the market value of the outstanding repayable advances, plus accrued interest, by transferring into the general fund of the Treasury the following sums:

(i) The proceeds from obligations that the Trust Fund shall issue to the Secretary of the Treasury in such amounts as the Secretaries of Labor and the Treasury shall determine and bearing interest at the Treasury rate, and that shall be in such forms and denominations and be subject to such other terms and conditions, including maturity, as the Secretary of the Treasury shall prescribe.

(ii) All, or that portion, of the appropriation made to the Trust Fund pursuant to paragraph (3) that is needed to cover the difference defined in that paragraph.

(B) REPAYMENT OF OBLIGATIONS.—In the event that the Trust Fund is unable to repay the obligations that it has issued to the Secretary of the Treasury under subparagraph (A)(i) and this subparagraph, or is unable to make benefit payments and other authorized expenditures, the Trust Fund shall issue obligations to the Secretary of the Treasury in such amounts as may be necessary to make such repayments, payments, and expenditures, with a maturity of 1 year, and bearing interest at the Treasury 1-year rate. These obligations shall be in such forms and denominations and be subject to such other terms and conditions as the Secretary of the Treasury shall prescribe.

(C) AUTHORITY TO ISSUE OBLIGATIONS.—The Trust Fund is authorized to issue obligations to the Secretary of the Treasury under subparagraphs (A)(i) and (B). The Secretary of the Treasury is authorized to purchase such obligations of the Trust Fund. For the purposes of making such purchases, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such Trust Fund obligations under this subparagraph.

(3) ONE-TIME APPROPRIATION.—There is hereby appropriated to the Trust Fund an amount sufficient to pay to the general fund of the Treasury the difference between—

(A) the market value of the outstanding repayable advances, plus accrued interest; and

(B) the proceeds from the obligations issued by the Trust Fund to the Secretary of the Treasury under paragraph (2)(A)(i).

(4) PREPAYMENT OF TRUST FUND OBLIGATIONS.—The Trust Fund is authorized to repay any obligation issued to the Secretary of the Treasury under subparagraphs (A)(i) and (B) of paragraph (2) prior to its maturity date by paying a prepayment price that would, if the obligation being prepaid (including all unpaid interest accrued thereon through the date of prepayment) were purchased by a third party and held to the maturity date of such obligation, produce a yield to the third-party purchaser for the period from the date of purchase to the maturity date of such obligation substantially equal to the Treasury yield on outstanding marketable obligations of the United States having a comparable maturity to this period.

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45Q. CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

''(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

''(1) $20 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) disposed of by the taxpayer in secure geological storage, and

''(2) $10 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

''(b) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas, and

''(B) is measured at the source of capture and verified at the point of disposal or injection.

''(2) RECYCLED CARBON DIOXIDE.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

''(c) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility—

''(1) which is owned by the taxpayer,

''(2) at which carbon capture equipment is placed in service, and

''(3) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year.

''(d) SPECIAL RULES AND OTHER DEFINITIONS.—For purposes of this section—

''(1) ONLY CARBON DIOXIDE CAPTURED AND DISPOSED OF OR USED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture and disposal or use of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

''(3) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

''(4) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

''(5) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

''(6) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

''(7) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—

''(A) such dollar amount, multiplied by

''(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2008' for '1990'.

''(e) APPLICATION OF SECTION.—The credit under this section shall apply with respect to qualified carbon dioxide before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 75,000,000 metric tons of qualified carbon dioxide have been captured and disposed of or used as a tertiary injectant.''.

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end of following new paragraph:

''(34) the carbon dioxide sequestration credit determined under section 45Q(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''Sec. 45Q. Credit for carbon dioxide sequestration.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

SEC. 116. CERTAIN INCOME AND GAINS RELATING TO INDUSTRIAL SOURCE CARBON DIOXIDE TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting ''or industrial source carbon dioxide'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SEC. 117. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

SEC. 201. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 202. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by inserting '', or other equivalent standard approved by the Secretary'' after ''D396''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new sentences: ''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Subsection (f) of section 40A (relating to renewable diesel) is amended by adding at the end the following new paragraph:

''(4) CERTAIN AVIATION FUEL.—

''(A) IN GENERAL.—Except as provided in the last 3 sentences of paragraph (3), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

''(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6426(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.''.

(f) MODIFICATION RELATING TO DEFINITION OF AGRI-BIODIESEL.—Paragraph (2) of section 40A(d) (relating to agri-biodiesel) is amended by striking ''and mustard seeds'' and inserting ''mustard seeds, and camelina''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendment made by subsection (d) shall apply to

fuel produced, and sold or used, after the date of the enactment of this Act.

SEC. 203. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(7) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 204. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL CREDIT.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(3) PAYMENTS.—Subparagraph (C) of section 6427(e)(5) (relating to termination) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(b) MODIFICATIONS.—

(1) ALTERNATIVE FUEL TO INCLUDE COMPRESSED OR LIQUIFIED BIOMASS GAS.—Paragraph (2) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''and'' at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

''(F) compressed or liquefied gas derived from biomass (as defined in section 45K(c)(3)), and''.

(2) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting ''sold by the taxpayer for use as a fuel in aviation,'' after ''motorboat,''.

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) CARBON CAPTURE REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility's total carbon dioxide emissions.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent in the case of fuel produced after September 30, 2009, and on or before December 30, 2009, and

''(ii) 75 percent in the case of fuel produced after December 30, 2009.''.

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting ''which meets the requirements of paragraph (4) and which is'' after ''any liquid fuel''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 205. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is sum of—

''(A) $2,500, plus

''(B) $417 for each kilowatt hour of traction battery capacity in excess of 4 kilowatt hours.

''(b) LIMITATIONS.—

''(1) LIMITATION BASED ON WEIGHT.—The amount of the credit allowed under subsection (a) by reason of subsection (a)(2) shall not exceed—

''(A) $7,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of not more than 10,000 pounds,

''(B) $10,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 10,000 pounds but not more than 14,000 pounds,

''(C) $12,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $15,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 26,000 pounds.

''(2) LIMITATION ON NUMBER OF PASSENGER VEHICLES AND LIGHT TRUCKS ELIGIBLE FOR CREDIT.—

''(A) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(B) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the total number of such new qualified plug-in electric drive motor vehicles sold for use in the United States after December 31, 2008, is at least 250,000.

''(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent for the first 2 calendar quarters of the phaseout period,

''(ii) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(iii) 0 percent for each calendar quarter thereafter.

''(D) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(c) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section, the term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

''(1) which draws propulsion using a traction battery with at least 4 kilowatt hours of capacity,

''(2) which uses an offboard source of energy to recharge such battery,

''(3) which, in the case of a passenger vehicle or light truck which has a gross vehicle weight rating of not more than 8,500 pounds, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

''(A) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(B) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

''(4) the original use of which commences with the taxpayer,

''(5) which is acquired for use or lease by the taxpayer and not for resale, and

''(6) which is made by a manufacturer.

''(d) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(2) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) TRACTION BATTERY CAPACITY.—Traction battery capacity shall be measured in kilowatt hours from a 100 percent state of charge to a zero percent state of charge.

''(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (b)(2)).

''(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

''(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

''(10) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(f) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

''(g) TERMINATION.—This section shall not apply to property purchased after December 31, 2014.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (d) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting ''plus'', and by adding at the end the following new paragraph:

''(35) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(d)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 106, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 106, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by section 106, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(e)(4).''.

(3) Section 6501(m) is amended by inserting ''30D(e)(9),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(f) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 206. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

''(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 207. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) INCLUSION OF ELECTRICITY AS A CLEAN-BURNING FUEL.—Section 30C(c)(2) is amended by adding at the end the following new subparagraph:

''(C) Electricity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 208. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1), as amended by this Act, is amended by striking ''or industrial source carbon dioxide'' and inserting '', industrial source carbon dioxide, or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, or any alcohol fuel defined in section 6426(b)(4)(A) or any biodiesel fuel as defined in section 40A(d)(1)'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SEC. 209. EXTENSION AND MODIFICATION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) EXTENSION.—Paragraph (1) of section 179C(c) (relating to qualified refinery property) is amended—

(1) by striking ''January 1, 2012'' in subparagraph (B) and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2008'' each place it appears in subparagraph (F) and inserting ''January 1, 2010''.

(b) INCLUSION OF FUEL DERIVED FROM SHALE AND TAR SANDS.—

(1) IN GENERAL.—Subsection (d) of section 179C is amended by inserting '', or directly from shale or tar sands'' after ''(as defined in section 45K(c))''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 179C(e) is amended by inserting ''shale, tar sands, or'' before ''qualified fuels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 210. EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

Subparagraph (H) of section 613A(c)(6) (relating to oil and gas produced from marginal

properties) is amended by striking ''for any taxable year'' and all that follows and inserting ''for any taxable year—

''(i) beginning after December 31, 1997, and before January 1, 2008, or

''(ii) beginning after December 31, 2008, and before January 1, 2010.''.

SEC. 211. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS

SEC. 301. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 107, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $800,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond,

''(B) a new clean renewable energy bond, or

''(C) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e),

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1), and

''(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 54D. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 302. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''placed in service after December 31, 2007'' and inserting ''placed in service—

''(1) after December 31, 2007, and before January 1, 2009, or

''(2) after December 31, 2009.''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) MODIFICATION OF WATER HEATER REQUIREMENTS.—Section 25C(d)(3)(E) is amended by inserting ''or a thermal efficiency of at least 90 percent'' after ''0.80''.

(d) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsections (b) and (c), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(e) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by inserting '', or an asphalt roof with appropriate cooling granules,'' before ''which meet the Energy Star program requirements''.

(2) BUILDING ENVELOPE COMPONENT.—Subparagraph (D) of section 25C(c)(2) is amended—

(A) by inserting ''or asphalt roof'' after ''metal roof'', and

(B) by inserting ''or cooling granules'' after ''pigmented coatings''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made this section shall apply to expenditures made after December 31, 2008.

(2) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The amendments made by subsection (e) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 304. NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 305. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 306. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

''(iii) any qualified smart electric meter, and

''(iv) any qualified smart electric grid system.''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which—

''(i) is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services, and

''(ii) does not have a class life (determined without regard to subsection (e)) of less than 10 years.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property which—

''(i) is used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services, and

''(ii) does not have a class life (determined without regard to subsection (e)) of less than 10 years.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 307. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

SEC. 308. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Section 168 is amended by adding at the end the following new subsection:

''(m) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

''(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any reuse and recycling property—

''(i) to which this section applies,

''(ii) which has a useful life of at least 5 years,

''(iii) the original use of which commences with the taxpayer after August 31, 2008, and

''(iv) which is—

''(I) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after August 31, 2008, but only if no written binding contract for the acquisition was in effect before September 1, 2008, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after August 31, 2008.

''(B) EXCEPTIONS.—

''(i) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (k).—The term 'qualified reuse and recycling property' shall not include any property to which section 168(k) applies.

''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified reuse and recycling property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(iii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULE FOR SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after August 31, 2008.

''(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) REUSE AND RECYCLING PROPERTY.—

''(i) IN GENERAL.—The term 'reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, distribute, or recycle qualified reuse and recyclable materials.

''(ii) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

''(B) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

''(i) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap glass, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic scrap generated by an individual or business.

''(ii) ELECTRONIC SCRAP.—For purposes of clause (i), the term 'electronic scrap' means—

''(I) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

''(II) any central processing unit.

''(C) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after August 31, 2008.

TITLE IV—REVENUE PROVISIONS

SEC. 401. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer has oil related qualified production activities income for any taxable year beginning after 2009, the amount otherwise allowable as a deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this

paragraph, the term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.

''(C) PRIMARY PRODUCT.—For purposes of this paragraph, the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(b) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 402. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

''(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

''(1) the amount of the combined foreign oil and gas income for the taxable year,

''(2) multiplied by—

''(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

''(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

''(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

''(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

''(A) foreign oil and gas extraction income, and

''(B) foreign oil related income.

''(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

''(A) oil and gas extraction taxes, and

''(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.''.

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

''(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

''(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

''(i) first by the amount determined under subparagraph (B), and

''(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

''(B) REDUCTION FOR PRE-2009 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2009, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Energy Improvement and Extension Act of 2008) for preceding taxable years beginning after December 31, 1982.

''(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

''(D) FOREIGN OIL AND GAS LOSS DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

''(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

''(II) the sum of the deductions properly apportioned or allocated thereto.

''(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

''(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

''(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

''(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

''(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Energy Improvement and Extension Act of 2008.''.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking ''oil and gas extraction taxes'' each place it appears and inserting ''foreign oil and gas taxes'', and

(2) by adding at the end the following new paragraph:

''(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

''(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

''(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

''(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

''(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Energy Improvement and Extension Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.''.

(d) CONFORMING AMENDMENT.—Section 6501(i) is amended by striking ''oil and gas extraction taxes'' and inserting ''foreign oil and gas taxes''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any security (other than any stock for which an average basis method is permissible under section 1012), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred, and

''(II) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such stock is held.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the

same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2011, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

''(ii) January 1, 2012, in the case of any stock for which an average basis method is permissible under section 1012, and

''(iii) January 1, 2013, or such later date determined by the Secretary in the case of any other specified security.

''(4) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(5) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, if a covered security is acquired or disposed of pursuant to the exercise of an option that was granted or acquired in the same account as the covered security, the amount received with respect to the grant or paid with respect to the acquisition of such option shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—In the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security or the exercise of a cash-settled option on a specified security, reporting under subsections (a) and (g) with respect to such option shall be made for the calendar year which includes the date of such lapse, closing transaction, or exercise.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2013.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any customer, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year with respect to any item reportable to the taxpayer shall instead be required to be furnished on or before February 15 of such calendar year if furnished with such consolidated reporting statement.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT OR AVERAGE BASIS METHOD.—Section 1012 is amended—

(1) by striking ''The basis of property'' and inserting the following:

''(a) IN GENERAL.—The basis of property'',

(2) by striking ''The cost of real property'' and inserting the following:

''(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property'', and

(3) by adding at the end the following new subsections:

''(c) DETERMINATIONS BY ACCOUNT.—

''(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

''(2) APPLICATION TO CERTAIN FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any stock for which an average basis method is permissible under section 1012 which is acquired before January 1, 2012, shall be treated as a separate account from any such stock acquired on or after such date.

''(B) ELECTION FUND FOR TREATMENT AS SINGLE ACCOUNT.—If a fund described in subparagraph (A) elects to have this subparagraph apply with respect to one or more of its stockholders—

''(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

''(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding such stock as a nominee.

''(3) DEFINITIONS.—For purposes of this section, the terms 'specified security' and 'applicable date' shall have the meaning given such terms in section 6045(g).

''(d) AVERAGE BASIS FOR STOCK ACQUIRED PURSUANT TO A DIVIDEND REINVESTMENT PLAN.—

''(1) IN GENERAL.—In the case of any stock acquired after December 31, 2010, in connection with a dividend reinvestment plan, the basis of such stock while held as part of such plan shall be determined using one of the methods which may be used for determining the basis of stock in an open-end fund.

''(2) TREATMENT AFTER TRANSFER.—In the case of the transfer to another account of stock to which paragraph (1) applies, such stock shall have a cost basis in such other account equal to its basis in the dividend reinvestment plan immediately before such transfer (properly adjusted for any fees or other charges taken into account in connection with such transfer).

''(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

''(4) DIVIDEND REINVESTMENT PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'dividend reinvestment plan' means any arrangement under which dividends on any stock are reinvested in stock identical to the stock with respect to which the dividends are paid.

''(B) INITIAL STOCK ACQUISITION TREATED AS ACQUIRED IN CONNECTION WITH PLAN.—Stock shall be treated as acquired in connection with a dividend reinvestment plan if such stock is acquired pursuant to such plan or if the dividends paid on such stock are subject to such plan.''.

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

''SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

''(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

''(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

''(1) any broker (as defined in section 6045(c)(1)), and

''(2) any other person as provided by the Secretary in regulations.

''(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.''.

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating subparagraphs (I) through (DD) as subparagraphs (J) through (EE), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

''Sec. 6045A. Information required in connection with transfers of covered securities to brokers.''.

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

''SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary,

any issuer of a specified security shall make a return setting forth—

''(1) a description of any organizational action which affects the basis of such specified security of such issuer,

''(2) the quantitative effect on the basis of such specified security resulting from such action, and

''(3) such other information as the Secretary may prescribe.

''(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

''(1) 45 days after the date of the action described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such action occurred.

''(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return,

''(2) the information required to be shown on such return with respect to such security, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

''(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

''(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

''(1) the name, address, phone number, and email address of the information contact of such person, and

''(2) the information described in paragraphs (1), (2), and (3) of subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (iv) and each of the clauses which follow as clauses (v) through (xxiii), respectively, and by inserting after clause (iii) the following new clause:

''(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),''.

(B) Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008 and by subsection (c)(2), is amended by redesignating subparagraphs (J) through (EE) as subparagraphs (K) through (FF), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

''Sec. 6045B. Returns relating to actions affecting basis of specified securities.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2011.

(2) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

SEC. 404. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of tax) is amended—

(1) by striking ''through 2008'' in paragraph (1) and inserting ''through 2009'', and

(2) by striking ''calendar year 2009'' in paragraph (2) and inserting ''calendar year 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2008.

SEC. 405. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking ''is 5 cents a barrel.'' and inserting ''is—

''(i) in the case of crude oil received or petroleum products entered before January 1, 2017, 8 cents a barrel, and

''(ii) in the case of crude oil received or petroleum products entered after December 31, 2016, 9 cents a barrel.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2017.''.

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

DIVISION B—TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Tax Extenders and Alternative Minimum Tax Relief Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION B—TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.
Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.

TITLE II—EXTENSION OF INDIVIDUAL TAX PROVISIONS

Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 204. Additional standard deduction for real property taxes for nonitemizers.
Sec. 205. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 206. Treatment of certain dividends of regulated investment companies.
Sec. 207. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 208. Qualified investment entities.

TITLE III—EXTENSION OF BUSINESS TAX PROVISIONS

Sec. 301. Extension and modification of research credit.
Sec. 302. New markets tax credit.
Sec. 303. Subpart F exception for active financing income.
Sec. 304. Extension of look-thru rule for related controlled foreign corporations.
Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements; 15-year straight-line cost recovery for certain improvements to retail space.
Sec. 306. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 307. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 308. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 309. Extension of economic development credit for American Samoa.
Sec. 310. Extension of mine rescue team training credit.
Sec. 311. Extension of election to expense advanced mine safety equipment.
Sec. 312. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 313. Qualified zone academy bonds.
Sec. 314. Indian employment credit.
Sec. 315. Accelerated depreciation for business property on Indian reservations.
Sec. 316. Railroad track maintenance.
Sec. 317. Seven-year cost recovery period for motorsports racing track facility.
Sec. 318. Expensing of environmental remediation costs.
Sec. 319. Extension of work opportunity tax credit for Hurricane Katrina employees.
Sec. 320. Extension of increased rehabilitation credit for structures in the Gulf Opportunity Zone.
Sec. 321. Enhanced deduction for qualified computer contributions.

Sec. 322. Tax incentives for investment in the District of Columbia.
Sec. 323. Enhanced charitable deductions for contributions of food inventory.
Sec. 324. Extension of enhanced charitable deduction for contributions of book inventory.
Sec. 325. Extension and modification of duty suspension on wool products; wool research fund; wool duty refunds.

TITLE IV—EXTENSION OF TAX ADMINISTRATION PROVISIONS

Sec. 401. Permanent authority for undercover operations.
Sec. 402. Permanent authority for disclosure of information relating to terrorist activities.

TITLE V—ADDITIONAL TAX RELIEF AND OTHER TAX PROVISIONS

Subtitle A—General Provisions

Sec. 501. $8,500 income threshold used to calculate refundable portion of child tax credit.
Sec. 502. Provisions related to film and television productions.
Sec. 503. Exemption from excise tax for certain wooden arrows designed for use by children.
Sec. 504. Income averaging for amounts received in connection with the Exxon Valdez litigation.
Sec. 505. Certain farming business machinery and equipment treated as 5-year property.
Sec. 506. Modification of penalty on understatement of taxpayer's liability by tax return preparer.

Subtitle B—Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

Sec. 511. Short title.
Sec. 512. Mental health parity.

TITLE VI—OTHER PROVISIONS

Sec. 601. Secure rural schools and community self-determination program.
Sec. 602. Transfer to abandoned mine reclamation fund.

TITLE VII—DISASTER RELIEF

Subtitle A—Heartland and Hurricane Ike Disaster Relief

Sec. 701. Short title.
Sec. 702. Temporary tax relief for areas damaged by 2008 Midwestern severe storms, tornados, and flooding.
Sec. 703. Reporting requirements relating to disaster relief contributions.
Sec. 704. Temporary tax-exempt bond financing and low-income housing tax relief for areas damaged by Hurricane Ike.

Subtitle B—National Disaster Relief

Sec. 706. Losses attributable to federally declared disasters.
Sec. 707. Expensing of Qualified Disaster Expenses.
Sec. 708. Net operating losses attributable to federally declared disasters.
Sec. 709. Waiver of certain mortgage revenue bond requirements following federally declared disasters.
Sec. 710. Special depreciation allowance for qualified disaster property.
Sec. 711. Increased expensing for qualified disaster assistance property.
Sec. 712. Coordination with Heartland disaster relief.

TITLE VIII—SPENDING REDUCTIONS AND APPROPRIATE REVENUE RAISERS FOR NEW TAX RELIEF POLICY

Sec. 801. Nonqualified deferred compensation from certain tax indifferent parties.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008, and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment, is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1), as added by subsection (b), shall take effect on the date of the enactment of this Act.

TITLE II—EXTENSION OF INDIVIDUAL TAX PROVISIONS

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, or 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 204. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1), as added by the Housing Assistance Tax Act of 2008, is amended by inserting ''or 2009'' after ''2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 205. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 206. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 207. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 208. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is

amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

TITLE III—EXTENSION OF BUSINESS TAX PROVISIONS

SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009'' in paragraph (1)(B).

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking ''after December 31, 2007'' and inserting ''after December 31, 2009''.

(b) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—Section 41(h) is amended by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

''(2) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—No election under subsection (c)(4) shall apply to taxable years beginning after December 31, 2008.''.

(c) MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended by striking ''12 percent'' and inserting ''14 percent (12 percent in the case of taxable years ending before January 1, 2009)''.

(d) TECHNICAL CORRECTION.—Paragraph (3) of section 41(h) is amended to read as follows:

''(2) COMPUTATION FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year—

''(A) the amount determined under subsection (c)(1)(B) with respect to such taxable year shall be the amount which bears the same ratio to such amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year, and

''(B) for purposes of subsection (c)(5), the average qualified research expenses for the preceding 3 taxable years shall be the amount which bears the same ratio to such average qualified research expenses (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to amounts paid or incurred after December 31, 2007.

SEC. 302. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2007.

(b) TREATMENT TO INCLUDE NEW CONSTRUCTION.—

(1) IN GENERAL.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

''(7) QUALIFIED RESTAURANT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified restaurant property' means any section 1250 property which is—

''(i) a building, if such building is placed in service after December 31, 2008, and before January 1, 2010, or

''(ii) an improvement to a building,

if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.

''(B) EXCLUSION FROM BONUS DEPRECIATION.—Property described in this paragraph shall not be considered qualified property for purposes of subsection (k).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2008.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting '', and'', and by adding at the end the following new clause:

''(ix) any qualified retail improvement property placed in service after December 31, 2008, and before January 1, 2010.''.

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

''(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

''(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

''(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefitting a common area, or

''(iv) the internal structural framework of the building.

''(D) EXCLUSION FROM BONUS DEPRECIATION.—Property described in this paragraph shall not be considered qualified property for purposes of subsection (k).

''(E) TERMINATION.—Such term shall not include any improvement placed in service after December 31, 2009.''.

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

''(I) Qualified retail improvement property described in subsection (e)(8).''.

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

''(E)(ix) ..... 39''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2008.

SEC. 306. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 307. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 308. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 309. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 310. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 311. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 312. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 313. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54E. QUALIFIED ZONE ACADEMY BONDS.

''(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

''(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

''(3) the issuer—

''(A) designates such bond for purposes of this section,

''(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and

''(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

''(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008 and 2009, and, except as provided in paragraph (4), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

''(4) CARRYOVER OF UNUSED LIMITATION.—

''(A) IN GENERAL.—If for any calendar year—

''(i) the limitation amount for any State, exceeds

''(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

''(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

''(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 or 2009 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

''(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

''(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

''(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

''(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

''(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

''(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

''(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

''(A) rehabilitating or repairing the public school facility in which the academy is established,

''(B) providing equipment for use at such academy,

''(C) developing course materials for education to be provided at such academy, and

''(D) training teachers and other school personnel in such academy.

''(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

''(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

''(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

''(C) services of employees as volunteer mentors,

''(D) internships, field trips, or other educational opportunities outside the academy for students, or

''(E) any other property or service specified by the eligible local education agency.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended by striking ''or'' at the end of subparagraph (B), by inserting ''or'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

''(D) a qualified zone academy bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of a qualified zone academy bond, a purpose specified in section 54E(a)(1).''.

(3) Section 1397E is amended by adding at the end the following new subsection:

''(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.''.

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54E. Qualified zone academy bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 314. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 315. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 316. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section

38(c)(4), as amended by this Act, is amended—

(1) by redesignating clauses (v), (vi), and (vii) as clauses (vi), (vii), and (viii), respectively, and

(2) by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45G,''.

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

(2) The amendments made by subsection (b) shall apply to credits determined under section 45G of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2007, and to carrybacks of such credits.

SEC. 317. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 318. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 319. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''4-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 320. EXTENSION OF INCREASED REHABILITATION CREDIT FOR STRUCTURES IN THE GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act.

SEC. 321. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 322. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2014'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2014''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2014''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2014''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2010''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 323. ENHANCED CHARITABLE DEDUCTIONS FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) INCREASED AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

(b) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Section 170(b) is amended by adding at the end the following new paragraph:

''(3) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—In the case of a qualified farmer or rancher (as defined in paragraph (1)(E)(v)), any charitable contribution of food—

''(A) to which subsection (e)(3)(C) applies (without regard to clause (ii) thereof), and

''(B) which is made during the period beginning on the date of the enactment of this paragraph and before January 1, 2009,

shall be treated for purposes of paragraph (1)(E) or (2)(B), whichever is applicable, as if it were a qualified conservation contribution which is made by a qualified farmer or rancher and which otherwise meets the requirements of such paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 324. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 325. EXTENSION AND MODIFICATION OF DUTY SUSPENSION ON WOOL PRODUCTS; WOOL RESEARCH FUND; WOOL DUTY REFUNDS.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective period column and inserting ''12/31/2014'':

(1) Heading 9902.51.11 (relating to fabrics of worsted wool).

(2) Heading 9902.51.13 (relating to yarn of combed wool).

(3) Heading 9902.51.14 (relating to wool fiber, waste, garnetted stock, combed wool, or wool top).

(4) Heading 9902.51.15 (relating to fabrics of combed wool).

(5) Heading 9902.51.16 (relating to fabrics of combed wool).

(b) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—Section 4002(c) of the Wool Suit and Textile Trade Extension Act of 2004 (Public Law 108–429; 118 Stat. 2603) is amended—

(A) in paragraph (3)(C), by striking ''2010'' and inserting ''2015''; and

(B) in paragraph (6)(A), by striking ''through 2009'' and inserting ''through 2014''.

(2) SUNSET.—Section 506(f) of the Trade and Development Act of 2000 (Public 106–200; 114 Stat. 303 (7 U.S.C. 7101 note)) is amended by striking ''2010'' and inserting ''2015''.

TITLE IV—EXTENSION OF TAX ADMINISTRATION PROVISIONS

SEC. 401. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

SEC. 402. PERMANENT AUTHORITY FOR DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

TITLE V—ADDITIONAL TAX RELIEF AND OTHER TAX PROVISIONS

Subtitle A—General Provisions

SEC. 501. $8,500 INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR 2008.—Notwithstanding paragraph (3), in the case of any taxable year beginning in 2008, the dollar amount in effect for such taxable year under paragraph (1)(B)(i) shall be $8,500.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 502. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.—Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.''.

(c) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W–2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.''.

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: ''A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.''.

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

''(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

''(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.''.

(d) CONFORMING AMENDMENT.—Section 181(d)(3)(A) is amended by striking ''actors'' and all that follows and inserting ''actors, production personnel, directors, and producers.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to qualified film and television productions commencing after December 31, 2007.

(2) DEDUCTION.—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2007.

SEC. 503. EXEMPTION FROM EXCISE TAX FOR CERTAIN WOODEN ARROWS DESIGNED FOR USE BY CHILDREN.

(a) IN GENERAL.—Paragraph (2) of section 4161(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXEMPTION FOR CERTAIN WOODEN ARROW SHAFTS.—Subparagraph (A) shall not apply to any shaft consisting of all natural wood with no laminations or artificial means of enhancing the spine of such shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

''(i) measures 5/16 of an inch or less in diameter, and

''(ii) is not suitable for use with a bow described in paragraph (1)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to shafts first sold after the date of enactment of this Act.

SEC. 504. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means any interest and punitive damage awards which are—

(1) otherwise includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

SEC. 505. CERTAIN FARMING BUSINESS MACHINERY AND EQUIPMENT TREATED AS 5-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(B) (defining 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any machinery or equipment (other than any grain bin, cotton ginning asset, fence, or other land improvement) which is used in a farming business (as defined in section 263A(e)(4)), the original use of which commences with the taxpayer after December 31, 2008, and which is placed in service before January 1, 2010.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to subparagraph (B)(iii) the following:

(B)(vii) ..... 10''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008.

SEC. 506. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 is amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—If a tax return preparer—

''(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

''(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

''(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

''(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years ending after the date of the enactment of this Act.

Subtitle B—Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008''.

SEC. 512. MENTAL HEALTH PARITY.

(a) AMENDMENTS TO ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place that such appears; and

(ii) by striking ''and who employs at least 2 employees on the first day of the plan year''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by inserting after subsection (e) the following:

''(f) SECRETARY REPORT.—The Secretary shall, by January 1, 2012, and every two years thereafter, submit to the appropriate committees of Congress a report on compliance of group health plans (and health insurance coverage offered in connection with such plans) with the requirements of this section. Such report shall include the results of any surveys or audits on compliance of group health plans (and health insurance coverage offered in connection with such plans) with such requirements and an analysis of the reasons for any failures to comply.

''(g) NOTICE AND ASSISTANCE.—The Secretary, in cooperation with the Secretaries of Health and Human Services and Treasury, as appropriate, shall publish and widely disseminate guidance and information for group health plans, participants and beneficiaries, applicable State and local regulatory bodies, and the National Association of Insurance Commissioners concerning the requirements of this section and shall provide assistance concerning such requirements and the continued operation of applicable State law. Such guidance and information shall inform participants and beneficiaries of how they may obtain assistance under this section, including, where appropriate, assistance from State consumer and insurance agencies.'';

(7) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(8) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(b) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2).

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting before the period the following: ''(as defined in section 2791(e)(4), except that for purposes of this paragraph such term shall include employers with 1 employee in the case of an employer residing in a State that permits small groups to include a single individual)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State

agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(c) AMENDMENTS TO INTERNAL REVENUE CODE.—Section 9812 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan, and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits shall be made available by the plan administrator in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan provides coverage for medical or surgical benefits provided by out-of-network providers, the plan shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan relating to such benefits under the plan, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, with respect to a calendar year and a plan year, an employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer and rules similar to rules of subparagraphs (B) and (C) of section 4980D(d)(2) shall apply.''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan during the following plan year, and such exemption shall apply to the plan for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan, the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan;

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretaries of Labor, Health and Human

Services, and the Treasury shall issue regulations to carry out the amendments made by subsections (a), (b), and (c), respectively.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of enactment of this Act, regardless of whether regulations have been issued to carry out such amendments by such effective date, except that the amendments made by subsections (a)(5), (b)(5), and (c)(5), relating to striking of certain sunset provisions, shall take effect on January 1, 2009.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(f) ASSURING COORDINATION.—The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury may ensure, through the execution or revision of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this section (and the amendments made by this section) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

(g) CONFORMING CLERICAL AMENDMENTS.—

(1) ERISA HEADING.—

(A) IN GENERAL.—The heading of section 712 of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

"SEC. 712. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.".

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 712 and inserting the following new item:

"Sec. 712. Parity in mental health and substance use disorder benefits.".

(2) PHSA HEADING.—The heading of section 2705 of the Public Health Service Act is amended to read as follows:

"SEC. 2705. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.".

(3) IRC HEADING.—

(A) IN GENERAL.—The heading of section 9812 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 9812. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.".

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by striking the item relating to section 9812 and inserting the following new item:

"Sec. 9812. Parity in mental health and substance use disorder benefits.".

(h) GAO STUDY ON COVERAGE AND EXCLUSION OF MENTAL HEALTH AND SUBSTANCE USE DISORDER DIAGNOSES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that analyzes the specific rates, patterns, and trends in coverage and exclusion of specific mental health and substance use disorder diagnoses by health plans and health insurance. The study shall include an analysis of—

(A) specific coverage rates for all mental health conditions and substance use disorders;

(B) which diagnoses are most commonly covered or excluded;

(C) whether implementation of this Act has affected trends in coverage or exclusion of such diagnoses; and

(D) the impact of covering or excluding specific diagnoses on participants' and enrollees' health, their health care coverage, and the costs of delivering health care.

(2) REPORTS.—Not later than 3 years after the date of the enactment of this Act, and 2 years after the date of submission the first report under this paragraph, the Comptroller General shall submit to Congress a report on the results of the study conducted under paragraph (1).

TITLE VI—OTHER PROVISIONS

SEC. 601. 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 105–217, 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.

SEC. 602. TRANSFER TO ABANDONED MINE RECLAMATION FUND.

Subparagraph (C) of section 402(i)(1) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(1)) is amended by striking ''and $9,000,000 on October 1, 2009'' and inserting ''$9,000,000 on October 1, 2009, and $9,000,000 on October 1, 2010''.

TITLE VII—DISASTER RELIEF

Subtitle A—Heartland and Hurricane Ike Disaster Relief

SEC. 701. SHORT TITLE.

This subtitle may be cited as the ''Heartland Disaster Tax Relief Act of 2008''.

SEC. 702. TEMPORARY TAX RELIEF FOR AREAS DAMAGED BY 2008 MIDWESTERN SEVERE STORMS, TORNADOS, AND FLOODING.

(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to any Midwestern disaster area in addition to the areas to which such provisions otherwise apply:

(1) GO ZONE BENEFITS.—

(A) Section 1400N (relating to tax benefits) other than subsections (b), (d), (e), (i), (j), (m), and (o) thereof.

(B) Section 1400O (relating to education tax benefits).

(C) Section 1400P (relating to housing tax benefits).

(D) Section 1400Q (relating to special rules for use of retirement funds).

(E) Section 1400R(a) (relating to employee retention credit for employers).

(F) Section 1400S (relating to additional tax relief) other than subsection (d) thereof.

(G) Section 1400T (relating to special rules for mortgage revenue bonds).

(2) OTHER BENEFITS INCLUDED IN KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—Sections 302, 303, 304, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(b) MIDWESTERN DISASTER AREA.—

(1) IN GENERAL.—For purposes of this section and for applying the substitutions described in subsections (d) and (e), the term ''Midwestern disaster area'' means an area—

(A) with respect to which a major disaster has been declared by the President on or after May 20, 2008, and before August 1, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of severe storms, tornados, or flooding occurring in any of the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, and

(B) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such severe storms, tornados, or flooding.

(2) CERTAIN BENEFITS AVAILABLE TO AREAS ELIGIBLE ONLY FOR PUBLIC ASSISTANCE.—For purposes of applying this section to benefits under the following provisions, paragraph (1) shall be applied without regard to subparagraph (B):

(A) Sections 1400Q, 1400S(b), and 1400S(d) of the Internal Revenue Code of 1986.

(B) Sections 302, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(c) REFERENCES.—

(1) AREA.—Any reference in such provisions to the Hurricane Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to any Midwestern disaster area and any reference to the Hurricane Katrina disaster area or the Gulf Opportunity Zone within a State shall be treated as a reference to all Midwestern disaster areas within the State.

(2) ITEMS ATTRIBUTABLE TO DISASTER.—Any reference in such provisions to any loss, damage, or other item attributable to Hurricane Katrina shall be treated as a reference to any loss, damage, or other item attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(3) APPLICABLE DISASTER DATE.—For purposes of applying the substitutions described in subsections (d) and (e), the term ''applicable disaster date'' means, with respect to any Midwestern disaster area, the date on which the severe storms, tornados, or flooding giving rise to the Presidential declaration described in subsection (b)(1)(A) occurred.

(d) MODIFICATIONS TO 1986 CODE.—The following provisions of the Internal Revenue Code of 1986 shall be applied with the following modifications:

(1) TAX-EXEMPT BOND FINANCING.—Section 1400N(a)—

(A) by substituting ''qualified Midwestern disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Midwestern disaster area bond—

(i) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—

(I) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A) or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and

(II) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by such severe storms, tornados, or flooding, and

(ii) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of

the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to such severe storms, tornados, or flooding.

(B) by substituting ''any State in which a Midwestern disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B),

(C) by substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C),

(D) by substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D),

(E) in paragraph (3)(A)—

(i) by substituting ''$1,000'' for ''$2,500'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'',

(F) by substituting ''qualified Midwestern disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears,

(G) by substituting ''after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C), and

(H) by disregarding paragraph (8) thereof.

(2) LOW-INCOME HOUSING CREDIT.—Section 1400N(c)—

(A) only with respect to calendar years 2008, 2009, and 2010,

(B) by substituting ''Disaster Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'' each place it appears,

(C) in paragraph (1)(B)—

(i) by substituting ''$8.00'' for ''$18.00'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'' , and

(D) determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(3) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)—

(A) by substituting ''qualified Disaster Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears,

(B) by substituting ''beginning on the applicable disaster date and ending on December 31, 2010'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2), and

(C) by treating costs as qualified Disaster Recovery Assistance clean-up costs only if the removal of debris or demolition of any structure was necessary due to damage attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(4) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—Section 1400N(g)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2011'' for ''January 1, 2008'' in paragraph (1),

(C) by substituting ''December 31, 2010'' for ''December 31, 2007'' in paragraph (1), and

(D) by treating a site as a qualified contaminated site only if the release (or threat of release) or disposal of a hazardous substance at the site was attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(5) INCREASE IN REHABILITATION CREDIT.—Section 1400N(h), as amended by this Act—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'',

(B) by substituting ''December 31, 2011'' for ''December 31, 2009'' in paragraph (1), and

(C) by only applying such subsection to qualified rehabilitation expenditures with respect to any building or structure which was damaged or destroyed as a result of the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(6) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO DISASTER LOSSES.—Section 1400N(k)—

(A) by substituting ''qualified Disaster Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after the day before the applicable disaster date, and before January 1, 2011'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I),

(D) by substituting ''qualified Disaster Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv), and

(E) by substituting ''qualified Disaster Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(7) CREDIT TO HOLDERS OF TAX CREDIT BONDS.—Section 1400N(l)—

(A) by substituting ''Midwestern tax credit bond'' for ''Gulf tax credit bond'' each place it appears,

(B) by substituting ''any State in which a Midwestern disaster area is located or any instrumentality of the State'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (4)(A)(i),

(C) by substituting ''after December 31, 2008 and before January 1, 2010'' for ''after December 31, 2005, and before January 1, 2007'',

(D) by substituting ''shall not exceed $100,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 2,000,000, $50,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 1,000,000 but less than 2,000,000, and zero for any other State. The population of a State within any area shall be determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before the earliest applicable disaster date for Midwestern disaster areas within the State.'' for ''shall not exceed'' and all that follows in paragraph (4)(C), and

(E) by substituting ''the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''August 28, 2005'' in paragraph (5)(A).

(8) EDUCATION TAX BENEFITS.—Section 1400O, by substituting ''2008 or 2009'' for ''2005 or 2006''.

(9) HOUSING TAX BENEFITS.—Section 1400P, by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsection (c)(1).

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q—

(A) by substituting ''qualified Disaster Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after the applicable disaster date and before January 1, 2010'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) by disregarding clauses (ii) and (iii) of subsection (a)(4)(A) thereof,

(E) by substituting ''qualified storm damage distribution'' for ''qualified Katrina distribution'' each place it appears,

(F) by substituting ''after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(G) by substituting ''the Midwestern disaster area, but not so purchased or constructed on account of severe storms, tornados, or flooding giving rise to the designation of the area as a disaster area'' for ''the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina'' in subsection (b)(2)(B)(iii),

(H) by substituting ''beginning on the applicable disaster date and ending on the date which is 5 months after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(I) by substituting ''qualified storm damage individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(J) by substituting ''December 31, 2009'' for ''December 31, 2006'' in subsection (c)(2)(A),

(K) by disregarding subparagraphs (C) and (D) of subsection (c)(3) thereof,

(L) by substituting ''beginning on the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and ending on December 31, 2009'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(M) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(N) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

(11) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY SEVERE STORMS, TORNADOS, AND FLOODING.—Section 1400R(a)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2009'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before the applicable disaster date.

(12) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—Section 1400S(a), by substituting the following paragraph for paragraph (4) thereof:

''(4) QUALIFIED CONTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

''(i) such contribution—

''(I) is paid during the period beginning on the earliest applicable disaster date for all States and ending on December 31, 2008, in cash to an organization described in section 170(b)(1)(A), and

''(II) is made for relief efforts in 1 or more Midwestern disaster areas,

''(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8)) that such contribution was used (or is to be used) for relief efforts in 1 or more Midwestern disaster areas, and

''(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

''(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

''(i) to an organization described in section 509(a)(3), or

''(ii) for establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).

''(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.''.

(13) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1), by substituting ''the applicable disaster date'' for ''August 25, 2005''.

(14) SPECIAL RULE FOR DETERMINING EARNED INCOME.—Section 1400S(d)—

(A) by treating an individual as a qualified individual if such individual's principal place of abode on the applicable disaster date was located in a Midwestern disaster area,

(B) by treating the applicable disaster date with respect to any such individual as the applicable date for purposes of such subsection, and

(C) by treating an area as described in paragraph (2)(B)(ii) thereof if the area is a Midwestern disaster area only by reason of subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(15) ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—Section 1400S(e), by substituting ''2008 or 2009'' for ''2005 or 2006''.

(e) MODIFICATIONS TO KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—The following provisions of the Katrina Emergency Tax Relief Act of 2005 shall be applied with the following modifications:

(1) ADDITIONAL EXEMPTION FOR HOUSING DISPLACED INDIVIDUAL.—Section 302—

(A) by substituting ''2008 or 2009'' for ''2005 or 2006'' in subsection (a) thereof,

(B) by substituting ''Midwestern displaced individual'' for ''Hurricane Katrina displaced individual'' each place it appears, and

(C) by treating an area as a core disaster area for purposes of applying subsection (c) thereof if the area is a Midwestern disaster area without regard to subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(2) INCREASE IN STANDARD MILEAGE RATE.—Section 303, by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006''.

(3) MILEAGE REIMBURSEMENTS FOR CHARITABLE VOLUNTEERS.—Section 304—

(A) by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006'' in subsection (a), and

(B) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (a).

(4) EXCLUSION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.—Section 401—

(A) by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area (determined without regard to subsection (b)(2) of this section) as an individual described in subsection (b)(1) thereof, and by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area solely by reason of subsection (b)(2) of this section as an individual described in subsection (b)(2) thereof,

(B) by substituting ''the applicable disaster date'' for ''August 28, 2005'' both places it appears, and

(C) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (e).

(5) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405, by substituting ''on or after the applicable disaster date'' for ''on or after August 25, 2005''.

SEC. 703. REPORTING REQUIREMENTS RELATING TO DISASTER RELIEF CONTRIBUTIONS.

(a) IN GENERAL.—Section 6033(b) (relating to returns of certain organizations described in section 501(c)(3)) is amended by striking ''and'' at the end of paragraph (13), by redesignating paragraph (14) as paragraph (15), and by adding after paragraph (13) the following new paragraph:

''(14) such information as the Secretary may require with respect to disaster relief activities, including the amount and use of qualified contributions to which section 1400S(a) applies, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to any extension) occurs after December 31, 2008.

SEC. 704. TEMPORARY TAX-EXEMPT BOND FINANCING AND LOW-INCOME HOUSING TAX RELIEF FOR AREAS DAMAGED BY HURRICANE IKE.

(a) TAX-EXEMPT BOND FINANCING.—Section 1400N(a) of the Internal Revenue Code of 1986 shall apply to any Hurricane Ike disaster area in addition to any other area referenced in such section, but with the following modifications:

(1) By substituting ''qualified Hurricane Ike disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Hurricane Ike disaster area bond—

(A) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—

(i) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to Hurricane Ike or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and

(ii) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by Hurricane Ike, and

(B) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to Hurricane Ike.

(2) By substituting ''any State in which any Hurricane Ike disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B).

(3) By substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C).

(4) By substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D).

(5) By substituting the following for subparagraph (A) of paragraph (3):

''(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,000 multiplied by the portion of the State population which is in—

''(i) in the case of Texas, the counties of Brazoria, Chambers, Galveston, Jefferson, and Orange, and

''(ii) in the case of Louisiana, the parishes of Calcasieu and Cameron,

(as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before September 13, 2008).''.

(6) By substituting ''qualified Hurricane Ike disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears.

(7) By substituting ''after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C).

(8) By disregarding paragraph (8) thereof.

(9) By substituting ''any Hurricane Ike disaster area'' for ''the Gulf Opportunity Zone'' each place it appears.

(b) LOW-INCOME HOUSING CREDIT.—Section 1400N(c) of the Internal Revenue Code of 1986 shall apply to any Hurricane Ike disaster area in addition to any other area referenced in such section, but with the following modifications:

(1) Only with respect to calendar years 2008, 2009, and 2010.

(2) By substituting ''any Hurricane Ike disaster area'' for ''the Gulf Opportunity Zone'' each place it appears.

(3) By substituting ''Hurricane Ike Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'' each place it appears.

(4) By substituting the following for subparagraph (B) of paragraph (1):

''(B) HURRICANE IKE HOUSING AMOUNT.—For purposes of subparagraph (A), the term 'Hurricane Ike housing amount' means, for any calendar year, the amount equal to the product of $16.00 multiplied by the portion of the State population which is in—

''(i) in the case of Texas, the counties of Brazoria, Chambers, Galveston, Jefferson, and Orange, and

''(ii) in the case of Louisiana, the parishes of Calcasieu and Cameron,

(as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before September 13, 2008).''.

(5) Determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(c) HURRICANE IKE DISASTER AREA.—For purposes of this section and for applying the substitutions described in subsections (a) and (b), the term ''Hurricane Ike disaster area'' means an area in the State of Texas or Louisiana—

(1) with respect to which a major disaster has been declared by the President on September 13, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Ike, and

(2) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to Hurricane Ike.

Subtitle B—National Disaster Relief

SEC. 706. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) WAIVER OF ADJUSTED GROSS INCOME LIMITATION.—

(1) IN GENERAL.—Subsection (h) of section 165 is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULE FOR LOSSES IN FEDERALLY DECLARED DISASTERS.—

''(A) IN GENERAL.—If an individual has a net disaster loss for any taxable year, the amount determined under paragraph (2)(A)(ii) shall be the sum of—

''(i) such net disaster loss, and

''(ii) so much of the excess referred to in the matter preceding clause (i) of paragraph (2)(A) (reduced by the amount in clause (i) of

this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual.

''(B) NET DISASTER LOSS.—For purposes of subparagraph (A), the term 'net disaster loss' means the excess of—

''(i) the personal casualty losses—

''(I) attributable to a federally declared disaster occurring before January 1, 2010, and

''(II) occurring in a disaster area, over

''(ii) personal casualty gains.

''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph—

''(i) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' means any disaster subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(ii) DISASTER AREA.—The term 'disaster area' means the area so determined to warrant such assistance.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 165(h)(4)(B) (as so redesignated) is amended by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''.

(B) Section 165(i)(1) is amended by striking ''loss'' and all that follows through ''Act'' and inserting ''loss occurring in a disaster area (as defined by clause (ii) of subsection (h)(3)(C)) and attributable to a federally declared disaster (as defined by clause (i) of such subsection)''.

(C) Section 165(i)(4) is amended by striking ''Presidentially declared disaster (as defined by section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by subsection (h)(3)(C)(i)''.

(D)(i) So much of subsection (h) of section 1033 as precedes subparagraph (A) of paragraph (1) thereof is amended to read as follows:

''(h) SPECIAL RULES FOR PROPERTY DAMAGED BY FEDERALLY DECLARED DISASTERS.—

''(1) PRINCIPAL RESIDENCES.—If the taxpayer's principal residence or any of its contents is located in a disaster area and is compulsorily or involuntarily converted as a result of a federally declared disaster—''.

(ii) Paragraph (2) of section 1033(h) is amended by striking ''investment'' and all that follows through ''disaster'' and inserting ''investment located in a disaster area and compulsorily or involuntarily converted as a result of a federally declared disaster''.

(iii) Paragraph (3) of section 1033(h) is amended to read as follows:

''(3) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ''federally declared disaster'' and ''disaster area'' shall have the respective meaning given such terms by section 165(h)(3)(C).''.

(iv) Section 139(c)(2) is amended to read as follows:

''(2) federally declared disaster (as defined by section 165(h)(3)(C)(i)),''.

(v) Subclause (II) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters (as defined in section 1033(h)(3))'' and inserting ''federally declared disasters (as defined by subsection (h)(3)(C)(i))''.

(vi) Subclause (III) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters'' and inserting ''federally declared disasters''.

(vii) Subsection (a) of section 7508A is amended by striking ''Presidentially declared disaster (as defined in section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by section 165(h)(3)(C)(i))''.

(b) INCREASE IN STANDARD DEDUCTION BY DISASTER CASUALTY LOSS.—

(1) IN GENERAL.—Paragraph (1) of section 63(c), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) the disaster loss deduction.''.

(2) DISASTER LOSS DEDUCTION.—Subsection (c) of section 63, as amended by the Housing Assistance Tax Act of 2008, is amended by adding at the end the following new paragraph:

''(8) DISASTER LOSS DEDUCTION.—For the purposes of paragraph (1), the term 'disaster loss deduction' means the net disaster loss (as defined in section 165(h)(3)(B)).''.

(3) ALLOWANCE IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subparagraph (E) of section 56(b)(1) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to so much of the standard deduction as is determined under section 63(c)(1)(D).''.

(c) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—Paragraph (1) of section 165(h) is amended by striking ''$100'' and inserting ''$500 ($100 for taxable years beginning after December 31, 2009)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to disasters declared in taxable years beginning after December 31, 2007.

(2) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2008.

SEC. 707. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 198 the following new section:

''SEC. 198A. EXPENSING OF QUALIFIED DISASTER EXPENSES.

''(a) IN GENERAL.—A taxpayer may elect to treat any qualified disaster expenses which are paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expense which is so treated shall be allowed as a deduction for the taxable year in which it is paid or incurred.

''(b) QUALIFIED DISASTER EXPENSE.—For purposes of this section, the term 'qualified disaster expense' means any expenditure—

''(1) which is paid or incurred in connection with a trade or business or with business-related property,

''(2) which is—

''(A) for the abatement or control of hazardous substances that were released on account of a federally declared disaster occurring before January 1, 2010,

''(B) for the removal of debris from, or the demolition of structures on, real property which is business-related property damaged or destroyed as a result of a federally declared disaster occurring before such date, or

''(C) for the repair of business-related property damaged as a result of a federally declared disaster occurring before such date, and

''(3) which is otherwise chargeable to capital account.

''(c) OTHER DEFINITIONS.—For purposes of this section—

''(1) BUSINESS-RELATED PROPERTY.—The term 'business-related property' means property—

''(A) held by the taxpayer for use in a trade or business or for the production of income, or

''(B) described in section 1221(a)(1) in the hands of the taxpayer.

''(2) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i).

''(d) DEDUCTION RECAPTURED AS ORDINARY INCOME ON SALE, ETC.—Solely for purposes of section 1245, in the case of property to which a qualified disaster expense would have been capitalized but for this section—

''(1) the deduction allowed by this section for such expense shall be treated as a deduction for depreciation, and

''(2) such property (if not otherwise section 1245 property) shall be treated as section 1245 property solely for purposes of applying section 1245 to such deduction.

''(e) COORDINATION WITH OTHER PROVISIONS.—Sections 198, 280B, and 468 shall not apply to amounts which are treated as expenses under this section.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 198 the following new item:

''Sec. 198A. Expensing of Qualified Disaster Expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007 in connection with disaster declared after such date.

SEC. 708. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Paragraph (1) of section 172(b) is amended by adding at the end the following new subparagraph:

''(J) CERTAIN LOSSES ATTRIBUTABLE FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer who has a qualified disaster loss (as defined in subsection (j)), such loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.''.

(b) QUALIFIED DISASTER LOSS.—Section 172 is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:

''(j) RULES RELATING TO QUALIFIED DISASTER LOSSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified disaster loss' means the lesser of—

''(A) the sum of—

''(i) the losses allowable under section 165 for the taxable year—

''(I) attributable to a federally declared disaster (as defined in section 165(h)(3)(C)(i)) occurring before January 1, 2010, and

''(II) occurring in a disaster area (as defined in section 165(h)(3)(C)(ii)), and

''(ii) the deduction for the taxable year for qualified disaster expenses which is allowable under section 198A(a) or which would be so allowable if not otherwise treated as an expense, or

''(B) the net operating loss for such taxable year.

''(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), a qualified disaster loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

''(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(J) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(J). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

''(4) EXCLUSION.—The term 'qualified disaster loss' shall not include any loss with respect to any property described in section 1400N(p)(3).''.

(c) LOSS DEDUCTION ALLOWED IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subsection (d) of section 56 is amended by adding at the end the following new paragraph:

''(3) NET OPERATING LOSS ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer which has a qualified disaster loss (as defined by section 172(b)(1)(J)) for the taxable year, paragraph (1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of such loss.''.

(d) CONFORMING AMENDMENTS.—

(1) Clause (ii) of section 172(b)(1)(F) is amended by inserting ''or qualified disaster loss (as defined in subsection (j))'' before the period at the end of the last sentence.

(2) Paragraph (1) of section 172(i) is amended by adding at the end the following new flush sentence:

''Such term shall not include any qualified disaster loss (as defined in subsection (j)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2007, in connection with disasters declared after such date.

SEC. 709. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS FOLLOWING FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subsection (k) of section 143 is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—

''(A) PRINCIPAL RESIDENCE DESTROYED.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer is—

''(i) rendered unsafe for use as a residence by reason of a federally declared disaster occurring before January 1, 2010, or

''(ii) demolished or relocated by reason of an order of the government of a State or political subdivision thereof on account of a federally declared disaster occurring before such date,

then, for the 2-year period beginning on the date of the disaster declaration, subsection (d)(1) shall not apply with respect to such taxpayer and subsection (e) shall be applied by substituting '110' for '90' in paragraph (1) thereof.

''(B) PRINCIPAL RESIDENCE DAMAGED.—

''(i) IN GENERAL.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer was damaged as the result of a federally declared disaster occurring before January 1, 2010, any owner-financing provided in connection with the repair or reconstruction of such residence shall be treated as a qualified rehabilitation loan.

''(ii) LIMITATION.—The aggregate owner-financing to which clause (i) applies shall not exceed the lesser of—

''(I) the cost of such repair or reconstruction, or

''(II) $150,000.

''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph, the term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i).

''(D) ELECTION; DENIAL OF DOUBLE BENEFIT.—

''(i) ELECTION.—An election under this paragraph may not be revoked except with the consent of the Secretary.

''(ii) DENIAL OF DOUBLE BENEFIT.—If a taxpayer elects the application of this paragraph, paragraph (11) shall not apply with respect to the purchase or financing of any residence by such taxpayer.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to disasters occurring after December 31, 2007.

SEC. 710. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) IN GENERAL.—Section 168, as amended by this Act, is amended by adding at the end the following new subsection:

''(n) SPECIAL ALLOWANCE FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified disaster assistance property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified disaster assistance property, and

''(B) the adjusted basis of the qualified disaster assistance property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified disaster assistance property' means any property—

''(i)(I) which is described in subsection (k)(2)(A)(i), or

''(II) which is nonresidential real property or residential rental property,

''(ii) substantially all of the use of which is—

''(I) in a disaster area with respect to a federally declared disaster occurring before January 1, 2010, and

''(II) in the active conduct of a trade or business by the taxpayer in such disaster area,

''(iii) which—

''(I) rehabilitates property damaged, or replaces property destroyed or condemned, as a result of such federally declared disaster, except that, for purposes of this clause, property shall be treated as replacing property destroyed or condemned if, as part of an integrated plan, such property replaces property which is included in a continuous area which includes real property destroyed or condemned, and

''(II) is similar in nature to, and located in the same county as, the property being rehabilitated or replaced,

''(iv) the original use of which in such disaster area commences with an eligible taxpayer on or after the applicable disaster date,

''(v) which is acquired by such eligible taxpayer by purchase (as defined in section 179(d)) on or after the applicable disaster date, but only if no written binding contract for the acquisition was in effect before such date, and

''(vi) which is placed in service by such eligible taxpayer on or before the date which is the last day of the third calendar year following the applicable disaster date (the fourth calendar year in the case of nonresidential real property and residential rental property).

''(B) EXCEPTIONS.—

''(i) OTHER BONUS DEPRECIATION PROPERTY.—The term 'qualified disaster assistance property' shall not include—

''(I) any property to which subsection (k) (determined without regard to paragraph (4)), (l), or (m) applies,

''(II) any property to which section 1400N(d) applies, and

''(III) any property described in section 1400N(p)(3).

''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified disaster assistance property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(iii) TAX-EXEMPT BOND FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iv) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

''(v) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of subsection (k)(2) shall apply, except that such subparagraph shall be applied—

''(i) by substituting 'the applicable disaster date' for 'December 31, 2007' each place it appears therein,

''(ii) without regard to 'and before January 1, 2009' in clause (i) thereof, and

''(iii) by substituting 'qualified disaster assistance property' for 'qualified property' in clause (iv) thereof.

''(D) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(G) shall apply.

''(3) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.

''(B) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' has the meaning given such term under section 165(h)(3)(C)(i).

''(C) DISASTER AREA.—The term 'disaster area' has the meaning given such term under section 165(h)(3)(C)(ii).

''(D) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means a taxpayer who has suffered an economic loss attributable to a federally declared disaster.

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified disaster assistance property which ceases to be qualified disaster assistance property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.

SEC. 711. INCREASED EXPENSING FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.

(a) IN GENERAL.—Section 179 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—

''(1) IN GENERAL.—For purposes of this section—

''(A) the dollar amount in effect under subsection (b)(1) for the taxable year shall be increased by the lesser of—

''(i) $100,000, or

''(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year, and

''(B) the dollar amount in effect under subsection (b)(2) for the taxable year shall be increased by the lesser of—

''(i) $600,000, or

''(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year.

''(2) QUALIFIED SECTION 179 DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection, the term 'qualified section 179 disaster assistance property' means section 179 property (as defined in subsection (d)) which is qualified disaster assistance property (as defined in section 168(n)(2)).

''(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 disaster assistance property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 disaster assistance property into account for purposes of this subsection.

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under subsection (d)(10) shall apply with respect to any qualified section 179 disaster assistance property which ceases to be qualified section 179 disaster assistance property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.

SEC. 712. COORDINATION WITH HEARTLAND DISASTER RELIEF.

The amendments made by this subtitle, other than the amendments made by sections 706(a)(2), 710, and 711, shall not apply to any disaster described in section 702(c)(1)(A), or to any expenditure or loss resulting from such disaster.

TITLE VIII—SPENDING REDUCTIONS AND APPROPRIATE REVENUE RAISERS FOR NEW TAX RELIEF POLICY

SEC. 801. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (V), by striking the period at the end of subparagraph (W) and inserting '', and'', and by adding at the end the following new subparagraph:

''(X) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under

paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

Mr. CAMP of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

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

There was no objection.

□ 1115

POINT OF ORDER

Mr. NEAL of Massachusetts. I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. NEAL of Massachusetts. I make a point of order that the gentleman's motion to recommit includes provisions within the jurisdiction of other committees, and, as such, is a violation of clause 7 of rule XVI, the germaneness rule.

The SPEAKER pro tempore. Does any other Member seek to be heard on the point of order?

Mr. CAMP of Michigan. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan is recognized.

Mr. CAMP of Michigan. Mr. Speaker, this is really a very simple debate here. What we'd like to do is replace the text of the bill before us with the bill that the Senate passed this week by an overwhelming vote of 92–3, and there are three main reasons for this.

First, that bill provides more tax relief. It includes fewer tax increases, and it can become law. The Senate measure also has a number of key provisions that are not in the House bill. Most particularly, the research and development tax credit is enhanced in the Senate version, which is so important to getting our economy up and going again. This is just simply an extension in the House bill. It's not nearly enough to do the job.

Also, the House bill contains more tax increases, in addition to those that were in the Senate bill. The House bill further extends the effective date of what we call worldwide interest allocation rules which really make its difficult for our employers to compete in today's global economy.

Finally, I think the most important thing is the Senate bill is a bill that could get enacted this year. It's quite clear that the issues that we're debating today with regard to the House bill will never be taken up by the Senate, as the distinguished majority leader of the Senate has made on many occasions and have been made repeatedly on this floor, including the comment that: ''Don't send us back something else. We can't get it passed. If they try to mess with our package, it will come back here, it will die, and we will—we will have snatched defeat from the jaws of victory.''

So I would urge this House to reject this point of order and move forward so that we can actually have a debate on the issues that we've been talking about all morning, instead of short-circuiting this debate and making it impossible for us to offer an alternative to what the majority is trying to do.

We heard a lot about debate and openness and that the House is place where we shouldn't just say ''yes,'' we shouldn't just agree with what's happening. So I would say to my colleagues, if you're so interested in debate, why are you so afraid of having us bring this motion forward?

Let us have the vote on this motion to recommit, and I would urge my colleagues to support it.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. NEAL of Massachusetts. Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Massachusetts makes a point of order that the motion to recommit offered by the gentleman from Michigan proposes an amendment that is not germane to the bill.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment. One of the central tenets of the germaneness rule is that an amendment may not introduce matter within the jurisdiction of committees not represented in the pending measure.

H.R. 7060 was referred to the Committee on Ways and Means. Its provisions are confined to the jurisdiction of that committee.

The instructions contained in the motion to recommit address laws within the jurisdiction of committees other than Ways and Means. For example, the instructions propose amendments to the Secure Rural Schools and Community Self-Determination Act of 2000, and the Employee Retirement Income Security Act of 1974. Those acts fall within the jurisdiction of the Committees on Agriculture and Natural Resources, and the Committee on Education and Labor, respectively.

Accordingly, the instructions in the motion to recommit are not germane. The point of order is sustained.

Mr. CAMP of Michigan. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. NEAL of Massachusetts. Mr. Speaker, I move to table the motion to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. CAMP of Michigan. 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 the motion to table will be followed by 5-minute votes on passage of the bill, if arising without further proceedings in recommittal, and the motion to suspend on S. 1382.

The vote was taken by electronic device, and there were—yeas 220, nays 198, not voting 15, as follows:

[Roll No. 648]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman

Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
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
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
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
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
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
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Cannon
Costa
Cubin
Cummings
Ellison
Fossella
Gohmert
Lofgren, Zoe
Payne
Peterson (PA)
Pickering
Rush
Tierney
Waters
Weller

□ 1145

Messrs. BACHUS, YOUNG of Alaska, TIM MURPHY of Pennsylvania, LAHOOD, BRADY of Texas, and CHILDERS changed their vote from ''yea'' to ''nay.''

Messrs. ROTHMAN and OLVER and Ms. WATSON changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. NEAL of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 257, nays 166, not voting 10, as follows:

[Roll No. 649]

YEAS—257

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—166

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Doolittle
Drake
Dreier
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Costa
Cubin
Cummings
Gutierrez
Payne
Peterson (PA)
Pickering
Tierney
Waters
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1154

Mr. INGLIS of South Carolina changed his vote from ''yea'' to ''nay.''

Messrs. DUNCAN and TIM MURPHY of Pennsylvania changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ALS REGISTRY ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 1382.

The Clerk read the title of the Senate 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 Senate bill, S. 1382.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 2, not voting 16, as follows:

[Roll No. 650]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
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)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
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
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
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
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
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)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
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
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
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
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
Shuler
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
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—2

Flake
Paul

NOT VOTING—16

Barton (TX)
Calvert
Costa
Cubin
Kagen
McCarthy (NY)
Mitchell
Napolitano
Payne
Peterson (PA)
Pickering
Roskam
Shimkus
Tierney
Waters
Weller

□ 1202

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill 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 MOTIONS TO SUSPEND THE RULES

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1500 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1500

Resolved, That it shall be in order at any time through the calendar day of September 28, 2008, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore. The gentleman from Vermont a recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. WELCH of Vermont. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 1500.

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

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, H. Res. 1500 authorizes the Speaker to entertain motions that the House suspend the rules at any time through the calendar day of Sunday, September 28, 2008. The rule is necessary because under clause 1(a), rule XV, the Speaker may entertain motions to suspend the rules, as you know, only on Monday, Tuesday and Wednesday of each week. In order for suspensions to be considered on other days, the Rules Committee must authorize such consideration.

This is not an unusual procedure, particularly at the end of the legislative session. In the 109th Congress, for instance, my friends on the other side of the aisle reported at least six rules that provided for additional suspension days. We are doing the same.

This rule will help us move important bipartisan legislation before we adjourn. Of course, all bills considered under suspension of the rules must receive strong bipartisan support in order to pass the House.

I urge my colleagues to join me in supporting this rule, which will simply help us move important, noncontroversial legislation before we adjourn.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, Mr. WELCH, the gentleman from Vermont, for the time,

and I yield myself such time as I may consume.

Mr. Speaker, this rule, which is a framework under which legislation is brought to the floor, if passed, will allow the House to consider legislation under suspension of the rules until Sunday.

Suspension of the rules is a procedure by which the House of Representatives generally acts to approve legislation promptly. Legislation considered under suspension of the rules is usually noncontroversial. It usually has bipartisan support, by virtue of the fact that in order for bills to pass under that procedure known as suspension of the rules bills have to pass with at least two-thirds of the votes of the House.

Yesterday I came to the floor to manage for the minority a similar rule. I did not ask for a vote in opposition regarding that rule yesterday. But today I must rise and oppose this rule, because unlike yesterday's rule, today's rule does not specify which bills the House of Representatives will consider. Instead, this rule, this framework that we are going to vote on now, in a few minutes, this rule provides blanket or blind authority to the majority.

Now, yesterday we received a list of 44 bills that the House was being authorized to consider. But today we received nothing, just a request in effect for absolute power to bring legislation to the floor. So this will allow the majority to bring legislation to the floor that most Members haven't even heard about, much less read, not to mention that we will have absolutely no chance to amend any of the bills.

According to a senior member of the majority on the Rules Committee, such a procedure is ''outside the normal parameters of the way the House should conduct its business. It effectively curtails our rights and responsibilities as serious legislators.''

Mr. Speaker, I believe it is quite unfortunate that the majority has opted to pursue this path. In reality, this is the sixth time that the majority is bringing forth a rule like this during this Congress. I know the majority will claim that is the same number, the same amount of times that the 109th Congress used this procedure, but I would remind our friends on the other side of the aisle that in every other record for limiting debate in the House, they have far exceeded the 109th Congress, and that is so even though on the opening day of the 110th Congress the distinguished chairwoman of the Rules Committee, Ms. SLAUGHTER, came to the floor and said that the new majority would ''begin to return this Chamber to its rightful place as the home of democracy and deliberation in our great Nation.''

So, let us take a look at their record-breaking performance, Mr. Speaker. First let us begin with closed rules.

There can be few, if any, parliamentary procedures that are more offensive to the spirit of representative democracy than the closed rule. Those rules, closed rules, block Members from both sides of the aisle from offering amendments to legislation, no matter their party affiliation. When the House of Representatives is operating under a closed rule, all Members are shut out from the legislative process on the floor. Even though the majority promised a more open Congress, they silenced the voice of every Member and of all the constituents of every Member a record 64 times, Mr. Speaker. Sixty-four times.

No other Congress in the history of the Republic has ever brought forth so many closed rules. No other Congress in the history of the Republic has brought forth 64 pieces of legislation during one Congress under the parliamentary procedure known as the closed rule, that shuts out all amendments, all possibility of Members, from both sides of the aisle from introducing amendments.

The consistent use of closed rules by the majority is most unfortunate. It is really, I believe, quite offensive to the democratic spirit, and really obviously a contradiction with regard to the promises made by the majority.

They have also systematically bypassed the conference process, the process by which the House and Senate reconciles differences on legislation before voting on a final version, an identical, final version of legislation before sending it to the President. They have systematically bypassed this conference process, effectively shutting out the minority from having a say on legislation that makes its way to the President's desk.

They also have used a technique known as ping-pong 14 times to subvert the rights of the minority to offer motions to recommit and amendments. Now, in comparison, in the 108th and 109th Congresses combined, that technique, ping-pong, that the majority has used 14 times during this Congress, that technique was used a total of three times in the prior two Congresses.

So, again, the tendency can be seen time and time again, in contradiction, direct contradiction to the promises to go in the other direction, to go in the direction of transparency and fairness and openness. So with ping-pong we also see the tendency of the majority not fail.

□ 1215

They also considered 45 bills outside the regular order. They blocked minority substitute amendments, allowing only 10 minority substitute amendments, again, even though they promised a procedure that, ''grants the minority the right to offer its alternatives, including a substitute.'' Again, the majority contradicted its own promise, directly, directly contradicted its own promise again.

Now, these records that I have alluded to, do not etch them in stone yet. We still have a few days left in the 110th Congress. I would bet that the majority will break their own records yet again and, once again, their promises for a fair and open Congress.

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

Mr. WELCH of Vermont. I want to respond to some of the points made by my friend from Florida.

Mr. Speaker, this process of allowing for suspensions on days late in the week, particularly towards the end of the session, is something that we have done quite a bit, generally on a cooperative basis, and there is a self-policing mechanism that applies.

The self-policing mechanism, of course, is the fact that to pass a suspension bill requires two-thirds vote, and the majority party does not have a two-thirds majority, so anything that's going to pass is going to require a substantial positive vote, a ''yes'' vote, from Members on both sides of the aisle.

It also is kind of a practical thing to do. Our session is getting extended a bit because we are trying to come to some resolution to ease the credit crisis that is afflicting our economy, and that's incredibly serious, requires us to stay as long as it takes to address that issue.

But many of us are not involved in the minute-to-minute negotiations, as our committee chairs are, as our leadership is. We are still on the clock, working for the American taxpayer. So if there is an opportunity to use our time productively by bringing up suspension bills that meet the two-thirds test, advances concerns of importance, if not as grave importance as the issue about Wall Street, why not take the opportunity together to move ahead on things that will be helpful to our country.

Also, just a little bit of history here, the Republicans, of course, were in the majority from 1994 until 2006. In the last session of Congress, the 109th session of Congress, they found themselves in similar circumstances at the end of the session. They had time that could be utilized and did, by bringing up some suspension bills. Then, as now, it did require a two-thirds vote before any suspension bill could pass.

I will just go through a few things. My friend probably knows all this, but I will remind him, anyway, a little education here. He was here. I wasn't.

I am told that on June 30, 2005, H. Res. 345 provided for a blanket suspension day on June 30, and that was pending the July adjournment of that year. The House took up a number of bills under that suspension authority.

Similarly, on July 28, 2005, there was a blanket suspension for suspension day. Again, the House took advantage of that. September 8, 2005, provided another day for a blanket suspension.

There are others. H. Res. 623 provided for suspension day on December 17. That applied to a number of pending House bills, H.R. 4519, H.R. 2520, H.R. 4568, H.R. 3402, H.R. 4579, H.R. 4525; a

Senate bill, S. 1281. There was a conference on Senate 467. It was a joint resolution providing for a fiscal year 2006 continuing resolution.

That was all pretty important business. It all passed with that two-thirds majority. It took advantage of the fact that many people from both sides of the aisle, who were not involved in what was the end of the session, intense negotiations on other legislation, they could use their time productively.

There were a couple of combination rules with suspension day authority. H. Res. 1096 waived the two-thirds requirement on December 7 on any rule, providing for a blanket suspension day. It tabled H. Res. 810, 939, 951 and 1047.

There was another such action on December 8, 2006, H. Res. 1102, and that waived the two-thirds rule on the December 8 proceedings on any rule and that provided for a blanket suspension on that date. There is a strong precedent here for allowing suspension authority to occur at the end of the week, rather than just the beginning of the week. Again, it's grounded in the practicality, using the time that we have, that we didn't expect to have, to advance the legislative calendar.

The gentleman from Florida mentioned the ping-pong procedure that has allowed this House and the Congress to pass critical legislation for working and middle class Americans. The fact is that we have utilized the ping-pong approach because of some of our colleagues on the other side of the aisle in the Senate that have blocked motions to go to conference.

Incidentally, I think I probably agree with my friend that going into conference is the better way for us to try to resolve differences between the two bodies. It takes two to conference, just like it takes two to do that famous south Miami dance, the tango. I know on our side, Republicans and Democrats would prefer to be able to use the tried-and-true method of a conference committee to resolve our differences.

It certainly allows our body to be fully represented on both sides of the aisle, members of the conference would come from the Democrat and Republican Parties. It would allow for more vigorous debate about the differences between the legislation that's passed by the House and passed by the Senate. In fact, I think it's a little sad, and, frankly, dangerous a bit, that we don't have a conferencing process, because it really does allow the focus on the issues and allows for a fuller debate from which, in the ideal circumstances, a better solution emerges.

I think I am in agreement, maybe I can hear from the Member from Florida, but I think I am in agreement with him about the preference for a conference procedure. It's just not something that's unilaterally within the control of this body. That's true, whether there is a Republican majority or a Democratic majority. There certainly has to be a level of cooperation in the other body in order for the House to be able to participate in a conference.

So what we find ourselves, oftentimes, is confronted with a situation where the negotiating gets done at leadership level or at the chair of committee level. It leaves a good number of Members out of those final and often very critical negotiations about the final points of legislation that's in contention.

So maybe the Member from Florida and I can work together to try to persuade our friends in the other body to return to the tradition of House-Senate conferences.

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

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend for his presentation.

Mr. Speaker, it's important to point out, that we make distinct and analyze a number of the matters that we have brought forth.

With regard to the ability of the House to consider suspension bills, it's evident that that is a process that has much tradition. My objection, and I know that in the last Congress it was done six times, and it's done six times in this Congress, but I think it's unfair, really, in an exceptional way to the membership, for them, for Members not to know even the title of legislation that is being brought forth so that, along with their staffs, they can study bills that are expected to be noncontroversial because of the two-thirds requirement, but there is a great difference. We all accept that suspension bills are a part of the process towards the end of the session, but there is a great difference between authorizing suspensions that are identified, legislation bills that are identified, like we did yesterday, and, you know, in a blanket way authorizing the majority to bring forth any bills on suspension without even identifying them, which is what we are doing today.

There is a difference. Yes, it was done six times in the last Congress, and it has been done six times in this Congress.

What I pointed out was that the tendency toward unfairness becomes evident when one analyzes the entire spectrum of activity by the majority, procedurally, six and six on what I consider to be inappropriate formats for presenting suspension bills.

But when we leave that particular aspect of the suspension bills unidentified, and we analyze, for example, the closed rules, there the majority broke the record in a significant way, 64 closed rules. That's extraordinary, that's unprecedented.

I would remind you that the closed rule is most undemocratic. Then my friend referred to the ping-pong process, the process by which conference is avoided. In the last Congress, there was a similar situation of one party in control of both Houses as there is in this Congress. Yet the times in this Congress that conference has been avoided just went through the ceiling, went through the roof, in comparison to the past. I think it was three versus 14 times. It's extraordinary, the difference. And when we analyze all of this in conjunction with and in the context of the promises made by the majority to improve instead of to worsen significantly. In other words, the promise was, with regard to these questionable procedural processes, or manners of acting, rather, the promise was, we are going to improve, we are going to have transparency, we are going to have openness, we are going to have fairness. That was the promise.

Then when you see that promise and you juxtapose it to the reality of performance, and the reality of performance is much worse, is much more unfair, it really becomes dramatic, the contrast between promise and performance. That's what I was alluding to.

With regard to some points made by my friend, it's almost inevitable for my friend from Vermont not to make appropriate and quite defendable statements, because he is one of the most respected Members of this House, and in the short period of time that he has been here, he has earned that respect on both sides of the aisle.

But I think it's appropriate to analyze, without passion, the points that I brought forth with regard to the great contrast between promise and performance of this majority. It's a dramatic contrast and an unfortunate contrast.

I would ask at this time, my friend, if he has any other speakers.

□ 1230

Mr. WELCH of Vermont. Mr. Speaker, I have no further speakers.

Mr. LINCOLN DIAZ-BALART of Florida. That being the case, Mr. Speaker, ''man is man plus his circumstances.'' That is one, I think, of the wisest sayings I have ever heard by one of the great philosophers of the 20th century, Jose Ortega y Gasset, who led a fascinating life. He was a professor in various universities in Spain, actually dabbled in politics, was a member of the parliament during the Second Republic in the 1930s in Spain, and then was a long-time exile.

Toward the end of his life, I think he returned to Spain but just for a short period of time because he did not outlive the Franco dictatorship and Ortega y Gasset never wanted to live nor, quite frankly, visit his country under dictatorship.

But that phrase, ''man is man plus his circumstances,'' I think, summarizes so much of life. And so we today, while not engaged, because this is a procedural debate and I would expect my friend on the other side of the aisle to agree that perhaps it is not one of the most popular to watch if a guest were here in the galleries because it is procedural, this debate. And yet process really is key to the functioning of representative democracy, Mr. Speaker.

Why do I say that: because the rights of the minority are just as important

as the right of the majority to rule. You can't have a functioning, a genuine, representative democracy unless, along with the right of the majority to rule, the minority has the right to be heard. And the opposition, the minority, has the right to play a significant role. And so process is what makes that possible. Without process, guaranteeing the rights of the majority to rule and the minority to be heard and to have all of the procedural rights followed by the majority, without that process, there can be no representative democracy. And so even though this debate may seem somewhat technical, process is important.

I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I want to respond to some of the comments made by my friend from Florida. But first of all, I thank my friend. He is very generous in his comments about me. The feelings are mutual. I have enjoyed working with you on the Rules Committee, and love hearing you speak and argue, and I know the affection people have for you here in this body. And for you to be here with your brother, what a wonderful family story, to have brothers serving together keeping an eye on each other. And you need to have an eye kept on you.

I missed the name of the philosopher from Spain.

I yield.

Mr. LINCOLN DIAZ-BALART of Florida. Ortega y Gasset. In Spain, you often have compound names or long names. Ortega y Gasset. An extraordinary philosopher, really a liberal in the best sense of the word and an open man, a man open to realize, my distinguished friends, that good ideas often come from not only both but all political viewpoints. And Ortega y Gasset was one such thinker. I highly recommend him to such an erudite, studious not only here Member of the House but generally a man of the law as my friend.

Mr. WELCH of Vermont. Well, thank you. I am going to take you up on that because you are probably more familiar with that history of Spain during the preceding Franco years and the internal revolution and during the period of the republic.

That phrase you used, man and his circumstances, is very, very powerful.

I yield.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend.

''Man is man plus his circumstances.''

Mr. WELCH of Vermont. And he had to contend with that, as did all Spaniards during the period of the republic in the revolution with just this wrenching upheaval in their own society where brothers were fighting brothers and the worst of all things were happening, as they were here during our Civil War and countrymen were pitted one against another, and people were forced to deal with circumstances that were just beyond what they ever could have imagined. And then the struggle in those circumstances for people of conscience to make a decision about what was right to do when the implication of following through and doing that right could be frightening, physically dangerous to themselves, the person who was making the decision to act, but it was equally frightening about a decision not to act and what the consequences would be for other people. So I look forward to reading that.

I am just going to make a suggestion to you. That phrase ''man is man plus his circumstances,'' and I have to write that down.

But Graham Greene is one of my favorite authors. And the reason I like Graham Greene, he writes articles about flawed human beings. The protagonists in his novels are all deeply flawed people, like all of us. They have real limitations. Some of them are alcoholics. They can't control certain parts of their behavior. But what he writes about is individuals who find themselves in circumstances where they have to make decisions that require them to act in ways that ultimately may be physically dangerous to them, but where they have a capacity to respond, to see, what the moral imperative is. And then they are able, despite their flaws and weaknesses, to summon the internal courage to do the right thing. They don't do it to be a hero. They are reluctant heroes. They end up being heroes. And in some cases they sacrifice their lives. It is not that they wanted to do it or anything that they thought about as an image of themselves. In fact, they oftentimes took refuge in their weakness, by alcohol, frequently, in the Graham Greene novels.

But when they were confronted with a situation where they had an opportunity, by circumstance beyond their control, accidental almost, where their action could save a fellow human being or turn the tide of events in a way where more people would be spared suffering, despite their weakness, despite not wanting to do it, despite their resistance, there was something deeply moral embedded in who they were where the decision they made was for others, not for themselves.

Your comments about the Spanish philosopher brought to mind the reactions I have had from reading so many Graham Greene novels.

Mr. LINCOLN DIAZ-BALART of Florida. Repeat the name of the author.

Mr. WELCH of Vermont. Graham Greene. I just really appreciate your remarks.

And I want to talk about a second topic you mentioned, the importance in a democracy about procedure. The gentleman is right. One of the things that I have admired about our majority leader, Mr. HOYER, is that I believe he does his best, it is always debatable, but I think he does his best to scrupulously abide by the procedural rights.

We have battles about the rule we are bringing forward and whether it is the right thing to do or not, but I agree, procedure is important. Procedure is often substance. How you design it and allow something to be taken up really affects the outcome of what will occur.

One of the constant decisions that we have to make, you had to make when you were in the majority and we have to make while we are in the majority, is how to get a specific question to this body for an up-or-down vote. And it requires the Rules Committee, and you know better than I do, you are much more experienced on the Rules Committee than I am, it requires the Rules Committee to decide what the question will be, to decide what amendments will be allowed. There is always an ongoing tension between the majority and the minority, and that flips as the voters decide to change the majority here.

So your aggression, and that is not the right word, your defense of procedure is well taken by me.

Before I came here I served for a period of time in the State Senate in Vermont. It is a much different situation. We had 30 members, very small, very intimate. No staff. Literally no staff. The one member of the Senate who had one staff person was the President pro tempore, and I served in that job for the 4 years before I came here. But nobody else had a staff. I have gotten to like staff, don't get me wrong, but there was something quite wonderful about the fact that the members had to do all of their own work. What it meant is that we were talking to one another constantly. And the problems that were being developed couldn't be mitigated or muted by having staff talk to staff for another member.

That very intense, immediate interaction I actually thought was very helpful. I know there are a number of Members on both sides of the aisle who talk, and we have this opportunity when we are on the floor voting to try to hear where each of us are coming from and what ways we may be able to find a path to getting ''yes.''

But as Senate President, I had a lot of responsibility about procedures. So I did two things that were kind of unusual, and we can't do them around here, but in the small circumstances of the Vermont Senate we could. We had 21–9 majority, and I had the cooperative power of appointment. And I appointed three members of the Republican Party to serve as chairs of important committees.

The reason that I did that, two reasons, it just so happened that the three people who got appointed were the best people for the job. They were terrific. The second reason was it allowed us to find ways to work together because we all had a stake in the future.

So any time that we can work together, I want to do it. I appreciate your openness and willingness to do that as well.

But getting back to the question before us, mainly this question of the

suspension authority and your concern about it being ''blanket,'' I understand that. But the self-correcting mechanism here is the requirement under suspension that there be a two-thirds vote. That by definition means that there has to be a good deal of support on the Republican side as well as on the Democratic side for this suspension authority to allow consideration and for a bill considered to be passed.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my distinguished colleague for his remarks, and for this opportunity of being able to bring forward the points that we both brought forward today.

Mr. Speaker, let me say at this point that Americans are really upset with regard to spending more and more of their paycheck for energy needs. For months they have been calling on Congress to consider legislation to help lower the price of gasoline.

Just like the American people, the minority has been calling for legislation that will help the American consumer with the skyrocketing price of energy. Yet every time the minority has tried to debate comprehensive energy legislation, the majority has blocked and stymied our efforts.

□ 1245

In August, the majority decided to close shop, head back to their districts, instead of really seeking to solve, in a comprehensive manner, this extraordinary issue facing our constituents, which is the rising price of gasoline.

So I would imagine the majority heard quite a bit from their constituents in August, because when they returned in September they decided that they would finally, at least, debate energy legislation.

Last week the majority brought to the floor their so-called Comprehensive American Energy Security and Consumer Protection Act, which really, ironically, did nothing to produce energy or provide Americans with energy security since really it only, that legislation, increased our dependence on unstable foreign sources of energy. So that bill is most unfortunate. Also, it won't be enacted into law, and it was only put together to provide the majority with a kind of political cover to say that they actually passed energy legislation, when, in reality, they did nothing.

Now, the majority is set to end this Congress and, really, any chance to actually pass a comprehensive energy bill, comprehensive energy legislation will also end with this Congress for now. Our point is that this is not appropriate. We think that the energy issue is of extraordinary importance, and that we should not leave without comprehensive energy legislation.

Mr. Speaker, I will be urging my colleagues to vote ''no'' to vote with me to defeat the previous question so that the House can finally consider comprehensive solutions to rising energy costs. If the previous question is defeated, I will move to amend this rule to prohibit the consideration of a concurrent resolution providing for an adjournment until comprehensive energy legislation has been enacted into law.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting ''no'' on the previous question, Members can assure their constituents that they are committed to enacting legislation to help their constituents with rising energy prices.

I also remind Members that the previous question in no way would prevent consideration of any of the suspension bills.

I urge a ''no'' vote on the previous question.

I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I am about to yield back, but I just want to thank the gentleman. I enjoyed this conversation. What a privilege it was to spend a little time with you talking about philosophy and literature, as well as the business of the House.

I am the last speaker on this side. Mr. Speaker, I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 1500 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

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

SEC. 2. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

(The information contained herein was provided by the Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ″a motion to direct or control the consideration of the subject before the House being made by the Member in charge.″ To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ″the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition″ in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ″The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition. ″

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ″American Congressional Dictionary″: ″If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.″

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

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

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. 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 the motion to suspend with regard to S. 2932, if ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 192, not voting 16, as follows:

[Roll No. 651]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
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
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bachus
Conyers
Costa
Cubin
English (PA)
Lofgren, Zoe
Payne
Peterson (PA)
Pickering
Rangel
Tierney
Udall (CO)
Waters
Watson
Weller
Wexler

□ 1313

Messrs. REHBERG, HALL of Texas, PRICE of Georgia, and CHILDERS changed their vote from ''yea'' to ''nay.''

Mr. JOHNSON of Illinois changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 196, not voting 15, as follows:

[Roll No. 652]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
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
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 (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
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
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Bachus
Conyers
Costa
Cubin
English (PA)
Frank (MA)
Lowey
Payne
Peterson (PA)
Pickering
Tierney
Udall (CO)
Waters
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1325

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.

POISON CENTER SUPPORT, ENHANCEMENT, AND AWARENESS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 2932.

The Clerk read the title of the Senate 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 Senate bill, S. 2932.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. WELCH of Vermont. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 403, noes 6, not voting 24, as follows:

[Roll No. 653]

AYES—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
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
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
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
Hoyer
Hulshof
Hunter
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
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 (FL)
Miller (MI)
Miller (NC)
Miller, Gary
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
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
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
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
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
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
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—6

Campbell (CA)
Duncan
Flake
Foxx
Paul
Poe

NOT VOTING—24

Bachus
Berman
Blunt
Broun (GA)
Capps
Conyers
Costa
Cubin
DeFazio
English (PA)
Hooley
Kind
Miller, George
Payne
Peterson (PA)
Pickering
Royce
Shea-Porter
Slaughter
Tierney
Udall (CO)
Waters
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1332

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROYCE. Mr. Speaker, on rollcall No. 653, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, on September 26, 2008, I missed rollcall votes 651, 652, and 653 while attending a meeting to discuss the Nation's financial crisis. had I been present I would have voted "nay" on rollcall 651, "nay" on rollcall 652, and "aye" on rollcall 653.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7110, JOB CREATION AND UNEMPLOYMENT RELIEF ACT OF 2008

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–891) on the resolution (H. Res. 1507) providing for consideration of the bill (H.R. 7110) making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1503 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1503

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of September 26, 2008, providing for consideration or disposition of a measure making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

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

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for purposes of debate only.

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

Mr. DREIER. Mr. Speaker, I would like to inquire of my colleague; I understand that the customary 30 minutes was yielded to my friend from Pasco, Washington. And I would just like to state for the record that I will be managing the rule on this side, and so I would hope very much that my friend from Tampa might consider yielding to me.

Ms. CASTOR. Mr. Speaker, I will correct that. I will yield the customary 30 minutes to my colleague and good friend from California, the ranking member on the Rules Committee, Mr. DREIER.

GENERAL LEAVE

Ms. CASTOR. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1503.

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

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 1503 waives clause 6(a) of rule XIII, which requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This waiver would apply to any rule reported on the legislative day of September 26, 2008 that provides for consideration or disposition of a measure making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009.

Mr. Speaker, I rise today as a humble first-term Representative who represents hundreds of thousands of hard-working families and seniors who are caught in the center of an economic storm. For them, the economic squeeze did not arise last week or last month, but it has been ongoing for well over a year.

I also rise as the daughter of parents who worked hard all of their lives and saved for retirement and, like millions of Americans, they are watching their savings dwindle and decline. And I rise as a parent, who, along with my husband, is saving for our children's college education.

For students and families across America, the cost of attending college has risen. And as we look out to future years, like other parents, our college savings accounts for our kids feel a little less tangible now, and I fear that college for students may be a little less attainable unless we act in a bipartisan way this week.

Many middle class American families are unable to even save now for retirement or their children's college fund because they've lost a job, or if they do have a job, the raise did not come, or the raise came, and it was not enough to meet the rising cost of living in America today.

So at this time, as our country's leaders join together to develop a rescue plan—which has been dramatically altered from the beginning of the week when it was proposed in a two-and-a-half page proposal to spend $700 billion—we must join together, Mr. Speaker, in a bipartisan way to provide a lifeline to families as well.

Mr. Speaker, we must stand up for everyday Americans. While stabilizing financial markets on the day of the largest bank failure in history is vitally important, correspondingly, stabilizing families and taxpayers is just as important. American families need a little breathing room, and they need a job if they're out of work. So it is our moral imperative, at this moment in history, to examine this modest stimulus proposal, create jobs back home through an infusion of cash for infrastructure projects, for unemployment benefits, and for health care dollars for Americans who have no other place to turn.

This stimulus package will jump-start America's economy. And here's our action plan:

First; jobs, jobs, jobs through infrastructure investments. We're talking about highways, transit capital grants, Amtrak, airport improvements. Do you know how many thousands of construction jobs have been let go and we have lost across America? This will put Americans back to work.

We're also going to provide resources to our local communities to help them with clean water projects, sewer projects, the Corps of Engineers, Mississippi River and tributaries, and also vital—and I speak as a parent of two young daughters—school construction dollars.

We also provide, as part of our action plan, energy development dollars for energy efficiency and renewable energy, electricity delivery, and reliability programs. That is the major portion of our economic stimulus proposal for American families.

We will also provide unemployment compensation and job training dollars, which seems oh so modest because it totals merely $6 billion. It's modest in the face of a proposal this week to spend $700 billion, unfettered, at the beginning of the week.

We will also respond to the least among us, Medicaid dollars. Now, that's a term that gets thrown around a lot, but I want the American people to understand that when we talk Medicaid—and you will hear the discussion here today will be FMAP, Federal Medical Assistance Percentage in Medicaid. What Medicaid is is largely health care dollars for children from poor families. Now, many middle class families are now slipping into that lower socioeconomic level today. Their parents don't have health insurance. If they're working, they're working maybe at a small business or part-time, and there is no other place to turn during this dire economic downturn.

The least we can do, when we're discussing a bailout for Wall Street and for banks and financial markets, is to also consider, at the same time, a very modest proposal of $60 billion for America's families, for jobs, for health care for kids, seniors who have no other place to turn, and unemployment compensation.

First, on jobs. You know, today's wages are stagnant; they're at the most stagnant point that they have been since World War II. Medium household income was .6 percent lower in 2007 than it was at the end of the 1990s. And even more troubling are the rising inequities of incomes among families in different communities. Data released from the Joint Economic Committee reports that over the past decade, median incomes for the richest households have risen while middle and low-income families have seen their income fall.

Mr. Speaker, the U.S. unemployment rate rose to 9.4 million Americans—a 6.1 percent increase—in August, the highest it has been since 2003. This continues the unfortunate job loss for the

eighth consecutive month, with over 600,000 American jobs lost this year.

Unemployment benefits under our action plan will be extended for merely another 7 weeks, a very modest proposal. It extended in every State an additional 13 weeks, and an additional 13 weeks in States with unemployment rates higher than 6 percent, like my home State of Florida.

Florida families have been especially hard hit by the economic downturn. In the past year, Florida has lost over 100,000 jobs, and the unemployment rate continues to rise. The housing crisis has dragged down job opportunities in construction and other related fields, and we keep seeing continued joblessness and layoffs. At the same time, in Florida we have seen a 21 percent increase in families receiving food stamps over the past year, which is one of the highest increases in the Nation.

But fortunately, under this stimulus plan, we're going to immediately take action to fund new jobs through infrastructure projects. See, investing in infrastructure can rapidly move people from unemployment rolls to payrolls. Just this week, we heard our Republican Governor, Charlie Christ, sent his DOT secretary to the Hill to meet with the bipartisan Florida delegation. She advised that there are projects ready to go, have been permitted, are ready to go. So this action plan will take those projects off the shelf and put people to work building roads, building bridges, sewer projects all across America.

For hundreds of thousands of Floridians who are unemployed, and other Americans, they're still looking for work, and this package will help them find a job. It's that simple.

□ 1345

On health care, on the Medicaid portion which remember largely goes to health care services for children so they can get to the doctors' office, seniors in nursing homes and pregnant women, this stimulus package will improve and bolster that health care safety net at this critical time in our Nation's history. Unlike the hope of trickle-down, this action plan and economic stimulus project is a rapid and effective way to support those hard-working families.

During the last economic downturn, the Congress approved $10 billion to temporarily enhance the health care safety net of Medicaid. This similar increase today will again provide vital, basic health services to families that need it most as quickly as possible. And at the same time, an increase in health care funding will help families who are not served by Medicaid but are taking up the slack in this economy, that are paying higher premiums and co-pays because the charity care in the emergency room, someone has to pay for that. And that usually is tacked on to the cost of the typical family's employer-provided health care cost. Higher co-pays and higher premiums are a direct result of many families in this country not having anyplace else to turn for health care.

In fact, the Kaiser Family Foundation and the Center for Studying Health System Change released a report yesterday that says that employees are paying more medical expenses out of their own pockets. They're having a harder time coming up with money to pay their bills. The study displayed the mounting additional strain that medical care is placing on working Americans. It is estimated that 57 million Americans live in families struggling with medical bills, and 43 million of those have health insurance coverage.

Mr. Speaker, it is no secret across America that with stagnant wages and a higher cost of living, be it health care, be it higher gas prices, be it home heating oil, be it, in Florida, property insurance, that we have got to take action for them. And it cannot simply be a trickle-down rescue package. It also needs to be a very modest, but at the same time meaningful, support for families.

When we are able to provide additional moneys to States for health care and for infrastructure and jobs, what this does is it takes the pressure off all other programs that are funded by our State and local governments, including education. In my State of Florida, they have had to cut billions and billions of dollars out of our State budget. Unbelievably, for the first time in many decades, this year the State of Florida ratcheted back the amount of money provided per student in our public school system. The State university chancellor of the State of Florida announced yesterday that there is a freeze on new students being allowed into the Florida college system because they simply do not have the resources during this economic downturn to provide a seat for new freshmen in our colleges and universities.

Mr. Speaker, economists agree that any stimulus package must put money in the hands of those who will spend it right away in order to stimulate the economy. This package will do just that by focusing funding where it is needed most, creating jobs, jobs, jobs through infrastructure, enhancing the health care safety net for our children and our seniors and providing a lifeline to American families who are struggling during this economic downturn.

At this point, I will reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I thank my distinguished Rules Committee colleague, my friend from Tampa, for yielding me the customary 30 minutes, even though we went through that little bump with my colleague from Pasco temporarily handling it. And I have to say that this is obviously a very solemn, serious and difficult time for our Nation as we are in the midst of facing a financial crisis the likes of which no Member of this House has seen, probably even our oldest Members have not witnessed. Maybe we have a couple of people. Maybe RALPH HALL lived during the Depression. But it is something that most of us clearly have never witnessed before.

People are likening this to the economic challenges that we faced following the Second World War. And we are attempting, as we all know, in a bipartisan way to deal with this issue. Our distinguished Republican whip, Mr. BLUNT, is involved in these bipartisan negotiations so that we will be able to have a package emerge from this institution in a bipartisan way that will be able to stabilize the markets, respect the American taxpayer and ensure the kind of stability when people are seeking to keep their homes, run their small businesses and engage in the normal activities that exist in the United States of America.

And it's with that as a backdrop, Mr. Speaker, that I have to paraphrase the statement of the former running mate of Ross Perot, the late Admiral James Stockdale, who, in the famous oft-quoted Vice Presidential debate in 1992, said: ''Who am I and why am I here?'' I would ask that somewhat rhetorically, Mr. Speaker, because we are here dealing with a very important issue. Of course job creation is priority number one. Making sure that we can stimulate our economy is a very, very important issue. But this is not the way to do it. And 1 hour ago, the United States Senate made that decision by defeating the motion to proceed in the Senate. So this is dead.

The President of the United States put out a statement of administration policy in which he said that this measure would be vetoed if it were to get to the President. And it's not going to. And so that is why I ask, Who are we and why are we here? Because there is absolutely nothing but political posturing taking place.

Mr. Speaker, it is being done in the most outrageous of ways in that we regularly show here something that was touted 2 years ago, but we never hear the majority Members talk about any longer, and that is a document called ''A New Direction for America.'' This document was designed to talk about the very important degree of openness and transparency that would exist if in fact the Democrats were to take control of the United States Congress. And unfortunately with where we are, we have completely eviscerated that entire concept of ''A New Direction for America.''

Now, Mr. Speaker, we are all accustomed to hectic, get-out-of-town weeks. The heaviest lifting typically falls to weeks prior to district work periods, when we're all anxious to return home to hear from our constituents. But even under the circumstances, this week's proceedings are absolutely unprecedented. The emergency negotiations, as I mentioned, on a financial rescue package are very difficult. And they are very challenging. And we want to see it done in an appropriate way. But they have been made all the

more frantic because they're set against a backdrop of a year's worth of unfinished business right here in the House of Representatives.

The Democratic majority has unfortunately shirked virtually every one of its core duties and obligations as legislators. Our most basic and fundamental job is the responsible and efficient spending of the taxpayers' dollars. That is the single most important thing that we do here, is responsibly, with the power of the purse, spending these dollars. This is done through the passage of 12 appropriations bills as we all know.

Now, Mr. Speaker, how many of these 12 bills has the House passed as we began this very difficult week? One. Only one of the 12 appropriations bills was passed. And how many have become law? Zero. Not a one. So we arrived at this last week of session for the fiscal year without enacting a single appropriations bill.

The Democratic leadership had long since abandoned any plan for attempting to make progress on our constitutional power of the purse. Their solution? Write a bill to put off their duties for another 6 months. They can't be bothered to do their jobs now or after the election. They want to wait until the fiscal year is half over before finally getting to work.

So we started this week after what amounts to a 9-month vacation from responsible legislating. The Democratic majority decided to take three of the 12 appropriations bills, one of which never even went through committee, and slap them together. They tacked on $55 billion in extra funding for various causes, extended their fiscal deadline for 6 months and sent it up to the Rules Committee barely an hour before we reported it out.

The entire body of their appropriations work for the entire year was put together in one bill, the bulk of which was delayed by half a year. They were kind enough to give us an hour before meeting on the rule at nearly 11 o'clock at night. It was on the floor the next morning. And voila. They put the entire Federal budget to bed as far as they were concerned.

But that was Tuesday. What did we do yesterday? The Democratic majority's flawed tax extenders bill, and a $100 million mistake. In their rush to pump out bad legislation, the Rules Committee ended up passing out a rule and bringing it to the floor for a bill that no longer existed. Democrats and Republicans were actually voting on two different bills. The discrepancy, as I said, was over $100 million in tax increases.

Now to many in this institution on the other side of the aisle who have this sort of tax-and-spend mentality, $100 million in taxes may seem to be very insignificant. But not to the American people. Not to the American taxpayer, Mr. Speaker, and certainly not at times like these. Fortunately this mistake was caught, and we returned to the Rules Committee to fix it. What other mistakes have gone unnoticed? We may never know until it's too late. But this is the very real risk when you jam through a flawed agenda in a frantic and haphazard way.

And this bill is a perfect example of that.

Having punted on appropriations and jamming through the tax extenders bill after two tries, now the Democratic majority is free to turn to everything else they meant to do this year. How do you do a year's worth of work in 1 week? For starters, you don't, Mr. Speaker. You just don't.

There are a host of very critical issues that simply won't be addressed this week, such as our Nation's energy crisis. But you can certainly move things along by shutting down due process entirely. We did their hodgepodge appropriations bill without a single amendment or even a motion to recommit. We did their tax extenders bill without a single amendment either.

Now we are considering a rule to waive the rules to allow the underlying bill to be expedited. Then we will consider a rule to bring up the underlying bill. Again, this is a bill that the President has said he would veto and a bill that is similar to it is not even going to get through the United States Senate. So once again, under a completely closed process, there is no opportunity whatsoever for Members to participate in any kind of real debate.

What is the result of this haphazard way of legislating? First and foremost, there is clearly no deliberation. Now say what you want about this place, but the American people do send us here to think about, to discuss, to ponder and to try and work out a compromise in a bipartisan way as we proceed with what it is that we are trying to do. So no deliberation at all. I mean, there is no means for amendment. There is no means for open debate. Second, as we have just seen again from that tax extenders bill, mistakes are inevitable.

This clearly goes beyond poor policy. And shirking our duties for another 6 months is clearly very, very poor policy. As yesterday's proceedings demonstrate, Mr. Speaker, we are also talking about the sloppy mistakes that are an inevitable result of shoddy work.

The Democrats roundly criticized us for moving our agenda too quickly in the past few Congresses. They were particularly critical of not giving Members or the American people enough time to review legislation so this deliberative process could proceed.

Now on this document which I pointed to when I first stood up here entitled "A New Direction for America," this document, by the way, I would say to our colleagues, is still available on the Speaker's Web site. So if anyone would like to read a copy of "A New Direction for America," I commend it to them.

In this document, they promised this new direction, as I said. And it reads as follows: "Members should have at least 24 hours to examine bill and conference report text prior to floor consideration.

□ 1400

"Rules governing floor debate," it reads, "must be reported before 10 p.m. for a bill to be considered the following day."

Now, Mr. Speaker, I have no idea how "2 hours" equals "at least 24 hours," which is what was promised in this New Direction for America by Speaker PELOSI. It is that kind of math, long on promises, short on results, that got us into our current financial crisis.

Mr. Speaker, as we consider today's underlying bill, amusingly called a stimulus bill by the Democratic majority, the American people should know it was written through the night and sent to us at 9:43 this morning. Not even Republican appropriators had seen it, so not even members of the Appropriations Committee have seen it.

I just had a chance to look through it, and we have some unbelievable things we have found in this. Members should know the Democratic majority is rushing to cover up 9 months of nothing with a flurry of activity in these waning hours of the 110th Congress. They are resorting to draconian measures and shutting out all meaningful debate in this charade. They are pushing off the real work for another 6 months. And they are producing such shoddy work that a $100 million tax increase is "a mistake," and that kind of thing is appearing here.

Mr. Speaker, this is one sorry week for the House of Representatives. I don't believe that the American people will be fooled.

Now, of course, as my colleague talked about the importance of infrastructure construction, building schools, making sure that we provide relief to those who are truly in need and have suffered from the economic downturn that we all know is there, to do it in the way that is being done is, I think, a very, very sad commentary on this great deliberative institution.

So I urge my colleagues to oppose this rule. It is a martial law rule which is very, very unfair. We do need to, at the very least, give our Members an opportunity to have a chance to read this bill.

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

Ms. CASTOR. Mr. Speaker, I think it is very important at this critical time in our Nation's economic history, in the history of what is going on in people's lives today, that we really try to rise above partisanship. That is what is going on right now. The White House and leaders here in the Congress are meeting on a very important economic package. This is a separate piece of that. We do intend to address it. We will stay here for as long as it takes.

Mr. WALDEN of Oregon. Mr. Speaker, will the gentlewoman yield?

Ms. CASTOR. I would be happy to yield for a moment.

Mr. WALDEN of Oregon. I appreciate that, because I appreciate her comment about rising above partisanship. I guess what troubles us on this side of the aisle is we are being denied any opportunity to even offer a bipartisan amendment to this bill, for example on the county roads and schools issue.

I wonder, I would like to ask the gentlewoman, would she be willing to allow us on the Republican side to offer a single amendment, any amendment to this bill that was just provided to us at 9:43 this morning? That would sure go a long way toward bridging the gap that seems to be down the center aisle.

Would the gentlewoman be willing to work with us on allowing us any opportunity to amend this bill?

Ms. CASTOR. I thank the gentleman, and reclaiming my time, Mr. Speaker, we did consider the amendment in the Rules Committee on a couple of occasions. It was not accepted.

What is important right now is our leaders meet to focus on the economic condition of this country and that we do not get bogged down in the process. The American people cannot wait for these costly, time-consuming debates. They are out of work, they need to get their kids to the doctor's office, and we will stay and work here for as long as it takes to provide that additional relief to the American people.

Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I want to thank the gentlewoman from Florida, and I certainly associate myself with her remarks with regard to this very important stimulus bill.

I want to rise in strong support of the rule allowing for H.R. 7110 to be considered, but I would particularly like to focus on the FMAP, or the Medicaid provisions of the bill, which would provide important financial assistance to cash-strapped States in order to maintain their Medicaid programs.

Medicaid provides over 61 million Americans with access to medical care and specialized support and services. It protects our most vulnerable populations, our poor and disabled.

Unfortunately, as State economies face growing fiscal pressures, the Medicaid programs in many States are threatened and millions of American citizens are in danger of losing access to the health care coverage that they desperately need. These cuts affect not only those already on Medicaid, but also those who will come to need it as the economy continues to plummet. As people lose their jobs, they also lose access to employer-sponsored health care coverage, forcing more people to turn to Medicaid for their health care needs.

A study conducted by the Kaiser Family Foundation found that increasing the national unemployment rate by 1 percentage point increases Medicaid and SCHIP enrollment by 1 million. At a time when States are already struggling to balance their budgets, this type of change in unemployment rates would increase State spending by approximately $1.4 billion.

H.R. 7110 will provide a temporary FMAP increase to help avert cuts to State Medicaid programs. In effect, we are increasing the Federal share. This is a proven strategy for stimulating the economy. A similar provision was passed in 2003 by the Republican Congress and signed into law by President Bush as part of the Jobs and Growth Tax Relief Reconciliation Act. So I essentially consider this a bipartisan effort. Studies have shown that the temporary increase then provided the funding needed to successfully avert or limit cuts to State Medicaid programs and helped stimulate the economies of the States back in 2003.

Mr. Speaker, the FMAP provision included in H.R. 7110 is an important measure that will help provide much-needed fiscal relief to our States and help protect access to health care services for some of our most vulnerable citizens. And it is an economic stimulus. It basically means that more money would be available to the States to cover more people, and that means more jobs. It means the actual delivery of health care services serves as a major stimulator of the economy.

I urge Members on both sides of the aisle to support the rule, as well as the underlying bill.

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

I would like to as I do this engage in a colloquy with my good friend from Hood River, Oregon, who has long been a great champion of something known as the Secure Rural Schools Program, something that has enjoyed very strong bipartisan support. In fact, five Democratic members the Rules Committee are cosponsors of legislation designed to address that.

I will say that obviously we know that as we deal with this economic downturn, everyone has acknowledged it, there are many things that do need to be addressed. And we know that FMAP is one of them, dealing with Medicaid reimbursement to our States, infrastructure construction, as I said, working to do what we can to stimulate economic growth.

We happen to believe very strongly that it is also essential for us to do all that we can to stimulate private sector economic growth. Now, I know that that term may be difficult for some in this institution to comprehend, but we do have a $14 trillion, that is with a T, a $14 trillion economy in the United States of America. We are the world's only complete superpower. And we are going through extraordinarily challenging economic times. But we need to remember that our goal with the package that we put together in dealing with this financial crisis will be one that is designed to create stability, security and confidence in our credit markets and in the overall financial system. No doubt about that.

My State of California, the West and other parts of the country are dealing with the fact that the Washington Mutual Bank was just taken over, and I have to say having spoken with top leaders at J.P. Morgan, I am very grateful that all of those deposits are in fact secure with J.P. Morgan's acquisition having taken place there. But we know in other areas there is a lot of uncertainty.

So, Mr. Speaker, I want to say that we want to do what we can to put into place policies that will encourage private sector economic growth. Unfortunately, this so-called stimulus package that has been presented to us is one that is focused on public sector economic growth.

Again, many parts of it we support. It is very key for us to have an infrastructure system in this country if we are going to encourage the private sector movement of goods in the country and for people to be able to move around. We know that these are very important items. But there are many, many other things that we need to do to deal with private economic growth.

Now, I talked about the procedural problem that we have and the fact that this New Direction for America has been eviscerated by the actions that we are taking here, and that has been the case for the entire Congress, tragically. But we just now had, as my friend from Hood River said very well, received this at 9:43 this morning, so a number of us are having a chance to look at this.

My friend just pointed to me on page 12, the fact that we have something in this bill known as the 21st Century Green High Performing Public School Facilities for the Department of Education, which would allow for the construction of so-called green schools, putting roughly $3 billion, $3 billion in this, to build schools in the Mariana Islands, Micronesia and other spots. And I know that the package that my friend from Hood River, Oregon, has been championing, working with our Rules Committee colleague Mr. HASTINGS on for secure rural schools, has a cost of about $3.1 billion over a 4-year period.

So we are just finding these things out in this measure. To me, it is beyond the pale that they would come forward without allowing a single opportunity to work in a bipartisan way.

I congratulate my friend from Tampa for talking about the need for us to work in a bipartisan way. She is absolutely right. I totally concur with that. Unfortunately, this legislation is doing anything but that.

I would like to now yield to my friend from Hood River, Oregon, a great champion of the Secure Rural Schools Program.

Mr. WALDEN of Oregon. I thank my friend from California for his leadership in the Rules Committee and his steadfast support for rural community schools. Even though you don't necessarily represent a rural district, you have certainly shown your interest in my State and in helping out.

I guess one of the issues that arises today, it is sort of hard to figure this

floor anymore and the Democrat majority, because the Democrat major lectured us in the Rules Committee last night and down here on the floor all day, saying we are not going to put rural schools reauthorization funding in the $60 billion tax extenders bill because it is not paid for, and we are not going to do this and we are not going to do that. So they raised $60 billion in taxes to cut $60 billion in taxes. So that was the reason then, not paid for.

Now we have dropped upon us a bill that most of us are just getting to see for the first time that is at least 46 pages long that spends $60 billion. $60 billion. I guess we will borrow more money from China to do it. And I don't see a single offset in here.

I would ask if the gentlewoman for Tampa would yield to a question. Is there a single offset in here to offset any of this $60 billion?

Mr. DREIER. Mr. Speaker, reclaiming my time, I would be happy to yield to my friend from Tampa if she would like to explain exactly how this is going to be paid for.

Ms. CASTOR. Mr. Speaker, similar to the administration's $700 billion emergency economic rescue package, this emergency stimulus package, to provide jobs to the American people, to enhance the health care safety net, this is an emergency situation.

Mr. DREIER. If I could reclaim my time, Mr. Speaker, I began my remarks by talking about the fact that we are dealing with a very serious economic downturn and a financial crisis in this country, and very serious attempts are being made to work in a bipartisan way. We have Republican representation. I know Speaker PELOSI and those at the White House are working on this.

Now, to liken this $60 billion package that was just dropped on us, which is designed to dramatically increase public spending, with the effort that Democrats and Republicans alike are pursuing to try and deal with the economic challenges that we face as a country when it comes to the confidence level of markets and people who are losing their homes, is just preposterous.

I would be happy to further yield to my friend from Hood River.

□ 1415

Mr. WALDEN of Oregon. I thank the gentleman, because clearly we weren't going to get the answer, and I will give it to you. There are no offsets here. There are no offsets here, it's $60 billion in spending, which apparently is okay for the Democrat majority to do after 2:15 in the afternoon in Washington, D.C., but earlier we were told we couldn't fund a 100 year-old commitment to rural counties and school districts because there wasn't an offset. That was this morning when they dealt with the tax extender.

Mr. DREIER. If I could reclaim my time, it was not only this morning, but it was last night. It has been day in, day out in the Rules Committee. We have repeatedly offered an amendment that five Democratic Members of the Rules Committee have cosponsored as legislation that the gentleman has. Yet they have refused vote after vote upstairs in the Rules Committee to allow us to deal with this very important issue of secure rural schools.

I am happy to further yield to my friend.

Mr. WALDEN of Oregon. I will tell you what I hear when I go home: Why does the Federal Government make promises it can't keep? Why does it start new programs when it doesn't take care of the programs it has in place?

This is a real-time perfect example. This program, identified on page 12 of this bill, would allocate $3 billion for this green school program. Now, I am actually one of the cochairs of the Renewable Energy Caucus. I believe firmly in renewable energy, I am a fan of it.

There is probably more renewable energy in my district than anywhere in the State of Oregon, and the State of Oregon is about to be leader in the country in wind energy. All of that is good. Conservation is good. I believe in it fully.

But what happens here is you are starting a new program for $3 billion, and you are throwing over the cliff the people in rural America, the 4,400 counties, 600 school districts in 42 States who had a commitment with this Federal Government, dating back 100 years, where there are forested lands, that revenues would be shared, and that the Federal Government would be a good partner, a good neighbor.

That's why Theodore Roosevelt, when he created the great forest reserves, said the only way they will continue to survive and thrive is if the local communities are brought into the process. For my colleagues who may be from the east coast, understand this is a map of the United States. It shows Federal landownership.

Look at how much is owned by the Federal Government in the western States versus the eastern States. If you had 55 percent of your State owned by the Federal Government, and it was in forests that you, the Congress, are refusing to allow proper management of, this is what you end up with. This is after the Egli fire in 2007. These children are out where the fire burned. In the southern part of my district today, there's 500,000 acres that are ready to do this, because they are dead, in our Federal forests.

The legislation that I had hoped to get a bipartisan opportunity to offer a bipartisan amendment in a House that should be bipartisan would restore the county Secure Rural Schools and Community Self-Determination Act, a part of which allows for collaborative organizations, including environmental groups, to work with local communities to develop plans to get in and manage the forests so we don't burn them all up. If you care about greenhouse gas emissions, as I know many on that side of the aisle does, stop allowing your forests to burn up.

I would have, if given the opportunity, substituted the $3 billion that you are going to send out to every State in the country, and especially to areas that I recall Jake Abramoff used to lobby for, the Mariana Islands and everywhere else, I would have substituted that $3 billion and put it in place to keep a pledge and promise and commitment to the rural communities in this country and their schools and their sheriffs' departments and their search and rescue departments, and their teachers.

Because, you see, we have got to quit in this Congress starting new programs and not taking care of the old ones. We have got to stop breaking promises and commitments to the people of this country. It could have started here. When I hear, oh, gee, I wish this were all bipartisan, and I wish that, you know, process didn't matter, I've just got to call it the way I see it.

Mr. DREIER. If I could reclaim my time, I would like to thank my friend for his very thoughtful contribution.

Here we are dealing with these very, very serious and important challenges that exist all over the country. The gentleman has come forward with Democratic and Republican support for his effort, and it's being denied, once again, under a process that really undermines the deliberative nature of the institution.

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

Ms. CASTOR. Mr. Speaker, may I inquire, please, how much time is left on both sides.

The SPEAKER pro tempore. The gentlewoman from Florida has 12½ minutes remaining. The gentleman from California has 5 minutes remaining.

Ms. CASTOR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the gentlelady very much.

Mr. Speaker, I think it's important for the American people and my colleagues here to understand just what we are discussing. I am delighted that the gentlelady from Florida indicated, she used the word, the appropriate word, it is the economic emergency stimulus package. What we are doing right here is to insist that we are able to move that package forward as quickly as possible.

To my good friend from Oregon, I think it's important to note that we do care about rural schools. In fact, we had a bill by PETER DEFAZIO to fund those rural schools. Of course, it was not responded to warmly by our friends on the other side of the aisle.

But what we do have, as was indicated, $3 billion to green our schools. Whether they be rural or whether they be urban, that creates jobs much that

is the public-private partnership that this economic stimulus package addresses.

Now I stand here wearing several hats. One, my whole area now in the gulf region has been impacted by Hurricane Ike. Hurricane Gustav came through and a number of other hurricanes.

We need this emergency economic stimulus package. Let me tell you why, very briefly, and I think it's important for us to realize, whatever the government does, it has impact in the private sector. If we put $3.6 billion to purchase buses and equipment to the American people, it is the private sector that will provide that for us. This is an emergency economic engine.

As a chairperson of the Transportation Security and Infrastructure Protection Subcommittee, I can tell you that airport improvement grants are crucial in determining major safety and security. That is the private sector that will be put to work. Now, some 84,000 Americans have lost their jobs.

It is important to have an extension of unemployment benefits to help these people restart their lives to pay their rent or mortgage. It is equally important to fund Amtrak and public housing, then, of course, to break down this thing called highway infrastructure, crumbling, that is, by its very nature, a partnership with the private sector.

Thousands upon jobs of contractors, of engineers, architects and designers will be working to put the Nation's crumbling infrastructure back to work, and fixing crumbling schools. I have 180 schools out because the power is down. That's an infrastructure issue that needs to be fixed and rebuilt.

What we are doing here is responding to the emergency needs of America. This is an economic stimulus package that is thoughtful, that is sound, and it addresses the concerns of the American people.

My people, or these people in the gulf region, are strong, they are resilient, they are rebuilding. But I must say to you this economic is something that we need. It is crucial that we begin to put America back together again.

I am supporting this legislation because it balances the needs of America, but, yet, yields to the concept of public and private partnership. It helps a broken system with Medicaid assistance because it recognizes that people who are unemployed cannot provide for themselves.

Pass this same-day rule and pass the stimulus package.

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

Ms. CASTOR. Mr. Speaker, I yield the gentlelady an additional 10 seconds.

Ms. JACKSON-LEE of Texas. Pass this stimulus package, because on behalf of the gulf region and all of those, the gulf region, the Midwest who suffered horrific devastation by Mother Nature's devastation, this economic stimulus passage is needed today, not yet today, not tomorrow, but needed today.

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

Ms. CASTOR. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentlelady.

Mr. Speaker, I stand here in strong support of this economic stimulus package, which will have an immediate effect on our economy by creating investments in infrastructure projects that can start fast, meet existing needs and create jobs. These projects provide short-term benefits by putting people to work, buying goods, and leave behind long-term infrastructure assets that will benefit Americans for years to come.

Outside of the crumbling schools that will be repaired, the water projects, the transit, the advanced battery technologies, et cetera, I want to just mention the one that I am thinking right now about the most, highway infrastructure, $12.8 billion for our Nation's crumbling, aging, highways and bridges, to improve our safety and reduce traffic congestion. In my district, there are 13 bridges on the deficient list that was released after the I–35 bridge collapse in Minnesota.

If we can spend $12 billion a month in Iraq, certainly we can come up with this $12.8 billion to repair the bridges that our school buses, our trucks carrying commerce, and our family vehicles are going across every day. This will be a job-creation program whose jobs cannot be outsourced. We would be rebuilding the value of our own country, nation building here at home, and creating jobs for our people that cannot be sent abroad.

Mr. DREIER. Mr. Speaker, I would like to inquire of my friend from Tampa how many speakers she has remaining.

Ms. CASTOR. Mr. Speaker, we are done with speakers on our side.

I would like to submit for the RECORD a copy of a letter from the Republican Governor from the State of Florida, Charlie Crist, who writes: ''I am writing to you in the last days of the 110th Congress to reiterate my support for congressional action regarding the Federal Medical Assistance Percentage,'' the Medicaid portion of this bill.

OFFICE OF THE GOVERNOR,
Tallahassee, FL, September 25, 2008.

Hon. ALCEE HASTINGS,
House of Representatives, 2353 Rayburn House Office Building, Washington, DC.

Hon. LINCOLN DIAZ-BALART,
House of Representatives, 2244 Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMEN HASTINGS AND DIAZ-BALART: I am writing to you in the last days of the 110th Congress to reiterate my support for Congressional action regarding the Federal Medical Assistance Percentage (FMAP).

As you will recall, the impact of seven hurricanes in 2004 and 2005 and subsequent reconstruction has disproportionately affected Florida's FMAP allotment, resulting in $213.5 million in additional state expenditures in federal fiscal year 2009. Furthermore, continued decline is expected in 2010. For every percentage point reduction in federal support for Florida, our state loses approximately $150 million and makes it increasingly more difficult to serve residents who need care. This reduction in the federal share of Medicaid funding has placed additional pressure on the state during these economic times.

Our goal is to continue to provide quality services to those currently receiving benefits, and those who just now find themselves in need of assistance. Florida continues to seek a temporary increase in its FMAP and hopes to work with you on a longer term solution to address natural disaster implications to the FMAP allotment. As Congress considers providing relief for states, I ask for your support in ensuring FMAP relief in a manner that will best enable Florida to serve the most residents in need.

I appreciate your willingness to work on this issue as well as other matters impacting our great state.

Sincerely,

CHARLIE CRIST.

Mr. Speaker, I will reserve until my colleague from the Rules Committee has made his closing statement.

Mr. DREIER. Mr. Speaker, in light of the fact that my friend is going to provide her closing statement, I would inquire, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining.

Mr. DREIER. Mr. Speaker, let me just say that we are, as I pointed out at the beginning of the debate on this issue, faced with a very serious economic downturn. A crisis of confidence exists in our financial markets. An attempt is being made in a bipartisan way to deal with that at this very moment. We all hope that there can be a resolution that ensures that taxpayers are not going to be unfairly saddled with a responsibility, and that the government is not going to expand its reach any further.

As we look at those bipartisan negotiations going on right now between the two bodies, including the White House, Democrats and Republicans alike, it seems to me that we need to recognize that what we are engaging in here is little more than posturing. Yes, we all acknowledge that there are things in this measure that are very important that we need to address, but this is not the way to do it—in an overnight package that was presented at 9:43 this morning, 46 pages long, rammed through the Rules Committee with a partisan vote, and already terminated in the United States Senate, and with the President of the United States stating that if he were to get this measure, he would, in fact, veto it. So I wonder why it is that we are here.

The distinguished chairman of the Appropriations Committee has twice this week, before the Rules Committee, said that the most famous line from Franklin Delano Roosevelt's famous speech was, ''We have nothing to fear but fear itself,'' but, he said, the line that got the greatest ovation was, ''We must take action.''

It is very clear that we do need to take action. But action should not be taken in a way that completely undermines the deliberative process.

There were mistakes that were made in the past Congresses, and I will acknowledge that. Some of those mistakes that were made led to the establishment of this document called ''A New Direction for America.''

This ''A New Direction for America'' has just been obliterated. It is absolutely worthless, because it has been thrown out the window, a commitment made that has been ignored.

I want to say that I hope that we can defeat this rule. We are going to try to defeat the previous question. Recognizing that this Nation needs to use more of its natural resources while looking to the future with renewable sources of energy, Republicans are advocating an all-of-above approach. We believe that this legislation will lower the price of gasoline, which is what fuels America's cars today.

□ 1430

If the previous question is defeated, I will move to amend the rule to allow a resolution which will prevent Congress from skipping town until we pass comprehensive legislation that will bring down the high cost of energy for American consumers. My colleagues will have the opportunity to support giving States the opportunity to explore and extract energy resources right off their own coasts, opening America's Arctic energy slope, extending renewal energy incentives, supporting research for alternative clean fuels, and minimizing unnecessary litigation that delays or prevents American energy production.

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

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

There was no objection.

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

Ms. CASTOR. Mr. Speaker, the economic crisis for many American families did not begin this week. The economic squeeze has been ongoing for a long time. For example, just this summer in my district in the Tampa Bay area that I have the privilege to represent, we held foreclosure workshops for families facing foreclosure, maybe they had just gotten their first notice. I was shocked, hundreds of families showed up at the workshop where we sat them down with a lender, one on one, to try to begin that workout period. It was great. They could get a little grace period, they could get a little breathing room. I heard numerous stories about a lost job in a family, something that was completely unanticipated.

Mr. Speaker, at this time when our Nation's leaders are meeting in a bipartisan way with the White House, the leaders here in the Congress, the folks at Treasury, listening to experts from all around the country and listening to everyday, average Americans weigh in on this emergency situation, I think it is very important that all of our colleagues hear the American people.

If you vote for this rule and the underlying bill, I think everyone here can prove that they are listening and hear the American people and understand their struggles today, understand that they have lost jobs. And that's what this package will provide—jobs, jobs, jobs. We are going to expedite infrastructure projects across the country, bridge building, road building, put a lot of these folks that have been put out of work in the construction sector back to work.

Health care, health care services for our children and for our seniors that do not have any place else to turn. Hear the American people, hear their voices. It is not just health care for those children and the seniors that have nowhere else to turn, but it takes the burden off all the rest who are paying higher copays and higher premiums. They won't have to pick up that tab that is being put upon them unfairly because everyone is going to the emergency room for primary care. Hear the American people.

I think that most of the Nation's leaders are taking this very seriously. They are meeting right now to address the emergency. But part of the emergency response must be carving a modest sliver directly for people at home.

At the beginning of the week, the administration came with a 2½ page proposal for $700 billion. People got to work. Everyone understood that was unreasonable. You can't give a blank check. So they went back to the drawing board and ratcheted it back, and they keep working on it. But think about it, $700 billion that a lot of experts thought was okay for Wall Street, largely; and what we are asking for here is $60 billion for families, for jobs, for health care for kids and our seniors, to give breathing room for unemployment compensation for a few more weeks to, hopefully, get them through this emergency.

I really do appreciate the White House's response to this because yesterday after their meeting, they did not rule out this stimulus package. They don't like what the Senate is doing. It is a little different there, but this is serious business. Do you hear the American people?

It is our moral imperative at this time of emergency to hear the American people. Now, most of us weren't around during the Great Depression, but I know there are many people who are students of history and love to read about FDR and how he handled that crisis. Hopefully we are not there yet. Hopefully these times are not as dire as the times that I heard about from my parents and grandparents.

But let's act now to ensure that we do not face such hard times.

Mr. Speaker, do you hear the American people? Do you hear what they are saying about their retirement accounts? Do you hear what they are saying about their saving for college for their kids?

I hope all of our colleagues hear the American people, support this rule, support this job creation and infrastructure investment package. I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 1503 OFFERED BY MR. DREIER OF CALIFORNIA

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

SEC. 2. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

(The information contained herein was provided by the Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION; WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the

vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages hour of debate and may offer a germane amendment to the pending business.''

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

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

Ms. CASTOR. 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. DREIER. 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 motions to suspend the rules with regard to H.R. 4120 and House Concurrent Resolution 214, if ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 198, not voting 13, as follows:

[Roll No. 654]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
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
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
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—13

Cantor
Costa
Cubin
Gingrey
Mitchell
Peterson (PA)
Pickering
Richardson
Tierney
Walden (OR)
Waters
Weller
Wexler

□ 1501

Messrs. KUCINICH and THOMPSON of California changed their votes from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MITCHELL. Mr. Speaker, on rollcall 650, had I been present, I would have voted ''aye'' and on rollcall 654, I would have voted ''yea.''

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 203, not voting 14, as follows:

[Roll No. 655]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono

Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—203

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
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
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
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
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Petri
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
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Cannon
Costa
Cubin
Gingrey
Pence
Peterson (PA)
Pickering
Richardson
Scott (VA)
Thompson (MS)
Tierney
Waters
Weller
Wexler

□ 1511

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.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3068. An act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

H.R. 5571. An act to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3605. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

S. 3606. An act to extend the special immigrant nonminister religious worker program and for other purposes.

EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill, H.R. 4120.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4120.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 656]

YEAS—418

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)
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
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
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
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Hunter
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
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)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty

Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
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
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
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
Shuler
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)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Costa
Cubin
Emanuel
Gingrey
McCollum (MN)
Paul
Pence
Peterson (PA)
Pickering
Richardson
Thompson (MS)
Tierney
Waters
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair is advised that a voting display panel is inoperative. Members may verify their votes at an electronic voting station.

PARLIAMENTARY INQUIRY

Mr. KUCINICH. Mr. Speaker, parliamentary inquiry. In order to protect the voting rights of the Members, the Speaker may not see this, but right behind the Speaker where the votes are recorded with the colored lights is a whole column that is blank, and I just wondered if the Members who are in that column, if their rights are going to be protected. They're turning cards in, but some may have gone off the floor.

So I'm asking you not to call this vote until every person who we know to be here today is canvassed with respect to that vote so they're not recorded as having missed a vote that they had previously cast but have lost credit for because it's been removed by the electronic system.

The SPEAKER pro tempore. Apparently, there is a malfunction in the display panels. The Chair is advised that the votes are being recorded by the system, and the display panel will be up momentarily.

The Chair announces to the Members that he is advised that the electronic voting system is working. Members' votes are being recorded by the system, but parts of the display panel are not functioning. Members should, if they desire to do so, verify their votes by reinserting their cards for that purpose.

□ 1528

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT THE PRESIDENT SHOULD GRANT A POSTHUMOUS PARDON TO JOHN ARTHUR ''JACK'' JOHNSON

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 214.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 214.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1530

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 6233

Mr. JONES of North Carolina. Mr. Speaker, I rise to respectfully request unanimous consent that the following Members be removed as cosponsors of H.R. 6233: Messrs. ELTON GALLEGLY, JOHN KLINE, ROBERT BRADY, ADAM SMITH, and SOLOMON ORTIZ.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2304. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

S. 3325. An act to enhance remedies for violations of intellectual property laws, and for other purposes.

PROVIDING FOR CONSIDERATION OF H.R. 7110, JOB CREATION AND UNEMPLOYMENT RELIEF ACT OF 2008

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1507 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1507

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 7110) making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, 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 Appropriations; and (2) one motion to recommit,

SEC. 2. During consideration of H.R. 7110 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1507.

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

There was no objection.

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

Mr. Speaker, House Resolution 1507 provides for the consideration of H.R. 7110, the Job Creation and Unemployment Relief Act of 2008. The rule provides 1 hour of debate on the motion equally divided and controlled by the Committee on Appropriations.

Mr. Speaker, the past 8 years have not been kind to American workers and their families. Since President Bush was inaugurated 8 years ago, people's wages have stagnated while the cost of food and energy have skyrocketed.

Over the past 8 years, more people have been forced into poverty. Over the past 8 years, student loans have become even harder to get, denying access to a college education. Over the past 8 years, more people have trouble putting food on their table. Over the past 8 years, more people have lost their jobs. Over the past 8 years, our infrastructure, our roads and our bridges and levees have deteriorated, and in some cases have collapsed. I hope that the American public sees a pattern here.

And these problems didn't just magically happen. We're in this mess today because of the way the Republican party has turned their backs on anyone not fortunate to make millions of dollars, because of President Bush's insistence on tax cuts for the wealthy, and because of the reckless spending originating from the then Republican-controlled Congress.

My friends, we are in this mess today because of reckless fiscal and financial mismanagement proposed by this President and rubber-stamped by the Republicans in Congress. And now that the past 8 years has led us to the biggest and most desperate financial crisis since the Great Depression, the Republicans in the House are proposing more tax breaks for their rich friends on Wall Street. Their answer to a frozen market is more tax cuts for the people who got us into this mess in the first place.

When the times get tough, the Republicans try to cut taxes for the rich. That's not leadership, Mr. Speaker; that's just more of the same bad policies that got us here. There is a different way, a way that looks out for Main Street.

We recognize, those of us in the Democratic Caucus, we recognize that everyday Americans, not the Donald Trumps of the world or the big oil companies, need help in these very tough times. We know that rising food prices are causing people to cut back on the food that they're putting on their tables. We know that jobs are increasingly hard to find, and that unemployed Americans are exhausting the unemployment benefits that are helping them scrape by as they look for new jobs. We know that the crumbling infrastructure in our Nation must be fixed, that we cannot risk another bridge collapse like the one that took place in Minnesota last year. And we know that investments in infrastructure will create new jobs and make our people safer.

The people who are calling our offices angry about the bailout for Wall Street are saying, ''Wait a minute. What about us? What about us?'' And that is exactly the question we are here to answer today. Today, Democrats are saying to the American people, to the people of Massachusetts, ''We hear you.'' That's why we have an economic stimulus bill that will provide a $60 billion jump start to the economy.

In this bill, Democrats will provide almost $37 billion in infrastructure development. That means more highway construction, funding for passenger rail improvements, increases in clean water and flood control. There is funding for school modernization and public housing in this bill. These are not just improvements in our infrastructure—which are badly needed after years of neglect by this President and his allies in this Congress, these are jobs programs. More funding for infrastructure programs will mean more people being hired to build roads and bridges, to repair schools, and to improve our waterways.

Mr. Speaker, I am particularly pleased that we are providing funding for communities like those in my district that are struggling with complying with clean water requirements and are looking to the Federal Government for just a little bit of help.

As a Member of Congress who represents a regional airport, I know how important airport improvement grants really are. In this bill, Democrats provide $600 million for AIG grants to help regional airports alleviate the massive congestion at our major hubs.

In this bill, Democrats provide $1.6 billion for development of energy efficiency and renewable energy technologies. In particular, $1 billion will be dedicated to an advanced battery loan program, which will allow for U.S. companies to invest and develop technology for plug-in hybrid electric vehicles.

In this bill, Democrats provide an increase in the Medicaid matching rate to prevent cuts in health insurance and health care services for low-income children and families.

And in this bill, Democrats provided an additional 7 weeks of extended benefits for workers who have exhausted regular unemployment compensation. Extending unemployment benefits is one of the quickest, most cost-effective forms of economic stimulus because workers who have lost their paychecks spend benefits quickly.

And very importantly, Mr. Speaker, in this bill, Democrats provide $2.6 billion to address rising food costs for seniors, people with disabilities, and very poor families with children. We know that millions of our fellow citizens are struggling to put food on the table. Seniors are being forced to choose between eating and taking their medications. And we know food stamps will provide a targeted stimulus to the economy. We know that every Federal food dollar generates twice that in economic activity. Experts at CBO and Moody's, as well as economists from across the political spectrum, agree that increasing money for food stamps is a powerful economic stimulus that can reach the low-income families who may not have benefited from the first stimulus package.

Mr. Speaker, I am extremely grateful to Chairman OBEY for including this provision in this bill. I am also grateful for the leadership of Congressman JESSE JACKSON, Jr. and Congresswoman ROSA DELAURO for their advocacy on behalf of food and nutrition programs.

Now, Mr. Speaker, I expect many of my friends on the other side of the aisle to oppose this package. I expect them to say that it's too much money and that it's unnecessary. Well, if I'm right, then it will show the American people just how out of touch they really are.

Mr. Speaker, we need a stimulus package today, not just for Wall Street, but for Main Street. People are struggling, and they need and deserve our help. They don't need your empathy, they don't need your sympathy, they don't need your kind words, they don't want you to feel their pain, what they want is your vote, your vote on a stimulus package that will help them, that will benefit everyday people on Main Street.

So I hope the Republicans, Mr. Speaker, will finally join us in meeting the real needs of the working families of this Nation.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from Massachusetts (Mr. MCGOVERN) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this morning, our Democrat colleagues spoke about the need to ''pay as you go'' as that relates to government spending. They insisted that if we are going to extend existing tax relief to protect Americans from big tax increases, that those tax extenders must be paid for. So that is, to put it another way, to have tax relief, they insist on having massive tax increases. This is the reason that the House Democrats are staying away from passing a bipartisan compromise tax relief bill that passed the Senate by a vote of 93–2 and which President Bush said he would sign into law.

Now, Mr. Speaker, let me repeat again; these are tax extenders, meaning that tax relief currently exists for the people I'm going to mention here, and without action, taxes will go up; like tuition deduction for students. That means that tuition will go up for students trying to improve themselves. State and local sales tax deductions for States that don't have an income tax. There are seven States; my State of Washington, Florida, Texas, and others, are involved in that. There is a research and development credit to enhance and help businesses innovate to help the economy move. That would go away also. And also, for our teachers that are teaching our school children, they get an expense deduction when they have to go out and buy other materials in order to teach the students that they are teaching.

□ 1545

Also just another example, there are many more examples, Mr. Speaker, is more standard deduction for real property taxes, when they are feeling the crunch right now, that should stay. These are current tax reduction principles that are in place.

But in order to put them in place, the Democrats would increase taxes in another way. Now that was what they were talking about this morning. It is now 3:45 this afternoon. And the tune of the remarks that they were making as relates to PAYGO has changed, because now they are proposing to increase government spending by billions and billions of dollars.

But it, Mr. Speaker, is not paid for.

So when it comes to lower taxes and preventing tax increases, Democrats insist on raising taxes. But when it comes to government spending, they just spend and spend and spend with no concern on how it's going to be paid for. I just want to kind of get a handle on this. Where is the impassioned opposition to deficit spending that came from those that opposed the tax extenders from those within the Democrat Party? The Democrat pay-as-you-go promise has been revealed unfortunately just today as nothing more than something that is hollow and meaningless. And it is really nothing, if you look at the examples, but an excuse to raise taxes.

Democrat leaders claim that this economic stimulus bill, this is a job creation bill, yet nothing could be better for our economy in creating jobs than ensuring the extension of the tax relief that I was talking about in just those small examples. But it is the House Democrats who are refusing to allow the House to vote on a bipartisan tax bill that passed the Senate by a vote of 93–2.

Tax increases would hurt our economy and cost jobs. History is full of examples like that. Yet House Democrats won't even let this House, the people's House, have a vote on a Senate bill that is focused on lowering taxes and not raising them. So House Democrats are the only ones that are standing in the way of tax relief and tax fairness from becoming law. And again, Mr. Speaker, this is existing tax law.

Just this morning, I spoke with the junior Democrat Senator from Washington State, my State, MARIA CANTWELL, who, by the way, is a member of the Senate Finance Committee. And she helped put this tax relief package together in the Senate. She called me because of her deep concern that the House's action or refusing to act might put this bill in jeopardy. I fully agree with her. And I told her that I am committed in a bipartisan way of supporting her work in voting on the Senate bill, and I said that yesterday, if of course the House Democrats would quit blocking the vote.

So here we are. Rather than voting on the Senate tax relief bill to help our economy, the House chooses to consider this cobbled-together appropriations bill. Now I have talked about this before. And it's probably well known. But the House Appropriations Committee unfortunately has failed to pass into law even one of the 12 annual appropriation bills to fund this government despite the fact that the fiscal year ends in only 4 days. That committee has failed to do its job of passing these bills unfortunately. I might say, and this is also well known, in the middle of a committee markup last summer, House Democrats just gaveled the meeting to a close, and they got up and walked out.

So now the House is considering this appropriation bill that was first unveiled to us around 9:30 this morning. And of course it was revealed without any consultation from House Republicans. So it would have to have been written in total secret if that is the case. And with this rule that we are considering, the House Democrats are now closing down any Member from offering any amendment to improve, to add, or even to subtract if one would desire, or to offer their own ideas on this spending bill.

It is a closed rule. And it has set another record in this Congress for having closed rules. I don't believe, Mr. Speaker, that this is a serious effort to stimulate the economy and create jobs because the Senate has defeated even considering a stimulus package in that body. So this bill isn't going to go anywhere. And frankly I think we all know that.

Now, Mr. Speaker, let me address another issue that we have had a great deal of discussion on in the past 2 days, and that is the issue of the Secure Rural Schools Act. This program affects hundreds of rural counties and thousands of school districts across the country. And these school districts and counties are running out of money. As a result, they are laying off teachers and closing lunchrooms. And frankly they are in deep pain. But this bill does nothing to help them. We were told this week by House Democrats that Rural Schools was left out of the tax bill because it's not paid for. But now they bring an unpaid-for appropriation bill to the floor and they left out Rural Schools in this bill.

House Democrats say Rural Schools isn't a tax bill because it's not a tax issue. I guess I can concede that. Then when we have an appropriations and spending bill, why then would you leave out Rural Schools because clearly it's a spending bill?

Mr. Speaker, I think this House needs to stop with the excuses, to stop wasting time, and stop paying lip service to these rural communities and the thousands of kids that attend schools in these communities.

In the Senate tax bill there is a provision to extend the Rural Schools Act for 4 years, 4 years, to help them. But the House apparently won't let us even vote on that proposition. So, Mr. Speaker, I would urge my colleagues on the other side of the aisle to stop standing in the way. Let's get on with this business as this Congress winds down.

And with that I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would just say that I think my friends on the Republican side just don't get it. This President, with their help, has driven this economy into a ditch. And we need to take the responsibility to get us out of that ditch. And that is what this stimulus package in part is about.

People are hurting, not just people on Wall Street, but people on Main Street. People are hurting all over this country. People have lost their jobs. There are more people after 8 years of this President who are unemployed. There are more people who are hungry. There are more people without health care. I could go on and on and on. And our infrastructure is crumbling. This is an attempt to help those people.

Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for his work on this absolutely essential bill. It's inconceivable that Congress would go home without a bill that is just as important as the so-called ''bailout.'' Even if the bailout becomes some kind of quid pro quo, and many are trying hard to make it acceptable, I don't believe it will quell the outrage about the economy, particularly the major part of the economy where people work and where they do business, because that economy is also falling. And the outrage comes because the American people think we don't even notice the steep rise in joblessness, the deficits mounting in their own State and local governments where there is decreasing revenue from property and income taxes.

They think we are oblivious to that. We're all focused on Wall Street, yes, but it's unconscionable to go home without taking action on a bill that would put money directly into the economy where it can be spent now and where it's targeted directly to be spent in this country, unlike the well meaning last stimulus. The Saudis got that stimulus. We will be lucky if the bailout of Wall Street even stabilizes the economy.

But we can't fail to understand that Wall Street's firestorm has now spread throughout the economy. We see it in unemployment. We see it in the halt in job creation and continuing foreclosures and delinquencies and mortgage and rent payments, in penalties for withdrawal from people's retirement. We can't let this collapse go on for 4 months while Congress is gone and then come back and think that everything is going to be all right. Paulson and the Fed came forward to try to catch Wall Street before it collapsed. We have to do the same thing for the economy on which the American people are focused. And we can't

forget history. I reread history. Here is what we learned from the 1930s.

The SPEAKER pro tempore. The time of the gentlewoman from the District of Columbia has expired.

Mr. MCGOVERN. I yield the gentlelady an additional 1 minute.

Ms. NORTON. It is very important to note because it's the closest history on which we are now relying. ''What made matters worse was a big drop in U.S. consumer economy, far more than can be explained by the stock market crash.'' Another commentator said: ''The basic lesson from the Great Depression is that government cannot permit massive collapses of banks or spending.'' And, finally, after Roosevelt stabilized the economy, and it still didn't come back, something called the, ''Roosevelt recession,'' came, and then he began to stimulate the economy, and the economy began to go.

October to January is too long to leave the American people to fend for themselves while Congress hopes that rescuing Wall Street will rescue workers and unemployment. If we are going to help Wall Street, we must not leave the American people paying for it without any help for them.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

This has been quite a week, Mr. Speaker. I would venture to say that this is the most expensive week in the history of the Republic. I don't think anything ever will even come close to this in a number of years. We are talking about a $700 billion bailout. We had CRs that passed. And then we have this that comes to the floor. And if those at home are wondering why there are so few here in attendance, it's probably because they know that this isn't going anywhere. Gratefully, this stimulus package isn't going anywhere.

The Senate already tried to pass something and failed. And so this as a vehicle is not going anywhere. And people around the country should be very grateful for that. We call it a stimulus bill.

Mr. OBEY. Would the gentleman yield?

Mr. FLAKE. I would for 15 seconds.

Mr. OBEY. Let me simply point out the Senate package failed because they loaded it up with 32 additional items. We tried to keep this skinny and thin so that it's fiscally responsible and has a chance of getting the President's support.

Mr. FLAKE. I thank the gentleman. And if somebody can call a $61 billion bill ''slim,'' then let them try. But this one, you can try to call it ''stimulus.'' But stimulus to me, and I didn't like the last stimulus bill we passed here in Congress. And I didn't vote for it. But to call this ''stimulus'' is a real stretch. People at home want to keep more of their own money and not send it to Washington and then to have Washington turn around and say, well, I think that what we really need and what we needed to take your money for in the first place was so we can spend another $500 million in Amtrak for Amtrak projects, or another billion for transit and energy assistance grants, or $3 billion for green school improvements. I don't think anybody sitting at home thinks that that is very stimulating at all. I think they would be much more stimulated if you let them keep the money they have.

Let's be honest here. What this is is a stimulus bill. And it's meant to stimulate the electoral prospects of a couple of hundred Members here. That is what it's about, so Members can come to the floor or send out a press release saying, do you know what I got? I got $1 billion for capital management activities for public housing agencies. It's nothing more than that. That is what this is about.

But I think the danger in this is with a 9 percent approval rating, I think we could go into more historic lows here when people say they aren't really serious, a bill that isn't going anywhere, and they stand up and just say all right, this is if we could spend this money, here is where we would spend it.

We have to keep in mind that earlier this week, we did something that in my 8 years we have never done. Now I wasn't kind to my own party on earmarks. I thought that we let it go out of control. And the new majority came in and put in some decent rules which we have now broken just about every month. And what we did earlier this week was pass a CR where we brought to the floor a bill that had not even gone through the Appropriations Committee. And then we added 1,200, or there were 1,200 earmarks that were put in this bill that were not known to the Members of this body until a day before it came to the floor. Now we've done that kind of thing before. But what we have never done before that we did earlier this week is not give Members of this body the ability to even challenge those 1,200 earmarks.

□ 1600

Nobody could stand and say, why are we spending $1 million for the Presidio Trust or the Presidio Heritage Center in California? What is that about? Who is actually getting the money? Why are we doing this? Nobody had that chance, because we had a secretive process where earmarks were added into the bill with no ability to amend it out.

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

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. FLAKE. That is simply not right, and neither is this legislation.

You can keep going. $50 million for the cost of State administrative expenses associated with carrying an increase in food stamp benefits. How is that going to stimulate the economy? Let's be honest. It is meant to stimulate the electoral prospects of a couple of hundred Members here. That is what this legislation is about. Gratefully, it is not going to go anywhere, because the Senate vehicle went down.

Mr. MCGOVERN. Mr. Speaker, let me just say I have a great deal of respect for my friend from Arizona, but I have to respond by saying that another tax cut is not going to rebuild a broken bridge in Massachusetts that because of years of underfunding and years of a lack of commitment by the Federal Government is now dangerous. A tax giveaway to an oil company, another tax giveaway to an oil company is not going to build a school in California or Arizona or anywhere else, and another corporate tax break is not going to provide anybody health care.

The bottom line is that I will respectfully say to the gentleman that this Democratic Congress has been way more fiscally responsible, by light-years, than his party has been. Bill Clinton left office and left this country with a surplus. We now have the biggest debt in the history of this country. We have a war in Iraq that is $10 billion a month, and nobody on the other side believes that we have an obligation to pay for it. It goes on our credit card.

We cannot neglect the basic needs of this country, which we have been doing, unfortunately, for the last 8 years. We need to get back to basics.

I yield the gentleman 30 seconds.

Mr. FLAKE. I thank the gentleman for yielding.

I am glad he brought up the bridge. I didn't bring up any bridge, but since he has, the last transportation bill that we passed when we were in the majority, that all but eight Members of this body voted for, I believe including the gentleman, had the infamous Bridge to Nowhere and a few others. Included in that were 6,300 earmarks.

If you want to know why we aren't spending on those projects, those bridges that are broken down that really need repair, is we are spending it all on earmarks, and we shouldn't be doing that. But I thank the gentleman for bringing that up.

Mr. MCGOVERN. I appreciate the gentleman's comments, but again I disagree with him. What I am talking about is investing in infrastructure to make our roads and our bridges safer, to create more jobs, to help stimulate this economy. So we have a very different approach.

We need to do something. We are in a fiscal emergency. The President is asking for $700 billion, don't pay for it, $700 billion to bail out Wall Street, and what we are saying is, look, we have to do a little something for Main Street, in the area of infrastructure, education, health care.

I don't think that is too much to ask. Yet this is a big deal to my friends on the Republican side, that we can't do this. It is too much. No, we can't do this. Everyday people don't deserve the

same consideration that the President of the United States is now asking that we give to big companies on Wall Street.

Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the chairman of the Education and Labor Committee.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, because our country urgently needs to create new jobs and provide vital relief for struggling families to get our economy moving forward again, I rise in strong support of our economic stimulus package, H.R. 7110.

Our economy needs two things right now to help workers and families. First, we must restore the confidence in the credit markets, confidence that was destroyed by the reckless lending and risk-taking by banks and Wall Street institutions and the failure of the Bush administration to properly police and regulate those financial markets on behalf of the taxpayers.

We must revive the credit markets to help the economy grow again and create jobs so that Americans can borrow at a reasonable rate to make payroll at small businesses, invest in new equipment and inventory, borrow for college education, start a new business, buy an automobile or protect their pensions.

Wall Street and Main Street are joined at the hip. We all share an interest in helping to restore the confidence in these markets that have been so battered by the lack of regulation over the last several years.

Secondly, we must invest directly in new infrastructure, roads, bridges, mass transit, clean water and new schools to get America working together, to create good, well-paying, good-paying, middle-class jobs for Americans all across this country.

Tens of thousands, hundreds of thousands of Americans have lost their jobs so far this year. The unemployment rate continues to go up month after month after month as people are looking for jobs to support their families.

Our economic recovery package will yield immediate results, helping to get more Americans back to work. It provides for long overdue investment of $3 billion to repair crumbling schools and help children, while also creating construction jobs; much-needed support for millions of unemployed Americans through extending the unemployment insurance benefits to help cover the basic living expenses of them and their families; a $500 million investment in job training programs to prepare workers for new jobs; to create new recycling projects that are so desperately needed in the parts of our country that are now in persistent drought conditions, and we need to use water more efficiently so that we can continue to have economic growth and the growth of jobs.

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

Mr. MCGOVERN. I yield 1 additional minute to the gentleman.

Mr. GEORGE MILLER of California. That is what this legislation is about. It is about putting Americans to work here at home by making the basic investments, so that our transportation systems become more efficient, our water systems become cleaner, our recycling of water makes more efficient use of that water, and so that people and goods and services can move across this country as they should.

We are not only falling behind the competition in terms of intellectual property, in terms of intellectual capital and science and engineering, we are falling behind in the basic infrastructure that is needed for this country to compete with the rest of the world in the movement of goods, in the education of our children and the improvement in our water systems and the infrastructure of our cities.

This is an urgent piece of legislation, and I would encourage all of my colleagues to support it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Oregon (Mr. WALDEN), who probably knows more about the Secure Rural Schools Act than anybody in this country, and it is probably because his district is the second most impacted of any district in the country.

Mr. WALDEN of Oregon. I thank my good friend and colleague from Washington State's Fourth District, who has been a real partner in this effort to try and reauthorize and fully fund not only our Secure Rural Schools and Community Self-Determination Act, but also to support additional funding for payment in lieu of taxes, because, you see, both of those are actual commitments that this Federal Government has had to rural communities across its land for upwards of 100 years.

I know the gentleman on the other side of the aisle who is presenting this closed rule, a record, another time the majority has broken its promise to allow us to have an open rule, an open debate, and for the minority to offer up amendments, he is actually a cosponsor of legislation to reauthorize the Community Schools Act.

The irony here is that you are creating new programs. You are going to go into the capital markets and compete to borrow money to fund $60 billion in new Federal spending that you don't have an offset for in this bill. So you are going to be in the same capital markets trying to find money that is frozen now to the private sector, trying to maintain the jobs by maintaining their lines of credit. So you are out there competing to borrow money.

Yesterday and today you said you couldn't add the rural schools legislation to the tax bill because, one, it wasn't in your jurisdiction, and two, it wasn't paid for. So you defeated it. And you wouldn't allow us to offer an amendment.

Multiple times we came to this floor and came to the Rules Committee. We sought your grace, your indulgence, your support. This whole notion of bipartisanship would be a wonderful thing if it existed in the Rules Committee, or even here on the floor. We just wanted a chance to vote on an alternative to add. You wouldn't even give us that.

So the last time today, the good gentleman from Washington went back to the Rules Committee, offered up an amendment to go to this bill, since it is an appropriation bill, since it has no offsets, since it is being rushed to floor to deal with the Secure Rural Schools Act, and you rejected even allowing that amendment to be voted on here.

Meanwhile, I pick up this bill and on page 12 you fund a new program, a program for green schools. Now, I am all for conservation and energy efficiency and all those things. But it is $3 billion, $3 billion with a B dollars, for a new program for new grants to do conservation at existing schools, at a time when school teachers in California are being fired, when sheriff's deputies in Josephine and Jackson and Klamath Counties are getting their pink slips, when we won't have the people to do the search and rescue when mountain climbers and families get lost in the Federal forest lands and up on the mountains. All those people are actually losing their jobs.

The libraries in Jackson County closed last year. This is the biggest county in my district. We have got counties in southern Oregon, in the Fourth District, that are contemplating bankruptcy. That means going out of business altogether. There will be no nighttime patrols.

Why do you spend on a new program $3 billion, and not reauthorize and keep the commitment of an existing Federal program? Don't you care about those jobs? Don't you care about those people and those services?

Let me tell you what the Portland Oregonian wrote today. ''Help for rural counties simply is not a priority in the U.S. House of Representatives. That is the only explanation for the House leadership's decision to strip county payments from a popular tax bill that just hours after the Senate voted 93–2 for a bill that would have continued the program that sends $185 million a year to 33 Oregon counties. House Democrats first tried to blame the White House,'' as you have heard now, ''but the Bush administration on Thursday issued a clear statement that it would sign the Senate bill with the county payments included, but would not sign the bill the House Democrats favored. House Democrats also tried to pose as fiscal conservatives in denying county payments, but that was unconvincing too.''

They go on to write, ''It is Speaker NANCY PELOSI and Democratic leaders who decided to break the Nation's promise to help support rural counties who host vast areas of Federal timberland.''

It is the Democrat leadership. Not the President, not some Wall Street

bailout. It is the Democratic leadership in this House who have told us they will help us, and then every vehicle that comes along, the door is slammed just as we reach for the handle, and it drives off, speeds off to somewhere else and runs over our feet.

That is what has happened here. You can talk all you want about a bailout of Wall Street. I don't favor a $700 billion bailout of Wall Street, but I do support my local communities. Further, I do believe this government would have more credibility in this Congress, higher than a 9 percent approval rating, if it simply kept its word. If you kept your word that the rules would be open and we would be allowed to have alternatives brought to this floor, then your talk about bipartisanship might hold some validity.

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

Mr. HASTINGS of Washington. I yield 1 additional minute to the gentleman.

Mr. WALDEN of Oregon. Why won't you allow us to have this amendment on the floor? I would ask the gentleman from Massachusetts, why won't you allow us to at least have an amendment on the floor?

I yield to the gentleman.

Mr. MCGOVERN. I would just remind the gentleman that on June 5, we brought to the House floor H.R. 3058, which would have reauthorized the very program he talked about, and he and Mr. HASTINGS both voted against it. Thank you very much.

Mr. WALDEN of Oregon. Reclaiming my time, I would explain to you why. Why would you refuse not to bring that back under a rule? Why?

Mr. MCGOVERN. Why didn't the gentleman vote for it when he had a chance to?

Mr. WALDEN of Oregon. I will get to that. I will reclaim my time. You refused to bring it under a rule to the House because you wanted no alternative by the minority to be considered. You brought it under suspension.

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

Mr. HASTINGS of Washington. I yield 30 additional seconds to the gentleman.

Mr. WALDEN of Oregon. And under the suspension of the rules, you denied the minority the opportunity to offer an alternative. As you could on many other bills and have, you could have brought H.R. 3058 back yesterday, the day before, any day since it went down. You had 218 votes on the House floor and you could pass it.

I voted against it because it violates contracts. It was a placeholder. And you did not keep your word coming out of the Resources Committee that it would include payment in lieu of taxes when it came to the floor and it would have a different pay-for. That was another broken commitment.

So bring it to the floor. Bring it tomorrow. You are on the Rules Committee, you could do that, and you refuse. So stop the rhetoric, and let's get to the facts.

[From the Oregonian, Sept. 25, 2008]

FOR HOUSE DEMOCRATIC LEADERS, RURAL COUNTIES ARE NOT A PRIORITY

Help for rural counties simply is not a priority in the U.S. House of Representatives. That's the only explanation for the House leadership's decision to strip county payments from a popular tax bill just hours after the Senate voted 93–2 for a bill that would have continued the program that sends $185 million a year into 33 Oregon counties.

We don't blame Oregon's congressional delegation. By all accounts, Reps. Peter DeFazio and Earl Blumenauer, both Democrats, and Rep. Greg Walden, R-Ore., argued strongly for inclusion of funding for county payments. This was not a matter of their will—it was a matter of the inability of Oregon Democrats to persuade their own party leaders to support the aid to counties.

House Democrats first tried to blame the White House, but the Bush administration on Thursday issued a clear statement that it would sign the Senate bill, with the county payments included, but would not sign the bill that House Democrats favored. House Democrats also tried to pose as fiscal conservatives in denying county payments, but that was unconvincing, too.

The House Democrats are only the latest leaders in Washington to turn their back on rural counties, The Bush White House has consistently been lukewarm to hostile on the payment program. And many of the Republicans who formerly controlled the Congress did not lift a finger to get county payments extended.

But this time, it is Speaker Nancy Pelosi and Democratic leaders who decided to break the nation's promise to help support rural counties who host vast areas of federal timberland. The Senate, encouraged by Oregon's Ron Wyden and Gordon Smith, provided strong backing for including the county payments in the popular tax bill.

Now that the White House has signaled its clear preference for the Senate version of the tax bill, Senate President Harry Reid of Nevada and other Senate Democratic leaders should stand firm and send their bill right back to the House, with the county payments intact.

While all this goes on, rural Oregon counties are preparing for wholesale layoffs of their sheriff's deputies and shutdowns of libraries and other local services. They are also watching the federal government rush to the financial aid, it seems, of everyone and anyone but the timber communities of Oregon and the West.

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

Again, I think I responded to the gentleman. I would just say two other things that I think are important to make note of.

The gentleman, while his party was in control for 12 years, consistently voted for budgets that underfunded the very programs that we are talking about. Secondly, when he talks about a closed process, I don't recall a single incidence when the gentleman ever voted against his party on a closed rule when in fact his party was in control.

So let's get back to the point of this bill, which is to provide everyday people, who have been neglected by this President and by his allies in the Republican Congress for too long, this is to provide a little relief, to try to stimulate some job creation, to try to help with infrastructure, with rebuilding schools, with health care. I mean, the President of the United States is coming before the Nation saying $700 billion, I don't want to pay for it, for a bailout for Wall Street, and then he is telling us we can't do anything to help people on Main Street.

I would like to yield a minute to the chairman of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

POINT OF ORDER

Mr. WALDEN of Oregon. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WALDEN of Oregon. The comments made by the gentleman were not accurate when he referred to me.

The SPEAKER pro tempore. The gentleman may address the accuracy of remarks by engaging in debate.

Mr. OBEY. * * *

Mr. WALDEN of Oregon. Mr. Speaker, I move to take down his words.

The SPEAKER pro tempore. Members will suspend. The gentleman from Wisconsin will take his seat.

The Clerk will report the words.

Mr. OBEY. Mr. Speaker, in the interest of continuing the debate on this issue, I will withdraw my words.

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

There was no objection.

Mr. OBEY. Now, if I may continue, what I should have said is that I found the gentleman's words in error. And let me explain why. He claims that this is a problem that was created during the Democratic control of this House. In fact, the program under discussion, the authorization expired under control of the Republican Party. Then, at the request of a good many Members, including you, I voluntarily agreed to extend that program on an appropriation bill, even though the authorization had expired. But I said at that time that he needed to understand that this would be a temporary extension, and because this matter was not under the jurisdiction of our committee, he needed to resolve this problem in the authorizing committee, the Agriculture Committee. And that is still where it belongs.

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

Mr. MCGOVERN. I yield 1 additional minute to the gentleman.

Mr. OBEY. The fact is that the Appropriations Committee is in a no-win situation. Every time we try to bring a bill out to extend an authorization, we get squawks from the membership because we are exceeding our jurisdiction. Then if we don't bring a bill out, we get squawks for not stepping into an area where we have no business treading.

Mr. WALDEN of Oregon. Would the gentleman yield?

Mr. OBEY. After I have completed my statement, I would be happy to.

So what I would simply say is this: I gave the gentleman a year. I took money out of the appropriations portion of the pot to give the gentleman a year's grace. Now, if the gentleman voted against a freestanding authorization bill, as I understand, I think from the conversation that the gentleman apparently did, if the gentleman voted against that free-standing suspension bill, it is not the fault of my committee, and I don't have to step in and make up for somebody else's mistakes.

Mr. WALDEN of Oregon. Would the gentleman yield?

Mr. OBEY. It would seem to me, if the gentleman wants that program funded, he needs to find an offset and take it to the proper committee of jurisdiction, because I am tired of having Members of this House combat us from both directions at the same time.

Mr. WALDEN of Oregon. Would the gentleman yield?

Mr. OBEY. I would be happy to yield.

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

Mr. McGOVERN. I will yield the gentleman an additional minute.

Mr. WALDEN of Oregon. I appreciate the gentleman's courtesy in yielding.

My comments were never intended for the gentleman. I respect the fact that the gentleman helped us with a 1-year extension. In prior debates on this floor and in the last week and before, I have thanked the gentleman and credited him with that extension.

I also have legislation before the House Resources Committee that would not only extend this program but fully fund it.

Mr. OBEY. With all due respect, taking back my time, if the gentleman did, indeed, vote against the free-standing bill that would have corrected the problem, then, as far as I am concerned, he has no complaint with this committee. We are in the middle of serious economic problems. We are trying, as best we can, to find ways to counter the recession.

With all due respect, I don't want to get this committee into any more authorization fights than I have to, because I have got a long list of authorization issues that people have objected to when we have included authorization issues on appropriation matters, and you can bet that today there will be some squawks about the fact that we have done that.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

Sometimes getting between the dog and a fire hydrant has its problems right now, and let me kind of sort this out. Let me try to sort this out.

The question here, the question here is on a suspension bill. Now, there has been several times this year where there have been suspension bills that have not gotten the two-thirds votes, because it takes two-thirds, it's suspension bills, it's not open to amendment.

After the bill, therefore, has been defeated, the bill has gone back to the Rules Committee for a rule to be brought to the floor. The point the gentleman from Oregon was simply saying was that could have happened on that bill aforementioned earlier this year, but it has not gone back to the Rules Committee, point number one.

Point number two, and this is very, very important on this particular bill: if we had gone through the normal order of open, open amendment process on appropriation bills, which has historically been the case, then I suspect that my friend from Oregon—

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

Mr. HASTINGS of Washington. I yield myself one additional minute.

I suspect my friend from Oregon or others would have had an amendment to put the Secure Rural Schools bill in this bill and offset it with the green initiative that was mentioned that's also on schools. But we haven't had the opportunity to even do that because of this process.

Mr. OBEY. Would the gentleman yield?

Mr. HASTINGS of Washington. I will yield.

Mr. OBEY. If we had done that, the bill would not have been in compliance with the rules of the House. You could not have offered that amendment, because it would not have been in order.

I would suggest if you have got a problem under an authorization bill, take it to the committee that's supposed to handle it. Don't dump every dog and cat in an appropriation bill.

Mr. HASTINGS of Washington. Reclaiming my time, and I wasn't suggesting that. As a matter of fact, I made the argument in the Rules Committee. I am a member of the Rules Committee.

I made the argument in the Rules Committee that we could waive the rules, which, of course, would have made it in order. It would have made it in order.

Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 8½ minutes, and the gentleman from Massachusetts has 8 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Utah, a former member of the Rules Committee, and a member of the Natural Resources Committee.

Mr. BISHOP of Utah. Mr. Speaker, I guess I stand as someone who also voted against that infamous bill, happily so, because it did not solve the problem.

One of the things we should be here to do is try to solve the problem, regardless of whether there is some archaic rule that prohibits that solution from taking place, which is exactly what happened on that particular piece of legislation.

There are two numbers that I want to once again reiterate, talking about what Mr. WALDEN from Oregon was saying, 52 and 4.

This chart, everything that is blue in this chart is the amount of land owned by the Federal Government in each State. The 52 refers to those of us who live west of the Rocky Mountains. Fifty-two percent of everything west of the Rocky Mountains, the Speaker understands this very clearly, is owned by the Federal Government.

You will notice that Montana and California don't have a whole lot, so the rest of us pick up that slack, my State about 80 percent, Nevada about 90 percent.

Those of you who live east of the Rocky Mountains have 4 percent of your land owned and controlled by an absentee landlord known as the Federal Government. It becomes more insidious. If you were to take the 13 States that have the most difficult time in funding their State education programs, the slowest growth in their State education programs, you will find 11 of those 13 States also are in this infamous blue block found in the West.

The East, in all due respect, does not get this situation, they don't face it, and neither does the Democratic Party. The two solutions that we have right now, the best solution would be to give the land back, but the best solutions we have are PILT, Payment in Lieu of Taxes, for county governments and Secure Rural Schools for the school sections of these particular areas.

This program, Payment in Lieu of Taxes, was started when Nixon was president and was flat-lined in payments of 100 grand a year until 1994 when the Republicans took over. Every year since that time, the Payment in Lieu of Taxes Program has increased its percentage and increased its actual amount of funding, not ever reaching the full authorized amount, which it should have been, but it increased every year until this year.

Secure Rural Schools has found the same source of problems. This year, there has finally been the problem of facing it.

Now, this is essential to us. Schools are running in the West because of this money. Counties are functioning in the West because of this money. A gentleman from New England took recreation in my State, went down kayaking in Black Box, which was a mistake.

Three weeks later the county was able to recover his body. In this tragedy, unfortunately, it also consumed every dime they had set aside that year for their emergency funding processes.

Now, the problem for those in the West, when it comes to our schools and our counties, is we don't have a tax base to get this money back. It is controlled by the Federal Government, which is why PILT and Secure Rural Schools are essential for those of us who are in the West.

That's where the frustration of yesterday comes in. The Senate passed a tax extender, I think it was 93–2 was the vote, which does fund Secure Rural

Schools and PILT. I want that bill over here so I have the opportunity to vote for it and solve the problem.

But we were told it could not be added to the House version, because it did not have an offset. It violated PAYGO.

Now, here is where I become confused, because before us right now we have another bill of all sorts of spending that also does not have offsets and violates PAYGO. Now, that's okay. Those of us in the West are simply saying, this is important to us, and it should be done.

I have another problem in, as you mentioned, the Green Schools Initiative in this bill.

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

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. BISHOP of Utah. Let me just say, the Green Schools Initiative, because I was on the committee of jurisdiction, that particular program adds construction money to local districts for their schools. The original sponsor of that bill had a program involved in there so they could allocate and find out what school districts needed the assistance.

In the State of Utah, we have an equalization formula. The school districts that either have a high number of students, and, therefore, it is difficult for them to keep up with construction, or had the oddity of all their schools have been built at the same time, therefore, they all fall apart at the same time. There is extra funding from the State that goes to those districts.

In the formula put into the school bill that is now part of this, it does not in any way, shape or form follow any need for school construction. It follows only title I funding, which means in the State of Utah, that has tried to solve the problem with equalization, not one district that has a need for extra school construction money will get one dollar from this program. It goes to the districts that don't need the money, because it's a poorly written, poorly planned bill.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. BISHOP of Utah. That's why those of us in the West are confused and complaining. This program is essential for us. Those of you living east of the Rocky Mountains don't understand the significance of it.

It could have been included in this bill, and should have been included, and it's not. At least let us vote on the Senate tax extender, which does include it.

Mr. MCGOVERN. Mr. Speaker, I am sorry that the gentleman voted against H.R. 3508 and, hopefully, he can offer a better explanation to his constituents.

At this point I would like to yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this important legislation.

Mr. Speaker, I listened carefully to my friend from Utah. I am from the West, although my district is not impacted as intensively as some. The county schools program is something that I have been working with the entire Oregon delegation and others to try to remedy, to keep it alive.

□ 1630

Because it is so important I am sorry that our Republican friends in the prior Congress allowed the legislation to expire. It is not authorized because the Republican-controlled Congress and the Republican administration allowed it to die. We have been playing catch-up ever since. I deeply appreciate the work of the chairman of the Appropriations Committee, Speaker PELOSI, and others, who worked to help us with funding last year.

I want desperately to achieve funding this year. But I understand the concerns of my friend, the Chair of the Appropriations Committee, about wading into this issue.

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

Mr. MCGOVERN. I yield an additional 1 minute.

Mr. BLUMENAUER. Yesterday on the floor we had the tax extender bill, and my Republican friends attempted to attach this despite the fact it is not germane. It was a tax bill, not an authorizing bill.

Yet during that debate, we heard the Chair of the Ways and Means Committee say that he would work with us in conference because he understands it is important if it came back from the Senate in the bill. Mr. RANGEL said he would accept it in conference where the germaneness would not apply. We heard the majority leader sympathize and say he would work with us.

I would suggest that rather than go down a path that is a dead end and unfairly attack people for things that aren't in their control, that people get over the fact that they failed in the last Congress and killed the program. Instead work with us to take ''yes'' for an answer. Work with the chairman of the Ways and Means Committee, get that proposal coming back from the other body, and hopefully we can have the funding that we are all concerned about restoring.

Mr. HASTINGS of Washington. I yield 30 seconds to the gentleman from Utah.

Mr. BISHOP of Utah. I appreciate the consideration that has been done. The issue is solving the problem. This vehicle would solve the problem. The Senate bill would solve the problem.

Unfortunately, the bill to which the gentleman refers only has Secure Rural Schools and did not have PILT even though it was supposed to. Now, we have two problems. We need both of them solved. They both interrelate.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 3 minutes. The gentleman from Massachusetts has 6 minutes.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. I want to spend these 2 minutes talking about a lot of forgotten people in this country, the people who are looking for work, laid off through no fault of their own.

This bill would address their needs. If we don't act, over a million Americans are going to exhaust their unemployment benefits before the end of the year. The unemployment rate in California has skyrocketed, now 7.7 percent with 1.4 million people looking for jobs. In Florida, the unemployment rate is 6.5 percent; 600,000-plus people looking for work. And in my home State of Michigan, over 400,000 people are out of work through no fault of their own.

The answer to the agony of the unemployed from the minority is stony silence. It is inexcusable. We need to pass this bill and address the needs of the unemployed.

I will read just from one letter, someone from Southfield, Michigan. ''I am 54 years old and finding that there are no jobs available to me. I do not want to be part of the statistics of those who lose a home or worse. The unemployment benefits give me more time to secure a job so that I and others like me are not a burden to the system.''

We should stand up for those people and pass this bill.

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

Mr. MCGOVERN. I ask the gentleman how many more speakers he has on his side?

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from Massachusetts that I am the last speaker on my side.

Mr. MCGOVERN. I am the last speaker on my side, so I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am really excited about what I am going to say because I think we are going to get a chance, finally, to vote up or down on Rural Schools. I say that because I am going to ask my colleagues to vote ''no'' on the previous question so I can simply amend the rule to allow the text of the Secure Rural Schools Act to be debated and voted on.

Now why am I excited? I am excited because we heard that we couldn't do it because of PAYGO. We heard another speaker, my friend from Oregon, say because of germaneness.

Mr. Speaker, this amendment is germane. That is not an argument. And we have 90 Democrat cosponsors of the bill.

Mr. Speaker, I 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.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, let me repeat one more time. There are 90 Democrats who are cosponsors of Rural Schools. The PAYGO issue is not an issue anymore because this one here doesn't comply with PAYGO, at least in the spirit. Germaneness is not an issue because that was an issue on a tax bill. So the germaneness issue is gone. I don't know what other thing could stand in the way of defeating the previous question so we can amend this rule to have an opportunity to debate and vote this issue of Rural Schools.

Mr. Speaker, I am excited. I think as we close this process down, we are finally going to get an opportunity. This is the opportunity.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me say with regard to the rural school issue, I was very proud to be able to vote on behalf of rural schools when the gentleman voted against it. I'm sorry he did that. But what we are talking about here today is an economic stimulus package to help everyday people. This is to help working people, to help people who have lost their jobs, to help people afford their health care, to help communities rebuild their roads and bridges and put people back to work. This is to help rebuild our schools. This is a bill to provide much-needed resources to our communities who have been neglected for far too long by this President and his Republican allies in this Congress.

This country, this economy, is in trouble. That is no secret to anyone here. Read the newspapers, turn on the news, it is there. We need to do something. What we need to do is not just bail out Wall Street, we need to help people on Main Street. People are tired. They are sick and tired of the rhetoric, the expressions of sympathy and the speeches by politicians who say ''I get it.'' ''I know things are bad in your community, I feel your pain.'' What they want us to do is to take action, to actually vote on something that means something in their lives.

This economic stimulus package invests in highway infrastructure. It invests to help rebuild our crumbling schools. It invests in clean water projects and in transit and Amtrak. It invests in public housing. It invests in energy development to help create green-collar jobs to get this economy moving in the right direction. It extends unemployment benefits. The gentleman from Michigan talked about the plight of so many workers who, because of this lousy economy, have lost their jobs and have exhausted their unemployment benefits. We are all talking about bailing out Wall Street, but we can't extend unemployment benefits to these workers? I mean, shame on us if you can't vote for that.

Medicaid assistance is in this bill.

Food assistance is in this bill. There is not a community in the United States of America, I am sad to say, that is hunger free. Go to any grocery store in your district and people will complain about the high cost of food. There are people in poverty and there are people who are working families who cannot afford their groceries. They need help. That is what this bill is all about.

So for the life of me, with all that is going on in this country, with all that is happening to this economy, for the life of me I can't understand why anyone would vote against this stimulus package.

This is a good bill. Chairman OBEY deserves great credit for putting this together the way he did. It is not perfect. It doesn't include everything, but it is help. It is real help to real people, to everyday people, to working people, to people who have lost their jobs. This is absolutely necessary that we pass it. And we need to work with the President to make this part of the package.

The material previously referred by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1507 OFFERED BY REP. HASTINGS OF WASHINGTON

Strike all after the resolved clause and insert the following:

That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 7110) making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, 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 thereto, 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 3 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 be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent, and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 7110 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. The amendment referred to in section 1 is as follows:

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

SEC. 5005. 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 105–217, 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.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what

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

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

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

Mr. McGOVERN. 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 noes appeared to have it.

Mr. McGOVERN. 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 the adoption of House Resolution 1507, if ordered, and motion to suspend the rules on S. 1046, if ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 204, not voting 11, as follows:

[Roll No. 657]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Yarmuth

NAYS—204

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
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
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hooley
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
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
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
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—11

Costa
Cubin
Gingrey
McCrery
Peterson (PA)
Pickering
Thompson (MS)
Tierney
Udall (CO)
Weller
Wexler

PARLIAMENTARY INQUIRY

Mr. KUCINICH (during the vote). Mr. Speaker, parliamentary inquiry.

Mr. Speaker, does that display with the names in the lights there, are those our official votes or are our official votes determined by the cards that we present to the Clerk if they're not recorded on there?

I want a ruling from the Parliamentarian. What constitutes an official vote here, being up on the board there or having our vote recorded at the teller?

The SPEAKER pro tempore. The Chair would inform the gentleman that the board is for display only.

And the Chair would like Members' attention.

The Chair has been advised that one column of the lights on the display panel is inoperative at this moment, but that all of those Members are being recorded. Members should verify their votes, however, at alternate voting stations.

Mr. KUCINICH. Mr. Speaker, parliamentary inquiry, we're now informed that some Members having voted ''yes'' have a red light by their name. Why don't we just turn off that so there is no confusion and Members will know that they're voting accurately and not rely on that particular system until they get it fixed.

The SPEAKER pro tempore. The Clerk is working on fixing the display. The Chair is advised that one panel in the voting display is inoperative. The Chair would encourage all Members to verify their votes at an alternate electronic voting station.

□ 1708

Mr. LEWIS of Kentucky, Ms. ROS-LEHTININ, Messrs. BARTON of Texas, BLUNT, THOMPSON of California and PORTER changed their vote from ''yea'' to ''nay.''

Mr. SCOTT of Virginia changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 213, nays 208, not voting 12, as follows:

[Roll No. 658]

YEAS—213

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—208

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
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
Gillibrand
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Hooley
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
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
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
Sanchez, Loretta
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cannon
Costa
Cubin
Gingrey
McCrery
Peterson (PA)
Pickering
Thompson (MS)
Tierney
Udall (CO)
Weller
Wexler

PARLIAMENTARY INQUIRY

Mr. KUCINICH (during the vote). Mr. Speaker, parliamentary inquiry.

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

Mr. KUCINICH. How am I recorded as voting?

The SPEAKER pro tempore. A Member may verify his or her vote at any of the 46 voting stations by inserting his or her badge and taking note of which light is illuminated.

□ 1721

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.

SENIOR PROFESSIONAL PERFORMANCE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 1046.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the Senate bill, S. 1046.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 659]

YEAS—419

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)
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
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
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
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Hunter
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
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
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
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
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
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
Shuler
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)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Boyda (KS)
Costa
Cubin
Gingrey
McCrery
Peterson (PA)
Pickering
Thompson (MS)
Tierney
Udall (CO)
Waxman
Weldon (FL)
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1729

Mr. PERLMUTTER changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GINGREY. Madam Speaker, on rollcall No. 654 on ordering the previous question on H. Res. 1503, I am not recorded because I was unavoidably detained. Had I been present, I would have voted "nay."

On rollcall No. 655 on H. Res. 1503, had I been present, I would have voted "nay."

On rollcall No. 656 on H.R. 4120, the Effective Child Pornography Prosecution Act, had I been present, I would have voted "yea."

On rollcall No. 657 on ordering the previous question on H. Res. 1507, had I been present, I would have voted "nay."

On rollcall No. 658 on H. Res. 1507, had I been present, I would have voted "nay."

On rollcall No. 659 on S. 1046, the Senior Professional Performance Act, I would have voted "yea."

HOUR OF MEETING ON TOMORROW

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day, it adjourn to meet at 10 a.m. tomorrow; and further, that when the House adjourns on that legislative day, it adjourn to meet at 1 p.m. on Sunday, September 28.

The SPEAKER pro tempore (Mr. ALTMIRE). Is there objection to the request of the gentlewoman from California?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 5975. An act to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Cpl. John P. Sigsbee Post Office''.

H.R. 6092. An act to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the ''Sergeant Paul Saylor Post Office Building''.

H.R. 6437. An act to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the ''Corporal Alfred Mac Wilson Post Office''.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5265. An act to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss faciosacpulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2382. An act to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense.

S. 3166. An act to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States.

S. 3309. An act to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the Mayor William ''Bill'' Sandberg Post Office Building.

S. Con. Res. 104. Concurrent resolution supporting ''Lights On Afterschool!'', a national celebration of afterschool programs.

JOB CREATION AND UNEMPLOYMENT RELIEF ACT OF 2008

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1507, I call up the bill (H.R. 7110) making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I—INFRASTRUCTURE INVESTMENTS

CHAPTER 1—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for ''Grants-in-Aid for Airports'', to enable the Secretary of Transportation to make discretionary grants as authorized by subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, $600,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2009: *Provided*, That in selecting projects to be funded, priority shall be given to airport projects that can award contracts based on bids within 120 days of enactment of this Act.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE INVESTMENT

For projects and activities eligible under section 133 of title 23, United States Code (without regard to subsection (d)), section 144 of such title (without regard to subsection (g)), and sections 103, 119, 148, and 149 of such title, $12,800,000,000, to remain available until September 30, 2009: *Provided*, That funds made available under this heading shall be distributed among the States, including Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, in

the same ratio as the obligation limitation for fiscal year 2008 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division K of Public Law 110–161, but, in the case of the Puerto Rico Highway Program and the Territorial Highway Program, under section 120(a)(5) of such division: *Provided further*, That in selecting projects to be funded, priority shall be given to ready-to-go projects that can award bids within 120 days of enactment of this Act: *Provided further*, That funds made available under this heading shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall be 100 percent of the total cost thereof: *Provided further*, That amounts made available under this heading that are not obligated within 180 days after the date of enactment of this Act shall be redistributed, in the manner described in section 120(c) of division K of Public Law 110–161, to those States able to obligate amounts in addition to those previously distributed: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act.

FEDERAL RAILROAD ADMINISTRATION

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for ''Capital and Debt Service Grants to the National Railroad Passenger Corporation'', $500,000,000, to remain available until September 30, 2009: *Provided*, That the Secretary of Transportation may retain up to one-quarter of 1 percent of the funds made available under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded by grants made under this heading: *Provided further*, That none of the funds made available under this heading may be used to subsidize operating losses of Amtrak: *Provided further*, That none of the funds made available under this heading shall be for debt service obligations: *Provided further*, That in selecting projects to be funded, priority shall be given to Amtrak capital projects that can award contracts based on bids within 120 days of enactment of this Act.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT CAPITAL ASSISTANCE

For transit capital assistance grants, $3,600,000,000, to remain available until September 30, 2009, of which $3,240,000,000 shall be for grants under section 5307 of title 49, United States Code and shall be apportioned in accordance with section 5336 of such title (other than subsections (i)(1) and (j)) but may not be combined or commingled with any other funds apportioned under such section 5336, and of which $360,000,000 shall be for grants under section 5311 of such title and shall be apportioned in accordance with such section 5311 but may not be combined or commingled with any other funds apportioned under that section: *Provided*, That in selecting projects to be funded, priority shall be given to projects that can award contracts based on bids within 120 days of enactment of this Act: *Provided further*, That the Federal share of the costs for which a grant is made under this heading shall be 100 percent.

TRANSIT ENERGY ASSISTANCE GRANTS

For transit energy assistance grants, $1,000,000,000, to remain available until September 30, 2009, of which $800,000,000 shall be for grants under section 5307 of title 49, United States Code and shall be apportioned in accordance with section 5336 of such title (other than subsections (i)(1) and (j)) but may not be combined or commingled with any other funds apportioned under such section 5336, and of which $200,000,000 shall be for grants under section 5311 of such title and shall be apportioned in accordance with such section 5311 but may not be combined or commingled with any other funds apportioned under that section: *Provided*, That the Federal share of the costs for which a grant is made under this heading shall be 100 percent: *Provided further*, That notwithstanding such sections 5307 and 5311, funds appropriated under this heading are available for only one or more of the following purposes:

(1) If the recipient of the grant is reducing, or certifies to the Secretary of Transportation within the time the Secretary prescribes that, during the term of the grant, the recipient will reduce, one or more fares the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, those operating costs of equipment and facilities being used to provide the public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient is no longer able to pay from the revenues derived from such fare or fares as a result of such reduction.

(2) If the recipient of the grant is expanding, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will expand, public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, those operating and capital costs of equipment and facilities being used to provide the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient incurs as a result of the expansion of such service.

(3) To avoid increases in fares for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or decreases in current public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that would otherwise result from an increase in costs to the public transportation or intercity bus agency for transportation-related fuel or meeting additional transportation-related equipment or facility maintenance needs, if the recipient of the grant certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will not increase the fares that the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or, will not decrease the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient provides.

(4) If the recipient of the grant is acquiring, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will acquire, clean fuel or alternative fuel vehicle-related equipment or facilities for the purpose of improving fuel efficiency, the costs of acquiring the equipment or facilities.

(5) If the recipient of the grant is establishing or expanding, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will establish or expand, commuter matching services to provide commuters with information and assistance about alternatives to single occupancy vehicle use, those administrative costs in establishing or expanding such services.

CHAPTER 2—CLEAN WATER

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'', $7,500,000,000, to remain available until September 30, 2009, for capitalization grants for State revolving funds, which shall be used as follows:

(1) $6,500,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, except that the funds shall not be subject to the state matching requirements in paragraphs (2) and (3) of section 602(b) of such Act.

(2) $1,000,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, except that the funds shall not be subject to the state matching requirements of section 1452(e) of such Act:

Provided, That a State shall agree to enter into binding commitments with the funds appropriated under this heading no later than 120 days after the date on which the State receives the funds: *Provided further*, That, notwithstanding the limitation on amounts specified in section 518(c) of the Federal Water Pollution Control Act, up to a total of 1.5 percent of the funds made available under paragraph (1) of this heading may be reserved by the Administrator of the Environmental Protection Agency for grants under section 518(c) of such Act: *Provided further*, That section 1452(k) of the Safe Drinking Water Act shall not apply to amounts made available under this heading.

CHAPTER 3—FLOOD CONTROL AND WATER RESOURCES

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'', $2,500,000,000, to remain available until September 30, 2010: *Provided*, That funds appropriated under this heading shall not be derived from the Inland Waterways Trust Fund: *Provided further*, That the Corps of Engineers is directed to prioritize funding for activities based on the ability to accelerate existing contracts or fully fund project elements and contracts for such elements in a time period of 2 years after the date of enactment of this Act and to give preference to those activities that are labor intensive.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'', $500,000,000, to remain available until September 30, 2010: *Provided*, That the Corps of Engineers is directed to prioritize funding for activities based on the ability to accelerate existing contracts or fully fund project elements and contracts for such elements in a time period of 2 years after the date of enactment of this Act and to give preference to those activities that are labor intensive.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'', $2,000,000,000, to remain available until September 30, 2010: *Provided*, That the Corps of Engineers is directed to prioritize funding for activities based on the ability to accelerate existing contracts or fully fund project elements and contracts for such elements in a time period of 2 years after the date of enactment of this Act and to give preference to those activities that are labor intensive.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for ''Water and Related Resources'', $300,000,000, to remain

available until September 30, 2010: *Provided*, That such sums shall be used for capital improvement projects, including authorized rural water projects: *Provided further*, That of the amount appropriated under this heading, $126,000,000 shall be used for water reclamation and reuse projects authorized under title XVI of Public Law 102–575.

CHAPTER 4—21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES

DEPARTMENT OF EDUCATION

SCHOOL MODERNIZATION, RENOVATION, AND REPAIR

For carrying out section 1401, $3,000,000,000, to remain available through September 30, 2009.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1401. (a) DEFINITIONS.—In this section:

(1) The term ''Bureau-funded school'' has the meaning given to such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term ''charter school'' has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965.

(3) The term ''local educational agency''—

(A) has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965, and shall also include the Recovery School District of Louisiana and the New Orleans Public Schools; and

(B) includes any public charter school that constitutes a local educational agency under State law.

(4) The term ''outlying area''—

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(5) The term ''public school facilities'' includes charter schools.

(6) The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(7) The term ''LEED Green Building Rating System'' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

(8) The term ''Energy Star'' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(9) The term ''CHPS Criteria'' means the green building rating program developed by the Collaborative for High Performance Schools.

(10) The term ''Green Globes'' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(b) PURPOSE.—Grants under this section shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

(c) ALLOCATION OF FUNDS.—

(1) RESERVATION.—From the amount appropriated to carry out this section, the Secretary of Education shall reserve 1 percent of such amount, consistent with the purpose described in subsection (b)—

(A) to provide assistance to the outlying areas; and

(B) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(2) ALLOCATION TO STATES.—

(A) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this section, and not reserved under paragraph (1), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2008 relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(B) STATE ADMINISTRATION.—A State may reserve up to 1 percent of its allocation under subparagraph (A) to carry out its responsibilities under this section, including—

(i) providing technical assistance to local educational agencies;

(ii) developing, within 6 months of receiving its allocation under subparagraph (A), a plan to develop a database that includes an inventory of public school facilities in the State and the modernization, renovation, and repair needs of, energy use by, and the carbon footprint of such schools; and

(iii) developing a school energy efficiency quality plan.

(C) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the amount allocated to a State under subparagraph (A), each local educational agency in the State that meets the requirements of section 1112(a) of the Elementary and Secondary Education Act of 1965 shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of that Act for fiscal year 2008 relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under part A of title I of that Act for such fiscal year shall receive a grant of less than $5,000.

(D) SPECIAL RULE.—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 shall not apply to subparagraph (A) or (C).

(3) SPECIAL RULES.—

(A) DISTRIBUTIONS BY SECRETARY.—The Secretary of Education shall make and distribute the reservations and allocations described in paragraphs (1) and (2) not later than 30 days after the date of the enactment of this Act.

(B) DISTRIBUTIONS BY STATES.—A State shall make and distribute the allocations described in paragraph (2)(C) within 30 days of receiving such funds from the Secretary.

(d) ALLOWABLE USES OF FUNDS.—A local educational agency receiving a grant under this section shall use the grant for modernization, renovation, or repair of public school facilities, including—

(1) repairing, replacing, or installing roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, plumbing systems, sewage systems, lighting systems, or components of such systems, windows, or doors, including security doors;

(2) repairing, replacing, or installing heating, ventilation, air conditioning systems, or components of such systems (including insulation), including indoor air quality assessments;

(3) bringing public schools into compliance with fire, health, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures;

(4) modifications necessary to make public school facilities accessible to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of the grant;

(5) asbestos or polychlorinated biphenyls abatement or removal from public school facilities;

(6) implementation of measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls, abatement, or a combination of each;

(7) implementation of measures designed to reduce or eliminate human exposure to mold or mildew;

(8) upgrading or installing educational technology infrastructure to ensure that students have access to up-to-date educational technology;

(9) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

(10) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, systems or components of such systems;

(11) other modernization, renovation, or repair of public school facilities to—

(A) improve teachers' ability to teach and students' ability to learn;

(B) ensure the health and safety of students and staff;

(C) make them more energy efficient; or

(D) reduce class size; and

(12) required environmental remediation related to public school modernization, renovation, or repair described in paragraphs (1) through (11).

(e) IMPERMISSIBLE USES OF FUNDS.—No funds received under this section may be used for—

(1) payment of maintenance costs; or

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

(f) SUPPLEMENT, NOT SUPPLANT.—A local educational agency receiving a grant under this section shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, or repair of public school facilities.

(g) PROHIBITION REGARDING STATE AID.—A State shall not take into consideration payments under this section in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

(h) SPECIAL RULE ON CONTRACTING.—Each local educational agency receiving a grant under this section shall ensure that, if the agency carries out modernization, renovation, or repair through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

(i) SPECIAL RULE ON USE OF IRON AND STEEL PRODUCED IN THE UNITED STATES.—

(1) IN GENERAL.—A local educational agency shall not obligate or expend funds received under this section for a project for the modernization, renovation, or repair of a public school facility unless all of the iron and steel used in such project is produced in the United States.

(2) EXCEPTIONS.—The provisions of paragraph (1) shall not apply in any case in which the local educational agency finds that—

(A) their application would be inconsistent with the public interest;

(B) iron and steel are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(C) inclusion of iron and steel produced in the United States will increase the cost of the overall project contract by more than 25 percent.

(j) APPLICATION OF GEPA.—The grant program under this section is an applicable program (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

(k) GREEN SCHOOLS.—

(1) IN GENERAL.—A local educational agency shall use not less than 25 percent of the funds received under this section for public school modernization, renovation, or repairs that are certified, verified, or consistent with any applicable provisions of—

(A) the LEED Green Building Rating System;

(B) Energy Star;

(C) the CHPS Criteria;

(D) Green Globes; or

(E) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency.

(2) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall provide outreach and technical assistance to States and school districts concerning the best practices in school modernization, renovation, and repair, including those related to student academic achievement and student and staff health, energy efficiency, and environmental protection.

(l) REPORTING.—

(1) REPORTS BY LOCAL EDUCATIONAL AGENCIES.—Local educational agencies receiving a grant under this section shall compile, and submit to the State educational agency (which shall compile and submit such reports to the Secretary), a report describing the projects for which such funds were used, including—

(A) the number of public schools in the agency, including the number of charter schools;

(B) the total amount of funds received by the local educational agency under this section and the amount of such funds expended, including the amount expended for modernization, renovation, and repair of charter schools;

(C) the number of public schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under this section that were used for projects at such schools;

(D) the number of public schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 and the percentage of funds received by the agency under this section that were used for projects at such schools;

(E) the cost of each project, which, if any, of the standards described in subsection (k)(1) the project met, and any demonstrable or expected academic, energy, or environmental benefits as a result of the project;

(F) if flooring was installed, whether—

(i) it was low- or no-VOC (Volatile Organic Compounds) flooring;

(ii) it was made from sustainable materials; and

(iii) use of flooring described in clause (i) or (ii) was cost effective; and

(G) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority-owned, women-owned, and veteran-owned businesses.

(2) REPORTS BY SECRETARY.—Not later than December 31, 2010, the Secretary of Education shall submit to the Committees on Education and Labor and Appropriations of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate a report on grants made under this section, including the information described in paragraph (1), the types of modernization, renovation, and repair funded, and the number of students impacted, including the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965.

CHAPTER 5—HOUSING

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

PUBLIC HOUSING CAPITAL FUND

For an additional amount for the ''Public Housing Capital Fund'' to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g), $1,000,000,000, to remain available until September 30, 2009: *Provided*, That this additional amount shall be allocated to public housing agencies according to the same funding formula used for other amounts already made available in fiscal year 2008, and not later than 120 days after enactment of this Act: *Provided further*, That in selecting projects to be funded, public housing agencies shall give priority to capital projects for which contract awards based on competitive bids can be executed within 120 days of enactment of this Act.

CHAPTER 6—ENERGY DEVELOPMENT

DEPARTMENT OF ENERGY

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for ''Energy Efficiency and Renewable Energy'', $500,000,000, to remain available until September 30, 2009: *Provided*, That funds shall be available for expenses necessary for energy efficiency and renewable energy research and development and demonstration activities to accelerate the development of technologies that will diversify the nation's energy portfolio and contribute to a reliable, domestic energy supply.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For an additional amount for ''Electricity Delivery and Energy Reliability'', $100,000,000, to remain available until September 30, 2009: *Provided*, That funds shall be available for expenses necessary for electricity delivery and energy reliability activities to modernize the electric grid, enhance security and reliability of the energy infrastructure, and facilitate recovery from disruptions to the energy supply.

ADVANCED BATTERY LOAN GUARANTEE PROGRAM ACCOUNT

For the cost of guaranteed loans as authorized by section 135 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17012), $1,000,000,000 to remain available until expended: *Provided*, That of such amount, $5,000,000 shall be used for administrative expenses in carrying out the guaranteed loan program: *Provided further*, That commitments for guaranteed loans using such amount shall not exceed $3,333,000,000 in total loan principal: *Provided further*, That the cost of such loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE II—UNEMPLOYMENT COMPENSATION AND JOB TRAINING

CHAPTER 1—EXTENSION OF UNEMPLOYMENT COMPENSATION

ADDITIONAL FIRST-TIER BENEFITS

SEC. 2101. Section 4002(b)(1) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in subparagraph (A), by striking ''50'' and inserting ''80''; and

(2) in subparagraph (B), by striking ''13'' and inserting ''20''.

SECOND-TIER BENEFITS

SEC. 2102. Section 4002 of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended by adding at the end the following:

''(c) SPECIAL RULE.—

''(1) IN GENERAL.—If, at the time that the amount established in an individual's account under subsection (b)(1) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be augmented by an amount equal to the lesser of—

''(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law, or

''(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

''(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

''(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

''(i) were applied by substituting '4' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(C) such a period would then be in effect for such State under such Act if—

''(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

''(ii) such section 203(f)—

''(I) were applied by substituting '6.0' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

PHASEOUT PROVISIONS

SEC. 2103. Section 4007(b) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in paragraph (1), by striking ''paragraph (2),'' and inserting ''paragraphs (2) and (3),''; and

(2) by striking paragraph (2) and inserting the following:

''(2) NO AUGMENTATION AFTER MARCH 31, 2009.—If the amount established in an individual's account under subsection (b)(1) is exhausted after March 31, 2009, then section 4002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

''(3) TERMINATION.—No compensation under this title shall be payable for any week beginning after August 27, 2009.''.

EFFECTIVE DATE

SEC. 2104. (a) IN GENERAL.—The amendments made by this chapter shall apply as if

included in the enactment of the Supplemental Appropriations Act, 2008, subject to subsection (b).

(b) ADDITIONAL BENEFITS.—In applying the amendments made by sections 2101 and 2102, any additional emergency unemployment compensation made payable by such amendments (which would not otherwise have been payable if such amendments had not been enacted) shall be payable only with respect to any week of unemployment beginning on or after the date of the enactment of this Act.

CHAPTER 2—JOB TRAINING

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for ''Training and Employment Services'' for activities under the Workforce Investment Act of 1998, $400,000,000, to remain available through June 30, 2009, of which $200,000,000 is for grants to the States for dislocated worker employment and training activities and $200,000,000 is for grants to the States for youth activities: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) or section 128(a) of such Act: *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of such Act shall be the only measure of performance used to assess the effectiveness of youth activities provided with such funds: *Provided further*, That, with respect to the youth activities provided with such funds, section 101(13)(A) of such Act shall be applied by substituting ''age 24'' for ''age 21''.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States for reemployment services in accordance with section 6 of the Wagner-Peyser Act, $100,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, and which shall remain available through September 30, 2009: *Provided*, That, with respect to such funds, section 6(b)(1) of such Act shall be applied by substituting ''one-third'' for ''two-thirds'' in subparagraph (A), with the remaining one-third of the sums to be allotted in accordance with section 132(b)(2)(B)(ii)(III) of the Workforce Investment Act of 1998.

TITLE III—TEMPORARY INCREASE IN MEDICAID MATCHING RATE

TEMPORARY INCREASE OF MEDICAID FMAP FOR 14 MONTHS

SEC. 3001. (a) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 OR 2009 FMAP.—Subject to subsections (d), (e), and (f), if the FMAP determined without regard to this section for a State for—

(1) fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for fiscal year 2009, before the application of this section; or

(2) fiscal year 2010 is less than the FMAP as so determined for fiscal year 2009, the FMAP for the State for fiscal year 2009 shall be substituted for the State's FMAP for fiscal year 2010, before the application of this section, but only for the portion of the first calendar quarter in fiscal year 2010 before December 1, 2009.

(b) GENERAL 1 PERCENTAGE POINT INCREASE.—

(1) IN GENERAL.—Subject to subsections (d), (e), and (f), for each State for fiscal year 2009 and the portion of the first calendar quarter in fiscal year 2010 before December 1, 2009, the FMAP (taking into account the application of subsection (a) and before the application of subsection (c)) shall be increased by 1 percentage point.

(2) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (e) and (f), with respect to fiscal year 2009 and with respect to fiscal year 2010 in proportion to the portion of the fiscal year that occurs during the first calendar quarter before December 1, 2009, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by 4 percent.

(c) ADDITIONAL PERCENTAGE POINTS INCREASE FOR QUALIFYING STATES.—

(1) IN GENERAL.—Subject to subsections (d), (e), and (f), in the case of a State that is 1 of the 50 States or the District of Columbia, if the State is awarded a total of—

(A) 3 or more points under paragraph (2) for a calendar quarter in fiscal year 2009 or for the first calendar quarter in fiscal year 2010, then for that calendar quarter or, in the case the State is awarded such points for the calendar quarter in fiscal year 2010, for the portion of such quarter before December 1, 2009, (and each succeeding calendar quarter, if any, in fiscal year 2009 and the portion of the first calendar quarter in fiscal year 2010 before December 1, 2009) the FMAP (taking into account the application of subsections (a) and (b)(1)) shall be further increased by 3 percentage points; or

(B) 2 points under paragraph (2) for a calendar quarter in fiscal year 2009 or in the first calendar quarter in fiscal year 2010 and has not been awarded 3 or more points under such paragraph for a previous calendar quarter in fiscal year 2009, then for that calendar quarter or, in the case the State is awarded such points for the calendar quarter in fiscal year 2010, for the portion of such quarter before December 1, 2009, (and each succeeding calendar quarter, if any, in fiscal year 2009 and the portion of the first calendar quarter in fiscal year 2010 before December 1, 2009) the FMAP (taking into account the application of subsections (a) and (b)(1)) shall be further increased by 1 percentage point.

(2) AWARDING OF POINTS BASED ON QUALIFYING CRITERIA.—For purposes of paragraph (1), each State shall be awarded points for a calendar quarter equal to the total of the points awarded under each of the following subparagraphs:

(A) REDUCTION IN EMPLOYMENT.—

(i) IN GENERAL.—A State shall be awarded under this subparagraph—

(I) 2 points if the State's employment for the quarter decreased or if such employment for the quarter increased but by not more than 0.25 percent; or

(II) 1 point if the State's employment for the quarter increased by more than 0.25 percent but by less than 2.0 percent.

(ii) MEASUREMENT OF EMPLOYMENT.—For purposes of clause (i), an increase or decrease in a State's employment for a quarter shall be measured by comparing—

(I) the average total nonfarm employment for the State in the 3 most recent months, as determined based on the most recent monthly publications of the Current Employer Statistics Survey of the Bureau of Labor Statistics available as of the first day of the quarter; to

(II) the average total nonfarm employment for the State in the same months two years earlier, as so determined.

(B) INCREASE IN FOOD STAMPS OR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPATION.—

(i) IN GENERAL.—A State shall be awarded under this subparagraph 1 point if the State's food stamp or Supplemental Nutrition Assistance Program participation for the quarter increased by more than 4 percent.

(ii) FOOD STAMP OR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPATION.—For purposes of clause (i), an increase in a State's food stamp or Supplemental Nutrition Assistance Program participation for a quarter shall be measured by comparing—

(I) the average monthly participation by persons in food stamps or the Supplemental Nutrition Assistance Program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) for the State in the 3 most recent months, as determined based on the most recent monthly publications of Food and Nutrition Service Data of the Department of Agriculture available as of the first day of the quarter, adjusted for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7. U.S.C. 2014(h)); to

(II) the average monthly participation by persons in food stamps or the Supplemental Nutrition Assistance Program for the State in the same months two years earlier, as so determined.

(C) INCREASE IN FORECLOSURES.—

(i) IN GENERAL.—A State shall be awarded under this subparagraph —

(I) 2 points if the State's foreclosure rate for the quarter increased by greater than 200 percent; or

(II) 1 point if the State's foreclosure rate increased by greater than 60 percent, but not more than 200 percent.

(ii) FORECLOSURE RATE.—For purposes of clause (i), an increase in a State's foreclosure rate for a quarter shall be measured by comparing—

(I) the percentage of total mortgages in foreclosure for the State for the most recent quarter, as determined by the Board of Governors of the Federal Reserve System based on the most recent satisfactory data available to such Board available as of the first day of the quarter; to

(II) such percentage for the State for the same quarter two years earlier, as so determined.

(d) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(2) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(3) any payments under title XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(e) STATE INELIGIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), a State is not eligible for an increase in its FMAP under subsection (b)(1) or (c), or an increase in a cap amount under subsection (b)(2), if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(2) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after July 1, 2008, is

no longer ineligible under paragraph (1) beginning with the first calendar quarter in which the State has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall be construed as affecting a State's flexibility with respect to benefits offered under the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(f) REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under subsection (b)(1) or (c), or an increase in a cap amount under subsection (b)(2), if it requires that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for fiscal year 2009, than the percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(g) DEFINITIONS.—In this section:

(1) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(h) REPEAL.—Effective as of October 1, 2010, this section is repealed.

ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION

SEC. 3002. (a) IN GENERAL.—Only for purposes of computing the FMAP (as defined in subsection (e)) for a State for a fiscal year (beginning with fiscal year 2006) and applying the FMAP under title XIX of the Social Security Act, any significantly disproportionate employer pension or insurance fund contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) SIGNIFICANTLY DISPROPORTIONATE EMPLOYER PENSION AND INSURANCE FUND CONTRIBUTION.—

(1) IN GENERAL.—For purposes of this section, a significantly disproportionate employer pension and insurance fund contribution described in this subsection with respect to a State is any identifiable employer contribution towards pension or other employee insurance funds that is estimated to accrue to residents of such State for a calendar year (beginning with calendar year 2003) if the increase in the amount so estimated exceeds 25 percent of the total increase in personal income in that State for the year involved.

(2) DATA TO BE USED.—For estimating and adjusting a FMAP already calculated as of the date of the enactment of this Act for a State with a significantly disproportionate employer pension and insurance fund contribution, the Secretary of Health and Human Services shall use the personal income data set originally used in calculating such FMAP.

(3) SPECIAL ADJUSTMENT FOR NEGATIVE GROWTH.—If in any calendar year the total personal income growth in a State is negative, an employer pension and insurance fund contribution for the purposes of calculating the State's FMAP for a calendar year shall not exceed 125 percent of the amount of such contribution for the previous calendar year for the State.

(c) HOLD HARMLESS.—No State shall have its FMAP for a fiscal year reduced as a result of the application of this section.

(d) REPORT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the problems presented by the current treatment of pension and insurance fund contributions in the use of Bureau of Economic Affairs calculations for the FMAP and for Medicaid and on possible alternative methodologies to mitigate such problems.

(e) FMAP DEFINED.—For purposes of this section, the term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396(d)).

TITLE IV—TEMPORARY INCREASE IN FOOD ASSISTANCE

TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SEC. 4001. (a) MAXIMUM BENEFIT INCREASE.—

(1) IN GENERAL.—Beginning the first month that begins not less than 25 days after the date of enactment of this Act, the value of benefits determined under section 8(a) of the Food and Nutrition Act of 2008 and consolidated block grants for Puerto Rico and American Samoa determined under section 19(a) of such Act shall be calculated using 105 percent of the June 2008 value of the thrifty food plan as specified under section 3(o) of such Act.

(2) TERMINATION.—The authority provided by this subsection shall terminate after September 30, 2009.

(b) REQUIREMENTS FOR THE SECRETARY.—In carrying out this section, the Secretary shall—

(1) consider the benefit increases described in subsection (a) to be a ''mass change'';

(2) require a simple process for States to notify households of the increase in benefits;

(3) consider section 16(c)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A)) to apply to any errors in the implementation of this section, without regard to the 120-day limit described in that section; and

(4) have the authority to take such measures as necessary to ensure the efficient administration of the benefits provided in this section.

(c) STATE ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—For the costs of State administrative expenses associated with carrying out this section, the Secretary shall make available $50,000,000.

(2) AVAILABILITY OF FUNDS.—Funds described in paragraph (1) shall be made available as grants to State agencies based on each State's share of households that participate in the Supplemental Nutrition Assistance Program as reported to the Department of Agriculture for the 12-month period ending with June, 2008.

(d) FUNDING.—There is appropriated to the Secretary of Agriculture such sums as are necessary to carry out this section.

TITLE V—GENERAL PROVISIONS

SHORT TITLE

SEC. 5001. This Act may be cited as the ''Job Creation and Unemployment Relief Act of 2008''.

PROHIBITION

SEC. 5002. Notwithstanding any other provision of this Act, none of the funds made available in this Act may be used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

EMERGENCY DESIGNATION

SEC. 5003. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SUPPLEMENTAL APPROPRIATIONS

SEC. 5004. Unless otherwise expressly provided, each amount in this Act is made available in addition to amounts otherwise available for fiscal year 2009.

The SPEAKER pro tempore. Pursuant to House Resolution 1507, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 7110, and that I may include tabular material on the same.

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

There was no objection.

PERMISSION TO OFFER AMENDMENT

Mr. OBEY. Mr. Speaker, I would like to propound a unanimous consent request in response to the comments that we had during consideration of the rule on this bill. We've had some of our friends on the minority side of the aisle indicate that they are disappointed that the Appropriations Committee did not provide funding for the western schools program, which is expired, and which is not under the jurisdiction of our committee.

In the interest of comity, I would like to respond to that concern by simply asking unanimous consent that the amendment that I have placed at the desk be considered as adopted. It would have the effect of resurrecting that western schools program for 1 year in the same manner in which it was being operated before it expired.

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

The Clerk read as follows:

Amendment to H.R. 7110 offered by Mr. OBEY:

Page 27, after line 9, insert the following new chapter:

CHAPTER 7—SECURE RURAL SCHOOLS AND COMMUNITIES

SEC. 1701. (a) PAYMENTS.—For fiscal year 2008, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as payments were made to States and counties in 2006 under that Act.

(b) ADDITIONAL APPROPRIATION.—There is appropriated $400,000,000 from funds not otherwise appropriated, to remain available until December 31, 2008, to be used to cover any shortfall for payments made under this section.

(c) CONFORMING AMENDMENTS.—Titles II and III of secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) are amended, effective as of September 30, 2007, by striking ''2007'' and ''2008'' each place they appear and inserting ''2009'' and ''2010'', respectively.

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

Mr. LEWIS of California. Mr. Speaker, reserving the right to object, I would guess there is nobody in the House that has more rural territory than this Member, and the program that my chairman is suggesting we put in the bill is one that is very important to my constituency. I do have serious reservations, however, about the way we got to having to present this in the first place.

This Member just received this bill very early this morning. I would guess there may be dozens of Members who have issues that they would hope would be in the bill if they had the time or the flexibility in the approach we handled this bill to have their items considered. So in that sense, I have serious reservations, but it is not my intention to object.

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

Mr. WESTMORELAND. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, first of all, I would simply like to have the RECORD show that we have tried to respond to concerns expressed on the minority side of the aisle, that the objection to allowing us to do that came from the minority side of the aisle. I regret that, but I guess there's not as much interest in comity as I had hoped today. Having said that, let me explain the bill before us.

I think both political parties are seriously misdescribing the economic crisis that we now find ourselves in. I do not believe that this crisis began on Wall Street. I think this crisis began right here in this Chamber. I think it began right here in this town, in the White House. And I think what is happening today is a logical extension of what has happened since the Reagan administration over 20 years ago.

The fact is that this Congress and previous and present Presidents have followed economic policies through the years which have resulted in the middle class—and what's called the underclass by some—being squeezed to the wall. Since 1980, the top 10 percent of American families has absorbed 80 percent of the increase in the national income. And in the last 8 years, the richest 10 percent of American families have absorbed 96 percent of all of the income growth in this country. That means the other 90 percent of American families have been struggling for table scraps, struggling to keep their head above water. And one of the ways that they've been doing that has been by borrowing.

There is a lot of talk about the increase in the Federal debt over the past decade, which has been over $1 trillion. But the fact is that mortgage debt alone in the private sector in this country has increased by almost $7 trillion at that same time. And at the same time that that huge increase in borrowing was occurring by families trying to stay above the water line, we also had a simultaneous, ill-advised deregulation of the financial sector of the economy. The umpire was, in fact, taken off the field, and as a result, Wall Street took advantage of that, invented all kinds of interesting and complicated instruments, and at the same time, there was very little regulation to protect little people who didn't know what they were getting into. And so, as a result, we've had trickle down economics being followed for 25 years, and now we are experiencing the trickle down consequences. We have, I think, a serious choice to make in this Chamber and in the other body over the next few days. And I hope we make the right choice.

All through this year this Congress has tried to do a number of things that would alleviate the squeeze on the middle class. To cite just some of our efforts, we passed the largest expansion of the GI Bill, education benefits, since that program started in 1945. We provided the largest veterans health care funding increase in modern history. We blocked the President's efforts to eliminate all student aid programs except Pell grant and work study. And we, instead, provided an increase in the Pell Grants of $750. And we passed legislation cutting the loan costs of student loans by 50 percent over the next 5 years, all to help middle class families send their kids to school.

We increased the minimum wage for the first time in a decade. We extended unemployment insurance benefits to help people who had run out of unemployment benefits and have still not been able to find a job. We provided additional funding to save the SCHIP program, to help keep needy kids on the health care payrolls of our various States.

We've provided funding to help States establish high-risk insurance pools——

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

Mr. OBEY. I yield myself another 5 minutes.

To increase access for almost 200,000 people who did not have access to health care. We extended dental care programs for the poor by 50 percent. We passed all kinds of efforts to improve the lot of middle-income Americans. And we had a large dispute with the President of the United States over budget levels for programs in the health, education, science and social services area. The President objected to a number of those programs. He wanted to require Congress to impose $14 billion in cuts in those crucial programs, and he said we simply could not afford that money. But now we are being confronted with a Presidential request to deal with the Wall Street bailout, and that cost will be about 50 times as large as the cost of funding the programs that we've been trying to fund for a year.

Meanwhile, this economy is sagging. Jobs, income, sales, and industrial production have all gone down. We have lost 600,000 jobs. Twenty-seven percent more people are unemployed today than was the case just 6 months ago. And so we are bringing before the House today an effort to counter some of those problems.

We are trying to provide a major increase in investments in highways, bridges and airports to modernize our infrastructure and to provide well-paying construction jobs at the same time.

We are providing a significant increase in funding for construction jobs by helping local communities and States construct sewer and water systems. There is a $600 billion national backlog on that.

We are providing additional help to create jobs by moving ahead with flood control projects.

As far as schools are concerned, the GAO tells us we have a $112 billion backlog in maintenance, building safety, and technology upgrades for our schools. We're trying to provide a small amount of funding to help begin to take care of that.

On the energy front, we've had a theological debate about energy between the parties for the last several months. We are trying to provide some funding here for energy research programs which will create jobs in that area, and at the same time, we are trying to invest a significant amount of money in order to assure that our auto industry, as it converts to battery-driven, dual-technology automobiles, we're trying to make certain that those batteries are developed and produced in the United States. If we can accomplish that, it will be a large number of jobs that we keep here in the United States.

We also are trying to extend unemployment compensation benefits for an additional 7 weeks. And we are trying to help State budgets to make sure that States don't have to knock low-income children and low-income families off the health care rolls.

□ 1745

This is the main thrust of this legislation. We think it is long overdue.

And I would urge passage in the House.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, it was just 2 days ago that we were debating an $800 billion continuing resolution to fund our troops and veterans, protect our homeland, respond to natural disasters and put our country on a pathway towards energy independence. Many Members, including this Member, reluctantly agreed to support the CR to keep the essential business of our government running through March 6 of next year.

Now in addition to being asked to pay for a bailout for Wall Street, taxpayers are being asked by House Democrats to swallow an additional 60, that is $60 billion in spending on a laundry list of items I saw for the first time just a few hours ago. This would be laughable if it were not so serious.

I was reluctant to support the CR the other day because virtually every dollar was approved without the consideration of the House Appropriations Committee, without floor consideration in the House and Senate, without any amendments or input from any House Member or Senator and without formal House and Senate conference committee work.

During our debate we all agreed on the importance of getting the appropriations process back on track. Just 2 days ago we found ourselves back on the House floor making the very same mistakes again, debating an additional $60 billion—$60 billion is a lot of money—in spending legislation that very few have yet seen. There was no committee consideration, no amendments and no debate. One more time, we are presented with a take-it-or-leave-it proposition. So much for getting the appropriations process back on track.

The majority is describing this legislation as a ''stimulus package'' to help our national economy. But let's be clear about that. Let's not fool ourselves. This is a political document pure and simple. If these priorities are so important, why hasn't this bill gone through the normal legislative process? We could have, and should have, debated many of the items included in this package, hearing full committee and House floor consideration when we are considering each of the 12 individual bills. But as we know, the majority is unwilling to move individual spending bills and derailed the appropriations process for this entire year.

Before you make a decision on this legislation, I ask you to consider three sobering facts: First, of the projected $247 billion increase in the budget deficit in 2008, $226 billion results from additional spending, and $21 billion results from decreased revenues. Second, in 2009, spending is projected to reach 21.4 percent of the GDP for the first time since 1993. Third, balancing the Federal budget by 2013 would require either limiting annual spending growth to 1.4 percent or raising annual revenue growth at 8 percent or a combination of both.

So to balance the budget, we either need to raise taxes or we need to spend less. Now I didn't fall off the turnip truck this morning. It doesn't take an economist to tell you that the economy needs our help. And what does this Congress do? It proposes to spend billions and billions and billions more without any offsets in spending. The failure to adhere to pay-as-you-go, or what we call PAYGO, means that this new spending will be financed through additional borrowing, which will increase interest rates and prove a further drag on our struggling economy.

In recent days, government has taken steps to bail out the auto industry to the tune of some $25 billion. It has proposed a bailout for Fannie Mae and Freddie Mac to the tune of another $25 billion. It has committed as much as $70 billion to rescue AIG. In the last few weeks, this Congress hasn't found a cause that doesn't need a handout or a bailout. Where does the spending end, Mr. Speaker? Where does it end?

In this time of financial instability and national anxiety over the state of our financial market, the first goal of the Congress should be to do no harm. But this legislation does just the opposite. Is it any wonder that the approval rating of Congress is now at 13 percent? If Congress were a business, its CEO would have been fired long ago.

Mr. Speaker, there's an old saying: ''No bill is better than a bad bill.'' That is especially true in this case. We would be doing our constituents, our shareholders, the American taxpayer, a tremendous favor if we took our foot off the gas pedal for a while. We ought to be focused on more oversight rather than more spending. Indeed, spending money is not the answer to every problem.

Mr. Speaker, I have got a feeling that I have seen this movie before. And believe me, the sequel is always worse than the original. We must display more discipline and demonstrate better judgment in spending taxpayers' money. There is no better time or place to begin than right here now.

I strongly urge my colleagues to reject this unfettered spending spree.

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

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon.

Mr. DEFAZIO. I thank the chairman, and I thank him for his earlier unanimous consent request.

After 2 days of regular order and much noise on that side of the aisle about wanting to waive the rules of the House and have the Rules Committee waive the rules of the House to consider county schools, the chairman of the committee gave everybody in the House, including the minority who has been so loud in the last few days, a chance to waive the rules of the House and accept 1 year's funding for county and school payments. The end of those payments means 8,000 teachers have been laid off in rural counties across America, and thousands of deputy sheriffs, police and public safety officers. People will die because these payments aren't being extended.

The authorization expired when the Republicans controlled the House, the White House and the Senate. And now, today, because Republicans have yet again chosen to stonewall county payments by objecting to a unanimous consent request by the chairman of the full committee to waive the rules of the House and insert those payments, I am shocked, I am saddened, and I am absolutely stunned.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts, the chairman of the Transportation appropriations subcommittee.

Mr. OLVER. Mr. Speaker, I rise in strong support of this important legislation to put America back to work. The financial crisis on Wall Street will soon be addressed by this Congress, and we must not adjourn for the year without also throwing a lifeline to the millions of people that are struggling to find work and support their families.

In the last year alone, the unemployment rate has risen from 4.3 percent to 6.1 percent. Furthermore, we currently need about 125,000 new jobs each month just to keep pace with population growth. Instead, we have lost over 600,000 jobs since January, yielding a deficit of 1,600,000 jobs so far this year.

The jobs bill before us is needed for two reasons. It will create thousands of new good-paying jobs, and it will help close the investment gap in our transportation and housing infrastructure. The transportation and housing infrastructure parts of this bill will create nearly 500,000 jobs.

In addition to the jobs created, the infrastructure investments we fund will make a lasting and tangible impact on this country. This bill provides funding only for projects that will have an immediate economic impact and can be bid within 90 days. The bill includes almost $13 billion to create safer and less congested roads and bridges, over $5 billion to improve and expand transit and intercity passenger rail, $600 million for safety and capacity improvements at our Nation's airports, and $1 billion in infrastructure funding for the public housing capital fund, which will help repair our Nation's public housing.

Let's put America back to work and improve our transportation and housing infrastructure by passing the Job Creation and Unemployment Relief Act.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut, the chairman of the Agriculture appropriations subcommittee.

Ms. DELAURO. Mr. Speaker, as we try to prevent our financial markets from breaking down, we can never forget the middle class families across

this Nation who bear the brunt and continue struggling every day just to get by.

I believe our government has a responsibility to help get our economy back on track and make opportunity real in our communities and for our families. But with soaring energy prices, rising foreclosures and a Republican economy that continues to shed more jobs and produce less income, middle class families are at great risk.

There were more than 490,000 new filings for State jobless benefits last week, the highest number of weekly claims since shortly after 9/11. In Connecticut, unemployment climbed to 6.9 percent in August, topping the national average. That is why I support this economic recovery package, targeted investment to jump-start this economy and create quality jobs.

This bill makes a serious commitment to our national infrastructure. According to State transportation departments, there are $18 billion in ready-to-go infrastructure projects across the country. This bill provides $12.8 billion for those projects that can start right away, begin creating quality jobs and rebuild our Nation's aging highways, roads and bridges; $6.5 billion for the Clean Water State Revolving Fund and $1 billion for the Drinking Water State Revolving Fund to repair, rehabilitate and expand water systems, many of which are over 50 years old; $3 billion for the States to immediately fund much-needed school maintenance, and still more innovative green infrastructure, Amtrak maintenance and public housing construction projects.

This is about making a direct and an immediate impact, creating jobs, jobs that cannot be outsourced, spurring economic growth and putting our Nation on a better path, not just for today but for the future.

I urge my colleagues to support this economic recovery package.

Mr. LEWIS of California. Mr. Speaker, I continue to reserve my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the public works and infrastructure authorizing committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding.

Should all this be enacted, we will have to rename the chairman ''Obey the Builder'' because this legislation will build America, rebuild America, create jobs, $30 billion to invest in America, the roads, the bridges and the transit and passenger rail systems, the airports, the locks, dams, waterways and environmental infrastructure that enhance mobility, that improve productivity, reduce the cost of logistics, the cost of moving people and goods in our economy and make America productive again.

This investment will create jobs here in America, jobs that will not be outsourced to Bangalore or anyplace else in the world, the real jobs in America that pay the mortgage, send the kids to school, buy the fishing boats and the snowmobiles and put food on the table. These are the real jobs of this economy. Over 800,000 construction workers are now out of work. The construction industry has the highest unemployment of any sector in this economy, 8.2 percent. This bill will create and sustain more than 1 million family wage jobs, jobs and projects that will be underway in 90 days, as we require in the legislation, that we proposed from our Committee on Transportation and Infrastructure, for highways and bridges, $12.8 billion, on projects that are ready to go within 90 days. We have a list already—I will submit that for the Record—that will provide funding for transit and capital investment and $1 billion relief for high energy costs; $500 million for Amtrak, a bill we just passed yesterday in this body; the Airport Improvement Program of aviation, to reduce congestion on our airways, create more capacity on the ground side of airports; and funding for environmental infrastructure under the Clean Water State Revolving Loan Fund, in fact a bill this House passed over a year ago; as well as $5 billion for the Corps of Engineers to invest in the locks and dams and waterways and improve our ability to resist hurricanes and storms in this country.

We need to make this investment in America for our future, for these jobs in this economy.

I rise in strong support of H.R. 7110, the ''Job Creation and Unemployment Relief Act of 2008.''

This bill invests in America—in the roads, bridges, transit and passenger rail systems, airports, locks, dams, waterways, and environmental infrastructure that enable our economy to work and keep our citizens safe. This is the infrastructure that, too often, we take for granted, until it fails.

This bill recognizes the critical importance of meeting our Nation's transportation and environmental infrastructure investment needs, and provides $30 billion toward that end. This $30 billion investment will yield lasting benefits in terms of reduced travel times, higher productivity, increased competitiveness in the world marketplace, and cleaner water.

With more than 800,000 construction workers out of work, and the construction industry suffering the highest unemployment rate, 8.2 percent, of any industrial sector, this bill puts America back to work. It will create or sustain more than one million good, family-wage jobs—jobs that cannot be outsourced to another country, because the work must be done here in the United States on our roads, bridges, transit and rail systems, airports, waterways, and wastewater treatment facilities.

For highways and bridges, the bill provides $12.8 billion. State Departments of Transportation, ''DOTs'', have a tremendous backlog of highway projects that could be implemented quickly if these additional funds are made available. For example, State DOTs often have open-ended contracts in place for resurfacing projects, which means that work could begin immediately upon receipt of additional funds. In addition, many State DOTs have projects already in process that could be accelerated if additional funding were provided. According to an Association of State Highway and Transportation Officials, ''AASHTO'', survey of State DOTs, States have more than 3,000 projects totaling $17.9 billion which are ready-to-go and can be out to bid and under contract within 90 days.

Although I have heard the administration's economists discount the stimulative effects of infrastructure investment, they may want to check with the State DOTs. In August, State DOTs informed the Federal Highway Administration, ''FHWA'', that they had $8 billion of highway projects that could advance before next week, September 30, if funding were available. Regrettably, FHWA only had $1 billion available to distribute to the States through its August redistribution process.

Not only will these additional funds be put to use quickly, they will be put to good use, to meet urgent highway and bridge investment needs. For instance, consider the ready-to-go projects of just one State DOT, Missouri. With funding provided by this bill, Missouri could accelerate repair work on the Brownville, Nebraska bridge over the Missouri River. The 1,903-foot bridge is 70 years old and is structurally deficient. The bridge has a sufficiency rating of 3, which is even lower than the rating of the I–35W Bridge which collapsed in Minnesota. This rating reflects such a serious condition that if its rating drops to 2, the bridge will be closed. If the bridge has to be closed, residents will have to make a 123-mile detour. Missouri could also accelerate the replacement of a structurally deficient and obsolete bridge with the construction of a new bridge over the Osage River at Tuscumbia, Missouri. The current bridge is a two-lane, 1,083-foot structure that is 75 years old and is also rated a 3, serious condition. If this bridge has to be closed, residents will have to make a 40-mile detour.

For transit, the bill provides $3.6 billion for capital investments, and $1 billion for relief from high energy costs. Due to high gas prices, transit agencies across the country are experiencing increased demand for transit services, yet they are struggling to meet this demand due to the impact high fuel costs have had on their own operating budgets. In 2007, 10.3 billion trips were taken on public transportation—the highest number of trips taken in 50 years. Ridership has continued to climb in 2008, with a 4.4-percent increase in trips taken during the first half of 2008 compared to the same period last year, putting 2008 on track to beat last year's modern record ridership numbers. Additional funds could be put to immediate use by transit agencies to meet this demand while at the same time creating much-needed jobs and economic activity.

For Amtrak, the bill provides $500 million. Similar to transit, Amtrak is experiencing record ridership and revenues in fiscal year 2008, and demand is growing across Amtrak's entire system for intercity passenger rail service. With this additional funding, Amtrak will be able to refurbish rail cars that are currently in storage and return them to service, and fund other urgently needed repair and maintenance of its facilities.

For the Airport Improvement Program, ''AIP'', the bill provides $600 million. This funding will allow the AIP program to keep pace with inflationary cost increases, and begin to

address the investment gap in airport safety and capacity needs. Ready-to-go AIP projects that would be funded by this bill include runway and taxiway rehabilitations, extensions, and widening; obstruction removal; apron construction, expansion and rehabilitation; Airport Rescue and Firefighting equipment and facilities; and airside service or public access roads.

For environmental infrastructure, this bill provides $6.5 billion for Clean Water State Revolving Funds, ''SRFs''. Under this administration, funding for the Clean Water SRF program has been cut repeatedly and funding is now one-half of it what it was a decade ago, despite the fact that the needs continue to grow. These cuts have created pent-up demand in the States for project funding. In addition, wastewater treatment facilities must meet new treatment requirements, including requirements to control nutrients, sewer overflows, stormwater, and nonpoint sources. Aging infrastructure must be replaced or repaired. Additional funds could be put to immediate use in many States, creating family-wage construction jobs and economic activity. A recent survey by the Council of Infrastructure Financing Authorities and the Association of State and Interstate Water Pollution Control Administrators identified more than $9 billion in ready-to-go Clean Water SRF projects that cannot be funded within existing appropriation levels.

For the U.S. Army Corps of Engineers, the bill provides $5 billion to invest in the Nation's water resource infrastructure. This investment will provide jobs, help American products compete on the world market, reduce the risk that larger sums for disaster relief will be needed in the future, and restore precious ecosystems. For example, the infusion of additional construction capital could be used for the construction of the second 1,200-foot lock at Saulte Ste. Marie. If the second lock were completed, then the incident that occurred earlier this week would not shut down traffic between the Upper and Lower Great Lakes because there would be a second point of transit. The existing Poe lock, that failed, is the only 1,200-foot lock between the Upper and Lower Lakes.

Finally, I thank Speaker PELOSI, Chairman OBEY, Chairman of the Committee on Appropriations, and Chairman OLVER, Chairman of the Subcommittee on Transportation, Housing and Urban Development, and Independent Agencies, for working with me throughout the development of this job creation package.

Throughout our Nation's history, economic growth, prosperity, and opportunity have followed investments in the Nation's infrastructure. From the ''internal improvements'' of the early 1800s—canals, locks, and roads—to the Interstate Highway System of today, infrastructure investment has been our foundation for economic growth. The investments funded by H.R. 7110 will not only create jobs today, they will provide long-term economic, safety, health, and environmental benefits.

I strongly urge my colleagues to join me in supporting H.R. 7110, a true investment in America's future.

I insert in the RECORD the results of a survey conducted by the American Association of State Highway and Transportation officials of ready-to-go highway and bridge projects in each State.

RESULTS OF AASHTO SURVEY OF READY-TO-GO HIGHWAY & BRIDGE PROJECTS

[With 47 State DOTs Reporting]

State	Number of Projects	Dollar Value (in millions)
Alabama	128	$671.1
Alaska	7	92.6
Arizona	39	790.0
Arkansas	107	728.3
California	28	800.0
Colorado	52	395.1
Connecticut	20	728.5
DC	1	50.0
Delaware		
Florida	5	675.0
Georgia	32	397.3
Hawaii	6	42.0
Idaho	11	174.8
Illinois	212	831.4
Indiana		
Iowa	40	152.0
Kansas	126	68.0
Kentucky	4	200.0
Louisiana	208	351.4
Maine	15	94.1
Maryland	32	94.6
Massachusetts	59	181.5
Michigan	43	257.0
Minnesota	30	217.8
Mississippi	33	176.2
Missouri	127	546.6
Montana	70	116.0
Nebraska	5	20.0
Nevada	4	120.0
New Hampshire	11	81.3
New Jersey	7	50.8
New Mexico	77	1,400.0
New York	40	200.0
North Carolina	44	231.4
North Dakota	90	71.0
Ohio	114	299.3
Oklahoma	73	146.4
Oregon	50	251.2
Pennsylvania	524	1,300.0
Rhode Island	41	102.0
South Carolina	58	510.0
South Dakota	142	181.0
Tennessee	74	184.1
Texas	44	1,800.0
Utah	84	425.1
Vermont	11	62.6
Virginia	1	101.9
Washington.		
West Virginia	67	1,200.0
Wisconsin	20	35.0
Wyoming	55	287.2
Total	3071	17,891.6

□ 1800

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not intend to take very much time, but I do want to take just a moment to express to the Members that which I have expressed to my chairman in many a forum.

This Member has been very, very concerned about the way the appropriations process has been working during this Congress, concerned enough to think that we could very well be on the pathway to destroy the Appropriations Committee, which has historically been the rock of this place in terms of accomplishing real work.

I certainly don't point to my chairman in terms of these concerns directly. We have very, very fine members with great experience and talent on each of our subcommittees. On both sides we have fabulous staff people who make a great contribution to this entire arena. But over this last year or year-and-a-half, those people have been heard all too seldom. Indeed, while our staffs do work together weekend after weekend, in turn they know full well we are not producing the product we could if we had a fully-developed bipartisan discussion in every one of these very important subcommittees.

It is with that concern that I rise to suggest to the Members, it is long past due that we change the pattern by way of which we are carrying forward our appropriations business.

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

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

Mr. Speaker, I hate to keep going over old ground, but in light of the gentleman's comments, I would like to present a slightly different interpretation of where we are.

The fact is that we have passed out of this body and we expect to have sent to the President this weekend the three foreign policy appropriation bills for the year, representing well over 60 percent of the discretionary funding in the budget. We have not sent him any of the domestic appropriations bills for one simple reason, because the White House declared them dead on arrival before they had ever been written.

The White House simply made quite clear that if we did not submit to their budget wishes and cut $14 billion out of education, out of health care, out of science, out of energy research and the like, if we didn't do that they would veto the bills. When we asked if they would sit down and talk about it and consider compromise, they indicated they had no interest.

It is clear to us that the President means what he says. He often does. So under those circumstances, we had a choice. We could either capitulate to the President's requirements that we cut everything from medical research at NIH to vocational education and the like, or we could say no, we are not going to accept those reductions; we will try to appeal to the public and let them choose.

So the public will choose by their selection of either Mr. OBAMA or Mr. MCCAIN. I am sorry, it has been a long day. The fellow from Arizona. Anyway, the public will choose one or the other. And if they choose Mr. MCCAIN, then they will get President Bush's domestic budget, and if they choose Mr. OBAMA, they will get something quite different.

So I think there is a very rational reason for our making this choice. The only other option would have been for us to scream at each other and argue with each other for 6 months, knowing that the bills were going nowhere because of the President's intent to veto the bills.

That, in essence, is why we find ourselves where we are on those domestic appropriation bills.

But this bill is a different issue. This bill relates not to yesterday's arguments, but to today's problems and tomorrow's solutions. What this bill represents is an effort to respond to the economic chaos that we have seen in this country for the past 8 months or more. It represents an effort. At a time when people are talking about doing a huge bailout for the financial system, we are trying to find discrete ways of making life a little less miserable for people who have been hit hard by the

consequences of the economic chaos that has swept over the country.

So we make no apology. In a year when we have lost 600,000 jobs, we make no apology for trying to help resurrect the possibility for some more good-paying jobs by adding to construction, to our infrastructure by way of airport and highway and transit development, by doing additional energy research, by doing additional cleanup of sewer and water, again, construction jobs that will mean a good many families will be seeing decent income again where they were not before. That is what this bill tries to do.

It is in fact a very modest proposal in terms of what most economists think will be necessary, but it is a whole lot better than doing nothing.

FDR warned a long time ago, he said, ''Better the occasional mistake of a government that cares than the constant omission of a government frozen in the ice of its own indifference.'' And that I think is the choice that faces us today.

As Franklin Roosevelt said a long time ago in his inaugural address, ''This country needs action; it needs action now.'' We are trying in a small way to provide that, along with the two other pieces that are now before this Congress, one being the continuing resolution, and the second being the disposition of the huge economy rescue project that the President has proposed. This is a key element in those efforts.

Mr. INSLEE. Mr. Speaker, I rise today to support an economic stimulus package that will create American jobs in a growing clean energy economy. Thanks to the advocacy of Majority Leader STENY HOYER and Chairman JOHN DINGELL, Congress authorized an advanced battery loan guarantee program for advanced vehicle batteries and systems—key components to fuel efficient cars—in the United States. I also want to thank my good friends Representatives STEVE ISRAEL and TIM RYAN for engaging in the effort to push this program and others like Speaker NANCY PELOSI, Chairman DAVE OBEY and RAHM EMANUEL for their support in moving forward. Also integral in this achievement are hard-working staff.

As many Americans know, a healthy automobile industry is as American as apple pie. In the transition to a clean energy economy, batteries and advanced electric systems are the key to our future success in this area. Once cars are electrified, batteries will be equivalent to up to 50 percent the total cost of the car. At this time, all of the domestic auto manufacturers plan to purchase batteries that have been produced offshore for their new efficient electric vehicles. However, today, the House will provide funding for a $3.3 billion in loan guarantee program for the domestic construction of facilities that will manufacture advanced vehicle batteries and battery systems. This will enable an American industry to remain competitive in producing advanced lithium ion batteries, hybrid electrical systems, components and software designs.

Loan guarantees provided in this bill will enable several domestic advanced battery manufacturers and advanced vehicle systems companies to grow in a global marketplace. Such companies could include AFS Trinity, of Medina, WA, Enerdel of Indianapolis, IN, Altairnano Battery of Reno, NV, Firefly of Peoria, IL and International Battery of Allentown, PA. There are others that have also developed technology here and we hope that this provision will encourage those companies to open facilities in the United States.

Absent this program, we risk losing the advanced battery industry to Asia when there is no technological reason that America cannot compete in this technology. With this program, we will ensure that America retains green collar jobs in an important industry. We also ensure our companies grow in a global marketplace. I urge my colleagues to support this bill and fund this program.

Mr. HOYER. Mr. Speaker, you only need to open a newspaper or turn on a TV to see the case for this economic recovery package made far more eloquently than I can make it.

The financial crisis we are facing would have repercussions far beyond Wall Street—it could endanger the economic security of millions. Crisis or not, we are facing an economic downturn that is very real, one that speaks poorly of the President's economic stewardship. This year, America has lost jobs every single month—a total of 605,000 this year. More than a million American families have been foreclosed on, and the housing market has taken its worst dive since the Great Depression. Household income is down under President Bush. 5.7 million more Americans are living in poverty since he took office. And today, 46 million of our fellow Americans are without health insurance.

All of those facts call out, urgently, for this recovery package.

This bill provides immediate assistance to those who are suffering through an economic storm not of their making. And, just as importantly, it gives that assistance in a way that stimulates the economy as a whole. It has five key provisions.

First, it supports efforts to renew America's outdated, worn-down infrastructure—the roads, bridges, pipes, and tracks that are the foundation of our economy. Infrastructure projects are surefire job-creators. And we cannot expect to be a prosperous nation when more than 150,000 of our bridges are in as dangerous a shape as the bridge that collapsed in Minneapolis last year, and when some of our cities depend on century-old water systems. Past infrastructure investments—from canals to electrification to interstate highways—have brought significant economic growth in their wake.

Second, this bill makes a serious investment in several renewable energy and energy independence programs. I am particularly glad that it includes funding for the advanced battery loan guarantee program authorized by last year's energy bill. The program will provide assistance in the construction of domestic facilities to manufacture advanced lithium-ion battery systems, one of the energy innovations we are counting on to break our dependence on foreign oil and revitalize American industry. I was proud to write that provision with Mr. DINGELL, and Mr. INSLEE's support has been instrumental in making it a priority.

Third, this bill adds resources to the Federal Medical Assistance Program, sending aid to states forced to cut back vital services in this time of shortfall. Surely, even in these hard times, we can set aside money to care for the poor and the sick.

Fourth, this bill includes a temporary increase in food stamp benefits. Food stamps can barely buy a month's food for families in normal times. With the recent spike in food prices, we need an increase in assistance to match. Moreover, economists find that food stamps are one of the best kinds of economic stimulus, injecting money right back into local communities.

Fifth and finally, the recovery package will extend unemployment benefits for seven weeks, or 13 weeks in the hardest-hit states. Like food stamps, unemployment benefits assist families while directly stimulating local economies. And if we do not act, nearly 800,000 workers who had their unemployment benefits extended in July will find themselves out of luck in a week and a half—dumped into the midst of a brewing economic crisis.

Mr. Speaker, the state of our economy demands a comprehensive response. It should include a 21st-century energy policy, sound regulations to protect investors and taxpayers, and the financial rescue we hope to bring to the floor soon. But right now, for the people of our districts, this bill is the single most meaningful thing we can do. I urge my colleagues to pass it.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of this economic recovery package as a $63 billion shot in the arm for an economy that clearly needs it. As we debate the President's $700 billion bailout plan for Wall Street, we must never forget the struggle on Main Street caused by eight years of failed economic policies.

This legislation will grow our economy and create jobs by investing $34 billion in needed infrastructure improvements for our roads, bridges, water resources, schools, public transit, airports and housing. It provides $1.6 billion to accelerate advanced battery, renewable energy and energy efficiency technologies. And it offers a helping hand to our neighbors in need by extending unemployment benefits for an additional seven weeks, increasing food stamp support by $2.6 billion, bolstering our job training efforts by $500 million, and temporarily enhancing the federal match to state Medicaid programs in order to protect health care for our most vulnerable citizens.

Mr. Speaker, with the President warning of ''financial panic'' and 605,000 American jobs already lost this year, this proactive effort to support our struggling economy is a modest, but important step. I urge my colleagues' support.

Mr. KENNEDY. Mr. Speaker, while Wall street teeters on the edge of collapse families have been in free-fall for months. As a nation, our economy is in trouble.

For the people of Rhode Island, who currently face 8.5 percent unemployment, this crisis demands immediate action. Over the past year, unemployment in the state has risen by three and a half percent.

Mr. Speaker, the economic recovery package before us today will help stem the slide of our economy into a deep recession while simultaneously making important investments in our future. My constituents in Rhode Island cannot afford another day without this critical legislation.

This bill will help get more Americans back to work right away by investing in our crumbling bridges and highways.

This bill will help local transit agencies, like those in my state, which currently face cost overruns and drastic reductions in service because of aging fleets and escalating gas prices.

This bill will make essential investments in our schools by providing funding to repair dilapidated buildings and make energy-saving renovations up front, so that less of our future education budget literally goes up in smoke.

Mr. Speaker, this legislation makes a number of other important investments, but I would like to call my colleagues attention to the help it offers to the most vulnerable among us. For Rhode Islanders and those across this country who are out of work, this bill extends unemployment benefits to keep families in their houses and to keep food on their tables.

Certainly, these are trying economic times for our country which require fundamental change. This legislation represents an important step toward policies which couple sound investment with true compassion.

For all American families struggling in these trying times, I urge my colleagues to support this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H.R. 7110, the ''Job Creation Unemployment Relief Act of 2008.'' This important legislation will help families struggling in these difficult economic times, provide critical investments in our infrastructure, and create jobs for Americans.

Right now, families in Connecticut and all across the country are facing rising energy costs, rising food prices, rising health care costs and an uncertain economic future. They are working hard but finding it increasingly difficult to make ends meet.

This bill will put Americans back to work and provide needed relief for families. It invests $500 million in job training programs and invests billions to rebuild roads, bridges, schools, and public transportation. To protect our energy future, this bill invests crucial funds in the development of renewable energy sources and energy efficient vehicles.

To address the turbulent economic times, this bill provides key investments to assist families. With 11,000 Connecticut residents facing exhaustion of their unemployment benefits in October, H.R. 7110 will provide an extension of up to 13 weeks to help those workers get back on their feet. Finally, this bill will give crucial funding to increase food assistance and will also provide a substantial increase in Medicaid funding to the states.

At this time of great economic uncertainty, the American people need to know that their representatives are looking out for the interests of Main Street, not Wall Street. This bill is an investment in our greatest resource: the American people. I again want to express my strong support for this legislation and urge its passage.

Mr. DINGELL. Mr. Speaker, I am pleased to rise today in support of a second economic stimulus package. This package comes at a time when the number of unemployed continues to rise, gas and fuel prices are continuing to fluctuate, and our financial markets are in crisis.

For many months now, Congress has witnessed our economy continue on its economic downturn. I was happy to join with my colleagues to support rebate checks for 117 million American families in the first stimulus package that Congress passed at the beginning of this year. However, I believe now, as I did then, that a one-time check does little for families who have been struggling paycheck to paycheck for months. Bolder action is needed, and I think Congress is taking an important step today to help our working families and to bolster our economy.

In my home state of Michigan we have been struggling with the highest unemployment rate in the Nation, now at 8.9 percent. Since 2000 wages have fallen in Michigan at a rate of 0.5 percent per year, healthcare premiums have risen over 42 percent, and we have lost thousands of jobs. Despite all of this tragedy, Michigan's economic plight has not received much attention. I am here today to warn my colleagues that without today's stimulus package, many other States may be joining Michigan's struggles.

Today's proposal includes a number of measures that my colleagues in the Michigan delegation have been urging our House and Senate leadership to consider.

First it includes language from my colleague Congressman JIM MCDERMOTT's legislation H.R. 6867, which extends unemployment benefits by 7 weeks in all States to a total of 20 weeks and will extend these benefits by an additional 13 weeks for States with high unemployment, like Michigan. I cosponsored this legislation because Michigan workers need these extra benefits now more than ever, and I know that this will provide them with he extra time they need to get back on their feet.

Second, this economic stimulus package provides $15 billion in relief to all States and territories through a temporary increase in Federal Medicaid funding. This money will ensure States can continue to provide healthcare to their low-income populations including children, pregnant women, individuals with disabilities, and the elderly, without cutting important benefits. It will also help prepare Medicaid for the health services it may provide to the additional workers who lose their jobs, access to private health insurance, or both.

In Michigan we have witnessed firsthand how rising healthcare costs have hamstrung our manufacturers and employers. We know now that healthcare costs more than steel in a domestic automobile, and Starbucks spends more on healthcare than coffee beans. Further, as unemployment has increased, more and more families are relying on Medicaid to receive the healthcare they so desperately need. The injection of new Federal dollars through Medicaid has a measurable effect on State economies, including generating new jobs and wages. In fact, $1 million in additional Medicaid dollars creates $3.4 million in new business activity.

As an author of legislation with a similar one-time increase in FMAP, I know very well that an increase of this nature is one of the simplest, fastest, and best ways to provide stimulus to States and I applaud our leadership for including it in today's bill.

Third, this legislation includes a temporary increase in Food Stamp benefits. We know that millions of households rely on these benefits to purchase their groceries, however, when food prices have increased by 7.5 percent, Food Stamps do not stretch as far as they once did. Today's proposal will provide $2.6 billion toward increasing Food Stamp benefits, helping thousands of families put food in the pantry and dinner on the table.

Mr. Speaker, thank you for your leadership on this issue and for standing up to this administration once again. I know that putting together today's legislation was no easy task. However, our families desperately need the Federal Government to help provide them with relief and reassurance that we hear and understand their struggles. I am pleased that I will be able to return home to the 15th Congressional District and tell my constituents about the $25 billion in loans to auto makers the Michigan delegation was able to secure and a second economic stimulus package that Congress was hopefully able to pass and the President signed into law. I know that these actions will not go unnoticed, and as their Federal representative it is my duty to do whatever I can to help them through this tough time. I urge my colleagues to rise in support of today's package, a ''no'' vote on this legislation or a veto by the President's pen is no way to help our families in need.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 7110, the Job Creation and Unemployment Relief Act of 2008. Within this legislation are several provisions relating to Federal funding for Guam. As a result of the current economic situation, this is much needed legislation for all Americans.

Of particular note, H.R. 7110 would temporarily increase the cap on Medicaid payments to the territories by 4 percent for fiscal years 2009 and 2010. Although this increase represents progress toward addressing the inequity in Federal health care financing between the States and territories, I continue to work with the leadership of the House of Representatives and the Senate to also adjust the statutory-set Federal medical assistance percentages (FMAPs) for the territories which are currently set at 50 percent. Unlike the States, territories pay more to care for the medically indigent in their jurisdictions, creating a larger issue of health inequity in the country. Our local government is burdened with budget shortfalls, and in tough economic times like these we need to ensure that families under economic stress have access to health care.

Secondly are the provisions contained within this bill providing increases in food stamps and territorial highway program funding. This additional highway funding should stimulate the economies of the territories and help us to meet urgent road infrastructure projects.

I support this economic stimulus and jobs package, and I thank our leadership for their efforts on this legislation.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 7110, the Job Creation and Unemployment Relief Act, which will provide funding for job creation and preservation initiatives, infrastructure investments, and economic and energy assistance. This important measure represents our commitment to help hard-working Americans weather these turbulent economic times.

In February, Congress passed the Recovery Rebates and Economic Stimulus for the American People Act, which aimed to inject $150 billion into our economy to revitalize our markets, increase consumer confidence, and protect against recession. This legislation provided rebates to Americans that put money directly into their pockets. While this short-term recovery plan was helpful to American families, our country's economic crisis has since worsened, and additional action by Congress is necessary. In August, 84,000 Americans lost their jobs, making it the eighth straight month that our economy has seen reductions in the workforce. The number of unemployed

Americans is the highest it has been since 1992, and unemployment claims have increased by more than 38 percent this year. Sadly, in my home State of Rhode Island, the unemployment rate has risen to 8.5 percent—the second highest in the Nation. My constituents have reached out to me and the Federal Government because they need help in this struggling economy to refinance their mortgages, pay their home heating bills, secure good-paying jobs, and find affordable health care.

H.R. 7110 begins to answer their call by providing a critical and immediate boost to the many Rhode Islanders, and Americans across the Nation, who are struggling to find work. It provides 7 weeks of extended benefits for those ho have exhausted regular unemployment compensation. This is in addition to the 13-week extension passed in June of this year. Residents in high unemployment Sates, like Rhode Island, may also be eligible for an additional 13 weeks of benefits. In addition this measure provides $500 million for job training, including assistance for dislocated workers programs, youth employment activities, and customized help to those receiving unemployment benefits. This bill will give hard-working Americans another chance to continue their job search and provide for their families.

This bill also includes investments in infrastructure and renewable energy technologies that will have an immediate impact on the economy by creating jobs and meeting existing needs in our country. While Rhode Island's coastline is one of the most beautiful in the Nation, it presents our State with unique infrastructure challenges. H.R. 7110 provides $12.8 billion for highway infrastructure, which is critical to the hundreds of thousands of Rhode Islanders who rely on the safety of our State's highways and bridges. I am pleased that the bill also provides an increase in funding for the Nation's drinking water infrastructure, which has been underfunded by the Bush Administration for the past several years. Three billion dollars is also included to repair and upgrade our schools, $1 billion for repair and construction projects for public housing, and $4.6 billion to upgrade and expand public transportation.

Also included within the stimulus package is a temporary increase in the Federal Medical Assistance Percentage (FMAP) to assist State Medicaid programs. This is particularly important for Rhode Island, which is currently faced wlth a $400 million budgetary deficit fueled in part by unsustainable increases in Medicaid expenditures. These funds are designed to prevent cuts to health insurance and health care services for low-income children and families, as well as generate business activities, jobs, and wages that Rhode Island would otherwise not see.

Our country has faced economic hardships and recessions before, and I have no doubt we will weather this current downturn. However, we must provide Americans with the necessary tools to turn this economy around. I encourage my colleagues to pass this bill and give a hand up to those who are most vulnerable during these trying times.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 7110, the Job Creation and Unemployment Relief Act of 2008. This bill will give economic support to Main Streets across the Nation, providing $60.8 billion to help families who are struggling and creating jobs that can put our economy back on track.

H.R. 7110 makes strategic investments to repair our Nation's aging infrastructure, improving our communities while also creating jobs and stimulating local economies. This bill provides $12.8 billion for bridge and highway improvements that will address longstanding needs, improving safety and reducing traffic congestion. H.R. 7110 includes a $5 billion investment in the Nation's water resource infrastructure to improve flood protection and hydropower capability. In addition, this stimulus package provides $3.6 billion to expand public transportation and meet growing demand as Americans face rising fuel costs. H.R. 7110 also includes $1 billion for repair and construction of public housing projects. This kind of funding produces $2.12 in economic return for every dollar invested.

I am particularly pleased that this bill includes $3 billion for school construction and modernization funding to repair aging and unsafe schools, provide students with better technology in the classrooms, and improve energy efficiency. As the only former school superintendent serving in Congress, I am very concerned about the dire need for school infrastructure improvements, as quality education cannot take place in crumbling schools. Nearly every school district in this country has a list of repair projects that need funding, so investments in school construction and renovation can quickly make their way to the local economy, providing jobs and stimulating economic activity. Given the desperate need for school modernization and construction across the Nation, I am disappointed that H.R. 7110 does not leverage this funding through tax credits to support more activity, as in the bill that I have introduced with my friend Ways and Means Chairman CHARLIE RANGEL. I am hopeful that the House of Representatives will consider H.R. 2470, the America's Better Classrooms Act, at some future date. However, I am pleased that H.R. 7110 provides a starting point with this $3 billion investment.

As our Nation faces a struggling economy and we face the highest rate of unemployment since 1992, this bill will provide relief to struggling families across our country. This bill provides an additional 7 weeks of extended benefits for workers who have exhausted regular unemployment compensation, and an additional 13 weeks for workers in certain high-unemployment states. These are benefits that are directed to the folks who need them the most, and this funding will boost the overall economy because the dollars awarded will be spent quickly. H.R. 7110 also provides Medicaid increases that will prevent cuts to health insurance and health care services for low-income children and families; $2.6 billion to address rising food costs for seniors, people with disabilities, and low-income families; and $500 million for job training programs that will help Americans find and prepare for good jobs.

I support H.R. 7110, Job Creation and Unemployment Relief Act of 2008, and I urge my colleagues to join me in voting for its passage.

Mr. OBEY. I yield back the balance of my time.

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

Pursuant to House Resolution 1507, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 264, nays 158, not voting 12, as follows:

[Roll No. 660]

YEAS—264

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)

Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—158

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hastings (WA)
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—12

Costa
Cubin
Feeney
LaHood
Peterson (PA)
Pickering
Saxton
Thompson (MS)
Tierney
Weller
Wexler
Whitfield (KY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members should be aware that the display is inoperative. The Chair would encourage all Members to verify their votes at any of the 46 electronic voting stations.

□ 1841

Mr. EHLERS changed his vote from ''yea'' to ''nay.''

Messrs. SPRATT, HALL of Texas, BOREN, and Mrs. BONO MACK changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington DC, September 25, 2008.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 333(a)(2) of the Consolidated Natural Resources Act of 2008 (P.L. 110–229), I am pleased to appoint Dr. Aida Levitan, Ph.D. of Key Biscayne, Florida to the Commission to Study the Potential Creation of a National Museum of the American Latino.

Dr. Levitan has expressed interest in serving in this capacity and I am pleased to fulfill the request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

□ 1845

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
SEPTEMBER 25, 2008.

Hon. NANCY PELOSI,
Speaker,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 4(a) of the Commission on the Abolition of the Transatlantic Slave Trade Act (P.L. 110–183), I am pleased to appoint Mr. Eric Sheppard of Carrollton, Virginia to the Commission on the Abolition of the Trans atlantic Slave Trade.

Mr. Sheppard has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEMER,
Republican Leader.

COMMUNICATION FROM CONSTITUENT LIAISON, THE HONORABLE STENY HOYER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jamie Grove, Constituent Liaison, the Honorable Steny Hoyer, Member of Congress:

SEPTEMBER 15, 2008.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the District Court of Charles County Maryland, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JAMIE GROVE,
Constituent Liaison.

UNITED STATES-INDIA NUCLEAR COOPERATION APPROVAL AND NONPROLIFERATION ENHANCEMENT ACT

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7081) to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
TITLE I—APPROVAL OF UNITED STATES-INDIA AGREEMENT FOR COOPERATION ON PEACEFUL USES OF NUCLEAR ENERGY
Sec. 101. Approval of Agreement.
Sec. 102. Declarations of policy; certification requirement; rule of construction.
Sec. 103. Additional Protocol between India and the IAEA.
Sec. 104. Implementation of Safeguards Agreement between India and the IAEA.
Sec. 105. Modified reporting to Congress.
TITLE II—STRENGTHENING UNITED STATES NONPROLIFERATION LAW RELATING TO PEACEFUL NUCLEAR COOPERATION
Sec. 201. Procedures regarding a subsequent arrangement on reprocessing.
Sec. 202. Initiatives and negotiations relating to agreements for peaceful nuclear cooperation.
Sec. 203. Actions required for resumption of peaceful nuclear cooperation.
Sec. 204. United States Government policy at the Nuclear Suppliers Group to strengthen the international nuclear nonproliferation regime.
Sec. 205. Conforming amendments.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy'' or ''Agreement'' means the Agreement for Cooperation Between the Government of the United States of America and the Government of India

Concerning Peaceful Uses of Nuclear Energy that was transmitted to Congress by the President on September 10, 2008.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE I—APPROVAL OF UNITED STATES-INDIA AGREEMENT FOR COOPERATION ON PEACEFUL USES OF NUCLEAR ENERGY

SEC. 101. APPROVAL OF AGREEMENT.

(a) IN GENERAL.—Notwithstanding the provisions for congressional consideration and approval of a proposed agreement for cooperation in section 123 b. and d. of the Atomic Energy Act of 1954 (42 U.S.C. 2153 (b) and (d)), Congress hereby approves the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, subject to subsection (b).

(b) APPLICABILITY OF ATOMIC ENERGY ACT OF 1954, HYDE ACT, AND OTHER PROVISIONS OF LAW.—The Agreement shall be subject to the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8001 et. seq; Public Law 109–401), and any other applicable United States law as if the Agreement had been approved pursuant to the provisions for congressional consideration and approval of a proposed agreement for cooperation in section 123 b. and d. of the Atomic Energy Act of 1954.

(c) SUNSET OF EXEMPTION AUTHORITY UNDER HYDE ACT.—Section 104(f) of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8003(f)) is amended by striking ''the enactment of'' and all that follows through ''agreement'' and inserting ''the date of the enactment of the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act''.

SEC. 102. DECLARATIONS OF POLICY; CERTIFICATION REQUIREMENT; RULE OF CONSTRUCTION.

(a) DECLARATIONS OF POLICY RELATING TO MEANING AND LEGAL EFFECT OF AGREEMENT.—Congress declares that it is the understanding of the United States that the provisions of the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy have the meanings conveyed in the authoritative representations provided by the President and his representatives to the Congress and its committees prior to September 20, 2008, regarding the meaning and legal effect of the Agreement.

(b) DECLARATIONS OF POLICY RELATING TO TRANSFER OF NUCLEAR EQUIPMENT, MATERIALS, AND TECHNOLOGY TO INDIA.—Congress makes the following declarations of policy:

(1) Pursuant to section 103(a)(6) of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8002(a)(6)), in the event that nuclear transfers to India are suspended or terminated pursuant to title I of such Act (22 U.S.C. 8001 et seq.), the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other United States law, it is the policy of the United States to seek to prevent the transfer to India of nuclear equipment, materials, or technology from other participating governments in the Nuclear Suppliers Group (NSG) or from any other source.

(2) Pursuant to section 103(b)(10) of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8002(b)(10)), any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

(c) CERTIFICATION REQUIREMENT.—Before exchanging diplomatic notes pursuant to Article 16(1) of the Agreement, the President shall certify to Congress that entry into force and implementation of the Agreement pursuant to its terms is consistent with the obligation of the United States under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty''), not in any way to assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices.

(d) RULE OF CONSTRUCTION.—Nothing in the Agreement shall be construed to supersede the legal requirements of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 or the Atomic Energy Act of 1954.

SEC. 103. ADDITIONAL PROTOCOL BETWEEN INDIA AND THE IAEA.

Congress urges the Government of India to sign and adhere to an Additional Protocol with the International Atomic Energy Agency (IAEA), consistent with IAEA principles, practices, and policies, at the earliest possible date.

SEC. 104. IMPLEMENTATION OF SAFEGUARDS AGREEMENT BETWEEN INDIA AND THE IAEA.

Licenses may be issued by the Nuclear Regulatory Commission for transfers pursuant to the Agreement only after the President determines and certifies to Congress that—

(1) the Agreement Between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities, as approved by the Board of Governors of the International Atomic Energy Agency on August 1, 2008 (the ''Safeguards Agreement''), has entered into force; and

(2) the Government of India has filed a declaration of facilities pursuant to paragraph 13 of the Safeguards Agreement that is not materially inconsistent with the facilities and schedule described in paragraph 14 of the separation plan presented in the national parliament of India on May 11, 2006, taking into account the later initiation of safeguards than was anticipated in the separation plan.

SEC. 105. MODIFIED REPORTING TO CONGRESS.

(a) INFORMATION ON NUCLEAR ACTIVITIES OF INDIA.—Subsection (g)(1) of section 104 of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8003) is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B) any material inconsistencies between the content or timeliness of notifications by the Government of India pursuant to paragraph 14(a) of the Safeguards Agreement and the facilities and schedule described in paragraph (14) of the separation plan presented in the national parliament of India on May 11, 2006, taking into account the later initiation of safeguards than was anticipated in the separation plan;''.

(b) IMPLEMENTATION AND COMPLIANCE REPORT.—Subsection (g)(2) of such section is amended—

(1) in subparagraph (K)(iv), by striking ''and'' at the end;

(2) in subparagraph (L), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(M) with respect to the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy (hereinafter in this subparagraph referred to as the 'Agreement') approved under section 101(a) of the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act—

''(i) a listing of—

''(I) all provision of sensitive nuclear technology to India, and other such information as may be so designated by the United States or India under Article 1(Q); and

''(II) all facilities in India notified pursuant to Article 7(1) of the Agreement;

''(ii) a description of—

''(I) any agreed safeguards or any other form of verification for by-product material decided by mutual agreement pursuant to the terms of Article 1(A) of the Agreement;

''(II) research and development undertaken in such areas as may be agreed between the United States and India as detailed in Article 2(2)(a.) of the Agreement;

''(III) the civil nuclear cooperation activities undertaken under Article 2(2)(d.) of the Agreement;

''(IV) any United States efforts to help India develop a strategic reserve of nuclear fuel as called for in Article 2(2)(e.) of the Agreement;

''(V) any United States efforts to fulfill political commitments made in Article 5(6) of the Agreement;

''(VI) any negotiations that have occurred or are ongoing under Article 6(iii.) of the Agreement; and

''(VII) any transfers beyond the territorial jurisdiction of India pursuant to Article 7(2) of the Agreement, including a listing of the receiving country of each such transfer;

''(iii) an analysis of—

''(I) any instances in which the United States or India requested consultations arising from concerns over compliance with the provisions of Article 7(1) of the Agreement, and the results of such consultations; and

''(II) any matters not otherwise identified in this report that have become the subject of consultations pursuant to Article 13(2) of the Agreement, and a statement as to whether such matters were resolved by the end of the reporting period; and

''(iv) a statement as to whether—

''(I) any consultations are expected to occur under Article 16(5) of the Agreement; and

''(II) any enrichment is being carried out pursuant to Article 6 of the Agreement.''.

TITLE II—STRENGTHENING UNITED STATES NONPROLIFERATION LAW RELATING TO PEACEFUL NUCLEAR COOPERATION

SEC. 201. PROCEDURES REGARDING A SUBSEQUENT ARRANGEMENT ON REPROCESSING.

(a) IN GENERAL.—Notwithstanding section 131 of the Atomic Energy Act of 1954 (42 U.S.C. 2160), no proposed subsequent arrangement concerning arrangements and procedures regarding reprocessing or other alteration in form or content, as provided for in Article 6 of the Agreement, shall take effect until the requirements specified in subsection (b) are met.

(b) REQUIREMENTS.—The requirements referred to in subsection (a) are the following:

(1) The President transmits to the appropriate congressional committees a report containing—

(A) the reasons for entering into such proposed subsequent arrangement;

(B) a detailed description, including the text, of such proposed subsequent arrangement; and

(C) a certification that the United States will pursue efforts to ensure that any other nation that permits India to reprocess or otherwise alter in form or content nuclear material that the nation has transferred to

India or nuclear material and by-product material used in or produced through the use of nuclear material, non-nuclear material, or equipment that it has transferred to India requires India to do so under similar arrangements and procedures.

(2) A period of 30 days of continuous session (as defined by section 130 g.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2159 (g)(2)) has elapsed after transmittal of the report required under paragraph (1).

(c) RESOLUTION OF DISAPPROVAL.—Notwithstanding the requirements in subsection (b) having been met, a subsequent arrangement referred to in subsection (a) shall not become effective if during the time specified in subsection (b)(2), Congress adopts, and there is enacted, a joint resolution stating in substance that Congress does not favor such subsequent arrangement. Any such resolution shall be considered pursuant to the procedures set forth in section 130 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2159 (i)), as amended by section 205 of this Act.

SEC. 202. INITIATIVES AND NEGOTIATIONS RELATING TO AGREEMENTS FOR PEACEFUL NUCLEAR COOPERATION.

Section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) is amended by adding at the end the following:

''e. The President shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed of any initiative or negotiations relating to a new or amended agreement for peaceful nuclear cooperation pursuant to this section (except an agreement arranged pursuant to section 91 c., 144 b., 144 c., or 144 d., or an amendment thereto).''.

SEC. 203. ACTIONS REQUIRED FOR RESUMPTION OF PEACEFUL NUCLEAR COOPERATION.

Section 129 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2158 (a)) is amended by striking ''Congress adopts a concurrent resolution'' and inserting ''Congress adopts, and there is enacted, a joint resolution''.

SEC. 204. UNITED STATES GOVERNMENT POLICY AT THE NUCLEAR SUPPLIERS GROUP TO STRENGTHEN THE INTERNATIONAL NUCLEAR NONPROLIFERATION REGIME.

(a) CERTIFICATION.—Before exchanging diplomatic notes pursuant to Article 16(1) of the Agreement, the President shall certify to the appropriate congressional committees that it is the policy of the United States to work with members of the Nuclear Suppliers Group (NSG), individually and collectively, to agree to further restrict the transfers of equipment and technology related to the enrichment of uranium and reprocessing of spent nuclear fuel.

(b) PEACEFUL USE ASSURANCES FOR CERTAIN BY-PRODUCT MATERIAL.—The President shall seek to achieve, by the earliest possible date, either within the NSG or with relevant NSG Participating Governments, the adoption of principles, reporting, and exchanges of information as may be appropriate to assure peaceful use and accounting of by-product material in a manner that is substantially equivalent to the relevant provisions of the Agreement.

(c) REPORT.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President shall transmit to the appropriate congressional committees a report on efforts by the United States pursuant to subsections (a) and (b).

(2) TERMINATION.—The requirement to transmit the report under paragraph (1) terminates on the date on which the President transmits a report pursuant to such paragraph stating that the objectives in subsections (a) and (b) have been achieved.

SEC. 205. CONFORMING AMENDMENTS.

Section 130 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2159 (i)) is amended—

(1) in paragraph (1), by striking ''means a joint resolution'' and all that follows through '', with the date'' and inserting the following: ''means—

''(A) for an agreement for cooperation pursuant to section 123 of this Act, a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress (does or does not) favor the proposed agreement for cooperation transmitted to the Congress by the President on _____ .',

''(B) for a determination under section 129 of this Act, a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress does not favor the determination transmitted to the Congress by the President on _____ .', or

''(C) for a subsequent arrangement under section 201 of the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act, a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress does not favor the subsequent arrangement to the Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy that was transmitted to Congress by the President on September 10, 2008.',

with the date''; and

(2) in paragraph (4)—

(A) by inserting after ''45 days after its introduction'' the following ''(or in the case of a joint resolution related to a subsequent arrangement under section 201 of the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act, 15 days after its introduction)''; and

(B) by inserting after ''45-day period'' the following: ''(or in the case of a joint resolution related to a subsequent arrangement under section 201 of the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act, 15-day period)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

Mr. MARKEY. Mr. Speaker, I rise to claim the time in opposition to the bill as I am, in fact, opposed to the bill.

The SPEAKER pro tempore. Is the gentlewoman from Florida opposed to the motion?

Ms. ROS-LEHTINEN. I am not, Mr. Speaker.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XV, the gentleman from Massachusetts will be recognized for 20 minutes in opposition.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the ranking member of the House Foreign Affairs Committee, Ms. ROS-LEHTINEN, be given 10 minutes, one-half of my time, to be put under her control.

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself no more than 5 minutes.

I am a strong advocate of closer U.S.-India ties, including peaceful nuclear cooperation. I voted for the Hyde Act, which established a framework for such cooperation today. The bill before us today will approve the U.S.-India Agreement for Peaceful Nuclear Cooperation.

Under the Hyde Act of 2 years ago, Congress was to have 30 days to review the agreement before beginning the consideration of a privileged resolution of approval. Instead, the agreement is now before us in the waning days before adjournment. We can approve the agreement now with the oversight safeguards built into this bill or we can wait until the next Congress and start over, but if we wait, however, we will likely only vote on a simple resolution of approval without any of these oversight improvements.

On balance, integrating India into a global nonproliferation regime is a positive step. Before anyone gets too sanctimonious about India's nuclear weapons program, we should acknowledge that the five recognized nuclear weapons states have not done nearly enough to fulfill their commitments under the Nuclear Nonproliferation Treaty, including making serious reductions in their own arsenals, nor in the case of the United States in ratifying the Comprehensive Test Ban Treaty.

Having said that, I continue to have concerns about ambiguities in the agreement, and I, therefore, will insert several documents in the RECORD to clarify the meaning of these and other important issues. It is my view that these documents constitute key and dispositive parts of the authoritative representations described in section 102 of this bill.

DEPARTMENT OF STATE,
Washington, DC, Jan 16, 2008.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR CHAIRMAN LANTOS: I am writing in response to your letter of October 5, 2007, concerning Congressional review of the recently-initialed U.S.-India Agreement for peaceful nuclear cooperation (the ''123'' agreement).

The Department welcomes the opportunity to answer any questions that members of the Foreign Affairs Committee may have concerning the agreement. To that end, please find enclosed the Department's responses to the 45 Questions for the Record that you submitted with your letter.

Thank you for raising your concerns, as well as those of the other members of your committee, on this important issue. Thank you also for your personal interest in, and support of, the overall Civil Nuclear Cooperation Initiative. We look forward to working with you to secure passage of the

123 Agreement when it is submitted to Congress.

Sincerely,

JEFFREY T. BERGNER,
Assistant Secretary,
Legislative Affairs.

Enclosure. As stated.

QUESTIONS FOR THE RECORD SUBMITTED TO ASSISTANT SECRETARY BERGNER

Question 1: What is the Administration's expectation regarding the likely economic benefits of this partnership, including India's purchase of U.S. nuclear fuel, reactors, and technology?

Answer. We are confident that this initiative will yield important economic benefits to the private sector in the United States. India currently has 15 operating thermal power reactors with seven under construction, but it intends to increase this number significantly. Meeting this ramp-up in demand for civil nuclear reactors, technology, fuel, and support services holds the promise of opening new markets for the United States. Indian officials indicate they plan to import at least eight 1000-megawatt power reactors by 2012, as well as additional reactors in the years ahead. Studies suggest that if American vendors win just two of these reactor contracts, it could add 3,000–5,000 new direct jobs and 10,000–15,000 indirect jobs in the United States. The Indian government has conveyed to us its commitment to enable full U.S. participation in India's civil nuclear growth and modernization. At least 15 nuclear-related U.S. firms, including General Electric and Westinghouse, participated in a business delegation led by the Commerce Department in December 2006.

In addition, participation in India's market will help make the American nuclear power industry globally competitive, thereby benefiting our own domestic nuclear power sector. This initiative will permit U.S. companies to enter the lucrative and growing Indian market—something they are currently prohibited from doing. In addition, access to Indian nuclear infrastructure will allow U.S. companies to build reactors more competitively here and in the rest of the world—not just India.

Question 2: What scientific and technical benefits does the U.S. expect as a result of this agreement?

Answer. A successfully implemented civil nuclear cooperation initiative with India will allow scientists from both our nations to work together in making nuclear energy safer, less expensive, more proliferation-resistant, and more efficient. Newly forged partnerships in this area may also facilitate scientific advancement in the many facets of nuclear energy technology. Indian involvement in international fora such as the International Thermonuclear Experimental Reactor and the Generation-IV Forum can expand the potential for innovation in the future of nuclear energy, as well as the stake of emerging countries in developing cheaper sources of energy.

In addition, we could choose to allow India to participate in the future in the Department of Energy's Global Nuclear Energy Partnership and collaborate with other countries with advanced nuclear technology in developing new proliferation-resistant nuclear technology. Such interaction could only be contemplated subsequent to the completion of the civil nuclear cooperation initiative.

Question 3: Does the Administration believe that the nuclear cooperation agreement with India overrides the Hyde Act regarding any apparent conflicts, discrepancies, or inconsistencies? Does this include provisions in the Hyde Act which do not appear in the nuclear cooperation agreement?

Answer. In his September 19 statement, Assistant Secretary Boucher twice made clear that ''we think [the proposed 123 Agreement with India] is in full conformity with the Hyde Act.'' Indeed, the Administration is confident that the proposed agreement is consistent with the legal requirements of both the Hyde Act and the Atomic Energy Act. The proposed agreement satisfies the particular requirements of Section 123 of the Atomic Energy Act with the exception of the requirement for full-scope safeguards, which the President is expected to exempt prior to the submission of the agreement to Congress for its approval, as provided for in section 104 of the Hyde Act. The agreement is also fully consistent with the legal requirements of the Hyde Act.

Question 4: Why are dual-use items for use in sensitive nuclear facilities mentioned in the proposed U.S.-Indian nuclear cooperation agreement, when such items are not transferred pursuant to an agreement for cooperation?

Answer. The Agreement provides for such transfers, consistent with the ''full'' cooperation envisaged by the July 18, 2005 Joint Statement. Article 5(2) of the 123 Agreement provides for such transfers by the Parties, however, only ''subject to their respective applicable laws, regulations and license policies.'' It is not unusual for U.S. agreements for peaceful nuclear cooperation to provide for transfers of items that would in fact be transferred outside the agreement, if they are to be transferred at all. For example, many U.S. agreements, including the proposed U.S.-India Agreement, cover transfers of ''components'' and ''information,'' even though such transfers would normally take place outside the agreement. Most importantly, it should be noted that while the proposed U.S.-India Agreement provides for transfer of the items in question, as a framework agreement it does not compel any such transfers; and as a matter of policy the United States does not transfer dual-use items for use in sensitive nuclear facilities.

Question 5: Is it the intention of the U.S. government to assist India in the design, construction, or operation of sensitive nuclear technologies through the transfer of dual-use items outside the agreement? If so, how is this consistent with long-standing U.S. policy to discourage the spread of sensitive nuclear technology and with Section 103(a)(5) of the Hyde Act? Has the U.S. transferred such dual-use items to sensitive nuclear facilities in other cooperating parties and, if so, to which countries?

Answer. Consistent with standing U.S. policy, the U.S. government will not assist India in the design, construction, or operation of sensitive nuclear technologies through the transfer of dual-use items, whether under the Agreement or outside the Agreement. The United States rarely transfers dual-use items for sensitive nuclear activities to any cooperating party and no such transfers are currently pending.

Question 6. Does the Administration have any plan or intention to negotiate an amendment to the proposed U.S.-India agreement to transfer to India sensitive nuclear facilities or critical components of such facilities? If so, how would such transfers be consistent with the above-cited provision of the Hyde Act and the long-standing U.S. policy to discourage the spread of such technologies?

Answer. The Administration does not plan to negotiate an amendment to the proposed U.S.-India Agreement to transfer to India sensitive nuclear facilities or critical components of such facilities.

Question 7. Is it the intention of the Administration to transfer or allow the transfer of sensitive nuclear technology outside of the U.S.-India nuclear cooperation agreement? If so, how would such transfers be consistent with the Hyde Act and the long-standing U.S. policy to discourage the spread of such technologies?

Answer. Although the Hyde Act allows for transfers of sensitive nuclear technology under certain circumstances, it is not the intention of the Administration to transfer or allow the transfer of sensitive nuclear technology to India outside the U.S.-India Agreement for peaceful nuclear cooperation.

Question 8. What is the State Department's position regarding the manner by which an amendment to the proposed U.S.-India nuclear cooperation agreement would be submitted to the Congress? Because it would be an amendment to an exempted agreement, does the Administration agree that it would require a Joint Resolution of Approval before entering into force?

We would look at any future amendment on a case-by-case basis. Regarding the specific example discussed in the question, the Administration has no plan or intention to negotiate an amendment to the proposed U.S.-India agreement to transfer to India sensitive nuclear facilities or critical components of such facilities.

Question 9: Would the U.S. limit any transfer of dual-use technology to India's enrichment and reprocessing facilities to those that were participants in a bilateral or multinational program to develop proliferation-resistant fuel cycle technologies?

Answer. As previously stated, it is not the intention of the U.S. government to assist India in the design, construction, or operation of sensitive nuclear technologies through the transfer of dual-use items, whether under the Agreement or outside the Agreement. India does not have any facilities that participate in a bilateral or multinational program to develop proliferation-resistant fuel cycle technologies. If India were to develop such facilities, potential dual-use transfers could be considered only under the exceptions granted in the Hyde Act.

Question 10. Why does Paragraph 4 of Article 10 of the U.S.-India agreement rely on an IAEA decision regarding the impossibility of applying safeguards rather than either party's judgment that the Agency is not or will not be applying safeguards? Would this permit a situation to arise in which there were a period of time during which safeguards might not be applied but the IAEA had not reached a conclusion that the application of safeguards was no longer possible?

Answer. Paragraph 4 of Article 10 addresses one situation—the same situation as is addressed in paragraph 4(a) of the Nuclear Suppliers Group Guidelines—in which fall-back safeguards would be required because the International Atomic Energy Agency has decided that the application of Agency safeguards is no longer possible. It does not, however, constitute the fundamental basis provided by the Agreement for the application, if needed, of fall-back safeguards. That basis is provided by Paragraph 1 of Article 10 which states categorically that ''[s]afeguards will be maintained with respect to all nuclear materials and equipment transferred pursuant to this Agreement, and with respect to all special fissionable material used in or produced through the use of such nuclear materials and equipment, so long as the material or equipment remains under the jurisdiction or control of the cooperating Party.''

This guarantee follows the formula prescribed by section 123(a)(1) of the U.S. Atomic Energy Act of 1954, as amended. Taken together with paragraph 3 of Article 16 of the Agreement, it provides that safeguards in some form—International Atomic Energy Agency or other—must always be maintained with respect to all nuclear items in

India subject to the Agreement so long as they remain under the jurisdiction or control of India irrespective of the duration of other provisions in the Agreement or whether the Agreement is terminated or suspended for any reason, precisely as section 123(a)(a) of the Atomic Energy Act requires.

Regarding the second part of the question, for the reasons just given, Paragraph 1 of Article 10 precludes there arising such a situation.

Question 11: Why does the provision not call for rectifying measures, as in the Japan agreement? Why does it not call for the parties to immediately enter into arrangements which conform to safeguards principles and procedures of the Agency?

Answer. Different approaches to fall-back safeguards are possible, consistent with the requirement of section 123(a)(1) of the Atomic Energy Act. If for some reason International Atomic Energy Agency safeguards fail to be applied to nuclear items in India subject to the U.S.-India Agreement, the Parties of necessity must enter into arrangements for alternative measures to fulfill the requirement of paragraph 1 of Article 10.

Question 12. Have ''appropriate verification measures'' been discussed, defined, or otherwise outlined with Indian officials? If Indian officials have shared their views on appropriate verification measures, what are those views? Do U.S. and Indian views diverge and if so, how?

Answer. The United States has not discussed in detail with India what form ''appropriate verification measures'' might take if the International Atomic Energy Agency decides that it is no longer possible for it to apply safeguards as provided for by paragraph 2 of Article 10 of the U.S.-India Agreement. The United States has expressed its view to India that acceptable alternative measures in that case might range from an alternative safeguards arrangement with the International Atomic Energy Agency, to some other form of international verification. The Government of India has expressed its view that for purposes of implementing the U.S.-India Agreement, Agency safeguards can and should be regarded as being ''in perpetuity.'' At the same time it fully appreciates that paragraph 1 of Article 10 of the Agreement does not limit the safeguards required by the Agreement to Agency safeguards.

Question 13: In the U.S. view, how would potential appropriate verification measures provide effectiveness and coverage equivalent to that intended to be provided by safeguards in paragraph 1 of Article 10?

Answer. The ''appropriate verification measures'' referred to in paragraph 4 of Article 10 would be an alternative to International Atomic Energy Agency safeguards applied pursuant to the India-Agency safeguards agreement referenced in paragraph 2 of Article 10, the implementation of which in the normal course of events would satisfy the safeguards requirement of paragraph 1 of Article 10 with respect to India. If it were no longer possible for the Agency to apply safeguards to nuclear items subject to the U.S.-India Agreement in India, alternative verification measures agreed by the Parties would need to be carried out on some other international basis to maintain continuity of safeguards as required by paragraph 1 of Article 10. The United States would expect such measures to provide effectiveness and coverage equivalent to that intended to be provided by the India-Agency safeguards agreement referenced in paragraph 2 of Article 10, albeit without a necessary role for the International Atomic Energy Agency in their application.

Question 14. Which of the commitments that the United States made in Article 5 are of a binding legal character? Does the Indian Government agree?

Answer. The question quotes paragraph 6 of article 5, which contains certain fuel supply assurances that were repeated verbatim from the March 2006 separation plan. These are important Presidential commitments that the U.S. intends to uphold, consistent with U.S. law.

Question 15. What is the definition of ''disruption of supply'' as used in Article 5? Do the U.S. and Indian governments agree on this definition?

Answer. It is the understanding of the United States that the use of the phrase ''disruption of fuel supplies'' in Article 5.6 of the 123 Agreement is meant to refer to disruptions in supply to India that may result through no fault of its own. Examples of such a disruption include (but are not limited to): a trade war resulting in the cut-off of supply; market disruptions in the global supply of fuel; and the potential failure of an American company to fulfill any fuel supply contracts it may have signed with India. We believe the Indian government shares our understanding of this provision.

Question 16. Would any of these commitments continue to apply if India detonated a nuclear explosive device? If so, under what circumstances?

Answer. As outlined in Article 14 of the 123 Agreement, should India detonate a nuclear explosive device, the United States has the right to cease all nuclear cooperation with India immediately, including the supply of fuel, as well as to request the return of any items transferred from the United States, including fresh fuel. In addition, the United States has the right to terminate the agreement on one year's written notice. (Notice of termination has to precede cessation of cooperation pursuant to Article 14). In case of termination, the commitments in Article 5.6 would no longer apply.

Question 17. Do the assurances in Article 5 require the United States to assist India in finding foreign sources of nuclear fuel in the event that the United States ceases nuclear cooperation with India?

Answer. Ceasing nuclear cooperation with India would be a serious step. The United States would not take such a serious step without careful consideration of the circumstances necessitating such action and the effects and impacts it would entail. Such circumstances would include, for example, detonation of a nuclear weapon, material violation of the 123 Agreement, or termination, abrogation, or material violation of International Atomic Energy Agency safeguards. The provisions in article 14 on termination of the agreement and cessation of cooperation would be available in such circumstances, and their exercise would render article 5.6 inapplicable. Moreover, such circumstances would likely be inconsistent with the political underpinnings of the U.S.-India Initiative upon which the commitments in article 5.6 were based.

Question 18. How is this fuel supply assurance consistent with Section 103(a)(6) of the Hyde Act which states that it is U.S. policy to: ''Seek to prevent the transfer to any country of nuclear equipment, materials, or technology from other participating governments in the Nuclear Suppliers Group or from any other source if nuclear transfers to that country are suspended or terminated pursuant to this title, the Atomic Energy Act, or any other United States law''?

Answer. There is no inconsistency between the fuel supply assurances contained in Article 5 of the U.S.-India Agreement and section 103(a)(6) of the Hyde Act. Paragraph 6 of Article 5 of the U.S.-India Agreement records assurances given by the United States to India in March 2006. In particular, the United States conveyed its commitment ''. . . to work with friends and allies to adjust the practices of the Nuclear Suppliers Group to create the necessary conditions for India to obtain full access to the international fuel market, including reliable, uninterrupted and continual access to fuel supplies from firms in several nations,'' and ''[i]f despite these arrangements a disruption of fuel supplies to India occurs, the United States and India would jointly convene a group of friendly countries . . . to pursue such measures as would restore fuel supply to India.''

These fuel supply assurances are intended to guard against disruptions of fuel supply to India that might occur through no fault of India's own. Instances of such a disruption might include, for example, a trade war resulting in the cut-off of supply, market disruptions in the global supply of fuel, or the failure of a company to fulfill a fuel supply contract it may have signed with India. In such circumstances the United States would be prepared to encourage transfers of nuclear fuel to India by other Nuclear Suppliers Group members.

The fuel supply assurances are not, however, meant to insulate India against the consequences of a nuclear explosive test or a violation of nonproliferation commitments. The language of Article 5.6(b), particularly in the context of Article 14, does not provide for any such insulation.

Question 19. How are these provisions regarding a life-time strategic reserve for the operating life of India's safeguarded reactors consistent with subparagraph (10) of paragraph (a) of Section 103 of the Hyde Act, which states that: ''Any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable operating requirements?''

Answer. We do not read these provisions to be inconsistent. The parameters of the proposed ''strategic reserve'' and of India's capacity to acquire nuclear fuel for its reactors will be developed over time. Thus, it is premature to conclude that the strategic reserve will develop in a manner inconsistent with the Hyde Act.

Question 20. Do the U.S. and India agree on the definition of reasonable reactor operating requirements for Indian reactors? If yes, what is it? If not, how do they disagree? Does the U.S. have an assessment of how much nuclear material would be required for a life-time strategic reserve for each safeguarded Indian power reactor that could receive fuel pursuant to the proposed agreement?

Answer. The U.S.-India Agreement does not define ''reasonable operating requirements,'' and the two governments have not discussed a definition. Any definition would have to take into account among other things the physical characteristics of the reactors, their expected operating cycles, their expected time in service, the likelihood of fuel supply disruptions over decades of operation, and many similar factors that are difficult to quantify in the abstract. We would expect that the actual amount of fuel put in the reserve would depend not only on the factors just mentioned, but also on such factors as availability of fuel in the market, price, Indian storage capacity, costs of storage, and similar practical considerations. The Agreement itself establishes neither a minimum nor a maximum quantity of nuclear material to be placed in India's reserve.

Question 21. How are these assurances consistent with subparagraph (6) of paragraph (a) of Section 103 of the Hyde Act which states that it is U.S. policy to: ''Seek to prevent the transfer to a country of nuclear equipment, materials, or technology from other participating governments in the Nuclear Suppliers Group or from any other

source if nuclear transfers to that country are suspended or terminated pursuant to this title, the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other United States law''?

Answer. Please see the response to Question 18.

Question 22. What impact will these U.S. commitments of nuclear fuel supply to India have on the U.S. initiatives to discourage the spread of enrichment and reprocessing facilities?

Answer. We do not foresee any negative impact on these initiatives. India already possesses both types of facilities. We do not believe that the provision of fuel assurances to India will have any effect on our efforts to offer reliable access to nuclear fuel to persuade countries aspiring to develop civil nuclear energy to forgo enrichment and reprocessing capabilities of their own.

Question 23. Have the Indians explained to the U.S. or to the International Atomic Energy Agency their definition of the term ''an India-specific safeguards agreement?'' If so, what is it?

Answer. The Indian government has not yet explained to the United States what it means by the term ''India-specific'' safeguards agreement. The Indian government has been in discussions with the IAEA regarding its safeguards agreement. However, these discussions have not concluded. The United States remains confident that the safeguards agreement to be negotiated between India and the IAEA will address all of the concerns associated with the term ''India-specific.''

Question 24. Which provisions of INFCIRC/66/Rev.2 agreements provide for safeguards in perpetuity? Would these apply to civil nuclear reactors that a country such as India requests the IAEA to safeguard?

Answer. INFCIRC/66/Rev.2 is not a ''model agreement'' as is INFCIRC/153 (the basis for NPT safeguards agreements)—INFCIRC/66-type agreements are not as rigidly determined as Nuclear Nonproliferation Treaty safeguards agreements. Because INFCIRC/66-type agreements do not involve fullscope safeguards (safeguards applied to all nuclear material in a state), but have been aimed at the application of safeguard to specific supplied materials or facilities, the scope of safeguards application is delineated uniquely in each agreement.

This is generally done through the mechanism of a dynamic list of inventory items to which the agreement stipulates that safeguards must be applied. The main part of the inventory list contains facilities and material that are permanently under safeguards. The subsidiary part of the inventory list contains facilities that are temporarily under safeguards due to the presence of safeguarded material. There is a third section of the list that contains nuclear material on which safeguards are suspended or exempted (e.g., because the material has been diluted to the point where it is no longer usable, has been transferred out of the state, etc.). We would expect that the Indian safeguards agreement will be based on this general structure, and that the nuclear facilities India declares to be ''civil'' will be placed in the main (permanent safeguards) part of the inventory list. Also in the main part of the inventory would be nuclear material exported to India, and any nuclear material generated through the use of that material.

Consistent with International Atomic Energy Agency Board Document GOV/1621 (which is referenced in the Hyde Act, Sec. 104(b)2), the safeguards agreement should also contain language that ensures that: (1) the duration of the agreement is related to the period of actual use of the items in the recipient state; and (2) the rights and obligations with respect to safeguarded nuclear material shall apply until such time as the International Atomic Energy Agency terminates safeguards pursuant to the agreement (e.g. the material is no longer usable or has bee transferred from the recipient state).

Question 25. Has the Indian government provided U.S. officials with a definition of ''corrective measures''? If so, what is it? Does it involve removing IAEA-safeguarded material from such safeguards in certain circumstances? If so, does the U.S. support the conclusion of an Indian agreement with the IAEA that provides for perpetuity of safeguards while at the same time making such perpetuity contingent on the invocation of ''corrective measures?''

Answer. The Indian government has not provided the United States with a definition of ''corrective measures.'' Until a safeguards agreement is completed between India and the International Atomic Energy Agency and the issue of ''corrective measures'' is clarified, we cannot comment on the appropriateness of the agreement. However, we expect that the Indian government will implement in letter and in spirit its commitment to ''safeguards in perpetuity,'' to which it agreed on March 2, 2006. As Secretary Rice stated during her testimony before the Senate Foreign Relations Committee on April 5, 2006, ''We've been very clear with the Indians that the permanence of safeguards is the permanence of safeguards without condition.''

Question 26. Since India is not a party to the Nuclear Nonproliferation Treaty (NPT) and does not accept full-scope safeguards, does this long-term consent for reprocessing for India change U.S. policy for granting long-term consent to reprocessing and the use of plutonium? If so, what criteria will the U.S. now use to consider requests for reprocessing and the use of plutonium either on a case-by-case basis or for long-term advance programmatic arrangements?

Answer. The consent to reprocessing is contingent upon the construction of a new, dedicated reprocessing facility that will be under International Atomic Energy Agency safeguards. The criteria applied by the United States in considering the Indian request were the same as those applied in the earlier instances (EURATOM and Japan). They are that (1) the reprocessing will not be inimical to the common defense and security, and (2) the reprocessing will not result in a significant increase in the risk of proliferation beyond that which exists at the time the approval is requested, giving foremost consideration to whether the reprocessing will take place under conditions that will ensure timely warning to the United States of any diversion well in advance of the time at which the diverted materiel could be transformed into a nuclear explosive device. These are the criteria for granting approval for reprocessing established by section 131 of the Atomic Energy Act.

Article 6(iii) of the Agreement provides that India and the United States must agree on ''arrangements and procedures'' under which the reprocessing will take place before India can physically reprocess any material subject to the Agreement. The Administration will ensure that the safeguards, physical protection and other measures to be set forth in the agreed ''arrangements and procedures'' will be both rigorous and consistent with the criteria described above.

Question 27. What special challenges will the International Atomic Energy Agency (IAEA) face in safeguarding a reprocessing plant in a non-NPT state that does not have full-scope safeguards?

Answer. Assuming that, consistent with the terms of the 123 Agreement, India builds a new reprocessing plant dedicated to the processing of material under International Atomic Energy Agency safeguards, there would be little, if any, difference in the technical challenge of applying safeguards to such a facility as opposed to a comparable facility in a State with a comprehensive safeguards agreement. There are some differences under an INFCIRC/66 agreement in the state's record-keeping and material accounting report requirements, but these should not have an impact on safeguards effectiveness. The technical objectives and technical measures applied in the two cases would not differ in any significant way. In each case the International Atomic Energy Agency would seek to provide assurance that the declared material was not diverted, and that the facility was operated in the manner declared. The facility would be under uninterrupted safeguards, and the material entering, exiting, and resident in the facility would all be subject to safeguards. In the case of India, the Agency's safeguards conclusions would have to be limited to the civil facilities and materials under safeguards, and could not be extrapolated to apply to the nuclear program as a whole.

Question 28. Will the U.S. insist that the safeguards agreement for the planned Indian reprocessing plant include all the safeguards procedure and approaches that the IAEA applies to the Rokkasho reprocessing facility in Japan, including state-of-the-art, near-real-time accountancy and containment and surveillance?

Answer. U.S. policy is that safeguards should be applied to meet established technical standards of effectiveness, as efficiently as possible; that is the policy we pursue in the context of our bilateral agreements with other states such as Japan, and we would continue to pursue such a policy in discussions with India in connection with arrangements for reprocessing. The safeguards methods employed at the Rokkasho Reprocessing Plant are consistent with both International Atomic Energy Agency safeguards criteria, and with the results of a lengthy international cooperative effort to address the technical problems of safeguarding large reprocessing plants. We would expect the same approaches to apply to a new Indian reprocessing plant dedicated to processing safeguarded material. However, we cannot yet speculate that safeguards would be carried out in exactly the same manner, although containment, surveillance, and some sort of continuous material monitoring would certainly be involved. A new reprocessing plant may well be many years off, and safeguards technology constantly moves forward; by the time a new Indian plant is in operation, there will almost certainly be a new generation of surveillance and radiation measurement devices available, and lessons learned from Rokkasho safeguards.

Question 29. Will the Administration submit any consent arrangements for Indian reprocessing to Congress as an amendment to the U.S.-India agreement for cooperation so that Congress will have a full 90 days to give adequate time to review its provisions? Or will the Administration submit these only as a subsequent arrangement under section 131 of the Atomic Energy Act, thereby allowing Congress only 15 days of continuous session for review of this complex issue?

Answer. Section 131 of the Atomic Energy Act provides explicitly for review and execution of subsequent arrangements related to the reprocessing of U.S. origin material. However, if proposed ''arrangements and procedures'' for reprocessing involved changes to provisions in the U.S.-India 123 Agreement, an amendment to the agreement would be required.

Question 30. Why are the programmatic consent arrangements that the U.S. is proposing to India, a non-NPT signatory, much

less specific and rigorous than the procedures that the U.S. required of EURATOM and Japan?

Answer. The advance, long-term consent accorded to India in the U.S.-India Agreement by Article 6(iii) centers on a new Indian national reprocessing facility that has not yet been designed, let alone built. Many relevant nonproliferation considerations that could readily be dealt with in the texts of the U.S.-Japan and U.S.-EURATOM agreements (or in related documents) could not be dealt with immediately in the U.S.-India Agreement.

Nevertheless, the U.S.-India Agreement establishes as fundamental criteria that a new national reprocessing facility must be dedicated to reprocessing safeguarded nuclear material under International Atomic Energy Agency safeguards, and that any special fissionable material (i.e., plutonium) separated by the facility may only be utilized in national facilities under International Atomic Energy Agency safeguards. Further, it provides that the consent does not become effective until the United States and India consult and agree on arrangements and procedures under which activities at the new facility will take place.

Finally, Article 6(iii) provides that the arrangements and procedures must address nonproliferation considerations identical to those addressed in the procedures relating to the U.S.-Japan and U.S.-EURATOM agreements (e.g. safeguards, physical protection, storage, environmental protection), as well as ''such other provisions as may be agreed by the Parties.'' At the appropriate time the United States will consult with India for the purpose of agreeing on the requisite arrangements and procedures and will ensure that they are no less rigorous than those governing the U.S. consent arrangements with Japan and with EURATOM.

*Question 31.*Why are there no notification procedures for adding new Indian facilities to the list of facilities that may use plutonium derived from U.S.-supplied fuel?

Answer: The procedures established by Article 7.1 of the U.S.-India Agreement whereby each Party records all facilities storing separated plutonium subject to the Agreement on a list and makes its list available to the other Party serve equally to notify to the other Party all facilities utilizing (or potentially utilizing) plutonium subject to the Agreement, since the plutonium-bearing fuel must first be located at the facility before it can be utilized. A similar approach is taken in the U.S.-EURATOM Agreement, where facilities formally notified as being added to a party's ''Delineated Program'' (Annex A) do not include utilization facilities; the latter are notified, as appropriate, when they are added to a ''Storage'' list as provided for by Article 8.3.

Question 32. Will the United States insist that any plutonium and uranium recovered from the reprocessing of U.S.-origin fuel at the proposed dedicated Indian reprocessing facility be subject to IAEA safeguards and peaceful, non-explosive use assurances in perpetuity, including any such material recycled in Indian reactors?

Answer. Yes. Article 9, Article 10, and Article 16 of the U.S.-India Agreement guarantee this coverage.

Question 33. Will the U.S. insist that any uranium or plutonium used in or produced through the use of U.S.-supplied material be subject to safeguards in perpetuity if such material is used in India's breeder reactors?

Answer. Yes. Article 10 of the U.S.-India Agreement guarantees this coverage.

Question 34. If India decides at some point in the future to reprocess spent breeder reactor fuel that contains U.S.-origin material, how will the U.S. ensure that it is subject to all the non-proliferation conditions and controls in the proposed agreement, including safeguards and consent rights?

Answer. Article 10.6 of the U.S.-India Agreement provides that ''[e]ach Party shall establish and maintain a system of accounting for and control of nuclear material transferred pursuant to this Agreement and nuclear material used in or produced through the use of any material, equipment, or components so transferred.'' Article 10.7 provides that [u]pon the request of either Party, the other Party shall report or permit the IAEA to report to the requesting Party on the status of all inventories of material subject to this Agreement.'' Thus, the United States will be able to track all clear material in India subject to the Agreement, including at India's breeder reactors (which would have to be brought under International Atomic Energy Agency safeguards before U.S.-obligated nuclear material could be introduced to them), at India's new dedicated reprocessing facility (when built), and at any other Indian facility where U.S.-obligated plutonium may be located. In tracking this material the United States will be able to ensure that all conditions and controls required by the Agreement, including International Atomic Energy Agency safeguards, are in fact being maintained.

Question 35. In light of these requirements of U.S. law, why doesn't the proposed U.S.-Indian peaceful nuclear cooperation agreement contain an explicit reference to the actions that would give the U.S. the right to terminate nuclear cooperation and to require the return of equipment and materials subject to the agreement, if India detonates a nuclear explosive device?

Answer. Article 14 of the proposed U.S.-India agreement for cooperation provides for a clear right for the U.S. to terminate nuclear cooperation and a right to require the return of equipment and materials subject to the agreement in all of the circumstances required under the Atomic Energy Act, including if India detonated a nuclear explosive device or terminated or abrogated safeguards (per section 123(a)(4) of the Act). Thus, it fully satisfies the relevant requirements of the Act.

*Question 36.*Does the U.S. possess the right under Article 14, without any precondition or consent by India, to take back any and all U.S.-origin nuclear material or equipment provided to India pursuant to the nuclear cooperation agreement?

Answer. Under Article 14 of the proposed agreement, the U.S. would be able to exercise the right to require the return of material and equipment subject to the agreement after (1) giving written notice of termination of the agreement and (2) ceasing cooperation, based on a determination that ''a mutually acceptable resolution of outstanding issues has not been possible or cannot be achieved through consultations.'' Thus, both of the actions that must be taken to exercise the right of return would be within the discretion of the U.S. Government, and both actions could be taken at once in the unlikely case that the U.S. believed that a resolution of the problem could not be achieved through consultations.

Article 14 does not require that the other party consent to the exercise of the right to terminate the agreement, the right to cease cooperation, or the right of return. Prior to the actual removal of items pursuant to the right of return, the parties would engage in consultations regarding, inter alia, the quantity of items to be returned, the amount of compensation due, and the methods and arrangements for removal. These consultations are a standard feature of right of return provisions and are included in all 123 agreements that the United States has signed with other cooperating parties.

Question 37. Under what circumstances does the termination provision allow the United States to terminate cooperation with India? Does the U.S. have the unconditional right to cease cooperation immediately upon its determination that India has taken action that the U.S. believes constitutes grounds for termination of cooperation?

Answer. Like all other U.S. agreements for nuclear cooperation, the proposed U.S.-India agreement is a framework agreement and foes not compel any specific cooperation. Thus, a cessation of cooperation would not be inconsistent with the provisions of the agreement. Also, as in other agreements for cooperation, the proposed U.S.-India agreement provides specifically (in article 14) for a right to cease cooperation. Article 14 makes clear that the U.S. would have the right to cease cooperation immediately if it determined that India had taken actions that constituted grounds for such cessation and that a resolution of the problem created by India's actions could not be achieved through consultations. This is a reciprocal right that India enjoys as well. Article 14 does not elaborate the specific circumstances that might bring about such a formal cessation of cooperation. However, the provisions of article 14 underscore the expectation of both parties that termination of the agreement, cessation of cooperation, and exercise of the right of return would be serious measures not to be undertaken lightly.

Question 38. Could the U.S. terminate cooperation pursuant to Article 14 of the nuclear cooperation agreement for reasons other than India's detonation of a nuclear explosive device or abrogating or violating a nuclear safeguards agreement? Does the government of India agree?

Answer. As noted in the previous answer, Article 14 of the U.S.-India Agreement does not elaborate the specific circumstances that might trigger a cessation of cooperation pursuant to that article. As explained in the answer to question 17, the circumstances for possible termination would include, for example, detonation of a nuclear weapon, material violation of the 123 Agreement, or termination, abrogation, or material violation of a safeguards agreement. The provisions of Article 14 underscore the expectation of both parties that termination of the agreement, cessation of cooperation, and exercise of the right of return would be serious measures not to be undertaken lightly. We believe the language establishing these rights is clear and well understood by both countries.

Question 39. Do the nonproliferation assurances and conditions in the proposed new agreement apply to the nuclear materials and equipment that the U.S. supplied for the Tarapur reactors, as well as the spent fuel from those reactors? If not, why?

Answer. The proposed U.S.-India Agreement would not apply retroactively to the spent fuel from the Tarapur reactors. The Atomic Energy Act does not require such retroactive application, but it does impose certain conditions with respect to previously exported material before embarking on new cooperation (see section 127). The Administration believes it will be able to satisfy these requirements of the Atomic Energy Act.

Question 40. Does the U.S. continue to hold the position that India legally obligated to adhere to the nonproliferation assurances and controls, including peaceful-use assurances, safeguards, consent to reprocessing and retransfer to their countries with respect to the nuclear equipment and materials that were subject to the expired 1963 agreement for cooperation? Does the Indian Government share the U.S. views?

Answer. The U.S. and India have maintained differing legal positions on the question of residual conditions and controls on

nuclear material subject to the 1963 agreement following expiration of the agreement in 1993. However, India has agreed with the International Atomic Energy Agency on the application of safeguards to nuclear material from the Taracur reactors. Moreover, the material is subject to the INFCIRC/66 Agreement. And the U.S. is confident that there would be consultations between the U.S. and India before any change in the status of the nuclear material (e.g., reprocessing).

Question 41. Will the Indian Government have any legal right to suspend or eliminate safeguards, reprocess U.S.-origin material, or otherwise take any action that would be prohibited under the proposed agreement after the termination by either party of the proposed?

Answer. Article 16 of the proposed U.S.-India Agreement expressly provides for the survival of essential rights and conditions on items subject to the agreement even after termination or expiration of the agreement, including inter alia with respect to the application of safeguards (article 10), reprocessing consent (article 6), and peaceful use (article 9).

Question 42. Does the Administration agree with Prime Minister Singh that there will be no derogation of India's right to take corrective measure in the event of fuel supply interruption? Will any corrective measures that India might take involve any derogation of the U.S. nonproliferation assurances, rights, and controls that are set out in articles 5.6(c), 6, 7, 8, 9, and 10?

Answer. The language of article 16 clearly provides for the applicability of the referenced provisions to items subject to the proposed agreement even after termination or expiration of the agreement. Until India has completed its safeguards agreement with the International Atomic Energy Agency and the parameters of ''corrective measures'' are known, we will not be in a position to speak definitively to the potential effect on other provisions of the proposed agreement. That said, it would not be consistent with the proposed agreement text for such corrective measures to extract from the applicability of the provisions referenced in article 16 to items subject to the proposed agreement, including after termination or expiration of the agreement.

Question 43. What are the explicit linkages and interlocking rights and commitments that Prime Minister Singh was referring to? Do the U.S. and India governments agree on the definition of these linkages and interlocking rights and commitments? If not, how do they differ?

Answer. International agreements, by their nature, typically involve interlocking rights and commitments, and this is the case with our agreements for nuclear cooperation. The creation of a framework for nuclear cooperation is predicated on a set of rights and conditions that serve essential nonproliferation purposes. Beyond that, we can only say that the quoted statement is at a high level of generality, and we are not in a position to speak for the Indian government as to whether anything more specific was intended by these words.

Question 44. What is the Administration's understanding of the Prime Minister's statement that India's reprocessing rights are ''permanent''? Specifically, does it mean that the U.S. will not have the right to withdraw its consent to India's reprocessing of U.S.-obligated nuclear material, even if the U.S. determines that the continuation of such activities would pose a serious threat to our national security or nonproliferation?

Answer. The U.S. has agreed to the reprocessing of U.S.-origin materials, to come into effect when the parties agree on ''arrangements and procedures'' and India establishes. a new national reprocessing facility dedicated to reprocessing safeguarded material under IAEA safeguards. As with the arrangements governing reprocessing consents granted by the U.S. in connection with the Japan and EURATOM agreements, the proposed arrangements and procedures with India will provide for withdrawal of reprocessing consent. Such a right is also included in Article 14.9 of the U.S.-India Agreement.

Question 45. In the conference report of the Hyde Act, Congress stated that it intended for the United States to ''seek agreement among Nuclear Suppliers Group members that violations by one country of an agreement with any Nuclear Suppliers Group member should result in joint action by all members, including, as appropriate, the termination of nuclear exports.'' Will the administration be seeking such a commitment when it proposes that the Nuclear Suppliers Group provide a nuclear trade rule exemption for India? If not, why not?

Answer. Paragraph 16 of the Nuclear Suppliers Group Guidelines for Nuclear Transfers (INFCIRC/254/Rev.8/Part 1) provides that suppliers should (1) consult if, inter alia, one or more suppliers believe there has been a violation of a supplier/recipient understanding; (2) avoid acting in a manner that could prejudice measures that may be adopted in response to such a violation; and (3) agree on ''an appropriate response and possible action, which could include the termination of nuclear transfers to that recipient.'' Assuming the Nuclear Suppliers Group agrees by consensus to an exception for India, this guideline would apply in the case of any nuclear transfers by a Nuclear Suppliers. Group supplier to India. The Administration believes that the existing provisions of paragraph 16 of the Guidelines serve the Congressional concerns expressed in the conference report on the Hyde Act, and therefore no further elaboration is needed in connection with the proposed exception for India.

Mr. BERMAN. Mr. Speaker, this bill also gives the right to disapprove a Presidential decision to resume civil nuclear cooperation with any country, not just with India, that tests a nuclear weapon. It will also ensure that India takes the necessary remaining steps to bring its IAEA safeguards agreement fully into force and to conclude an additional protocol with the IAEA as India has committed to do. It gives Congress the ability to review the future reprocessing arrangements that will allow India to reprocess spent U.S. fuel.

Finally, late yesterday, Secretary of State Rice made a personal commitment to me that, in a change of policy, the United States will make its highest priority at the November meeting of the Nuclear Suppliers Group the achievement and the decision by all of the nuclear suppliers to prohibit the export of enrichment and reprocessing equipment and technology to states that are not members of the treaty on nonproliferation. This would be consistent with the intent of the Congress as expressed in the Hyde Act.

In light of the improvements for congressional oversight in this bill and in light of the Secretary's commitment, I will be voting for H.R. 7081.

Mr. Speaker, I'm a strong advocate of closer U.S.-India ties, and I support peaceful nuclear cooperation between our two countries. In 2006, I voted for the Hyde Act, which established a framework for such cooperation. The bill before us today, the ''United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act,'' would approve the U.S.-India Agreement for Peaceful Nuclear Cooperation, and allow that agreement to come into effect for the United States.

Under the Hyde Act, Congress was to have 30 days to review the agreement before beginning consideration of a privileged resolution of approval. Unfortunately, because of months of delay in New Delhi and the Administration's acceleration of the deliberations of the Nuclear Suppliers Group to grant India an exemption from its restrictions on trade to India, the Agreement is now before us in the waning days before adjournment.

We therefore have two choices: approve the Agreement now, with the safeguards built into this bill; or wait until. the next Congress and start again. If we wait, however, we will likely only vote on a simple resolution of approval, without the safeguards of this bill, and without the additional enhancements to Congressional oversight over these types of agreements that are required. Our leverage on the Administration—this one or the next—will only decrease with time.

On balance, integrating India into the global nonproliferation regime is a positive step. And before anyone gets too sanctimonious about India's nuclear weapons program, we should acknowledge that the five recognized nuclear weapons states haven't done nearly enough to fulfill their commitments under the Nuclear Nonproliferation Treaty, including making serious reductions in their own arsenals. Nor has the U.S. ratified the Comprehensive Test Ban Treaty.

Having said that, I continue to have concerns about ambiguities in the nuclear cooperation agreement that the Bush Administration negotiated with the government of India, particularly with regard to the potential consequences if India tests another nuclear weapon, and to the legal status of so-called ''fuel assurances'' made by our negotiators.

Section 102(a) of the legislation before us declares that the agreements have the meanings contained in the authoritative representations by the President and his representatives.

I ask unanimous consent to include in the RECORD5st a message from the President and a letter from the State Department that directly pertain to the interpretation of the U.S.-India agreement and that constitute some of the authoritative representations made by the President described in section 102(a).

These documents make clear that the assurances contained in Article 5(6) of the Agreement are political commitments, and do not constitute a legal obligation on behalf of the United States or any official, agency, or instrumentality of the Government of the United States to provide nuclear fuel in any form to the Government of India, or to any Indian organization, individual, or entity under any circumstances whatsoever. They also make clear that the political commitments contained in Article 5(6) of the Agreement do not apply in the event of a disruption of the foreign supply of nuclear fuel to India as a consequence of a detonation of nuclear explosive device or a violation of nonproliferation commitments by India.

I am also deeply troubled that the Administration completely disregarded important nonproliferation requirements in the Hyde Act—

thus putting American companies at a competitive disadvantage—when seeking a special exemption for India at the Nuclear Suppliers Group.

This bill therefore includes a number of provisions designed to improve Congressional oversight of the India nuclear cooperation agreement and help ensure that the agreement is interpreted in a manner consistent with the constraints in the Hyde Act.

It gives Congress the right to disapprove, under expedited procedures, a Presidential decision to resume civil nuclear cooperation with any country—not just India—that tests a nuclear weapon. We, the Congress, should be involved in that process.

And the legislation will ensure that India takes the necessary remaining steps to bring its IAEA safeguards agreement fully into force, to place the reactors and other facilities under those safeguards, and to conclude a more extensive Additional Protocol for enhanced safeguards with the IAEA, all of which it has previously committed to do.

And, Mr. Speaker, this legislation gives Congress the ability to review the reprocessing arrangement yet to be negotiated that will set out the conditions and safeguards to allow India to reprocess spent U.S. fuel.

Finally, late yesterday, Secretary of State Rice made a personal commitment to me that—in a change of policy—the United States will give its "highest priority" to achieving an agreement at the November Nuclear Suppliers Group (NSG) meeting to prohibit the export of enrichment and reprocessing equipment and technology to states that are not members of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). This would be consistent with the intent of Congress as expressed in the Hyde Act to further restrict the international transfers of this sensitive technology.

In light of the improvements for Congressional oversight in this bill, I will be voting for H.R. 7081.

I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Let me thank the gentleman for yielding and for your loyal opposition to this very bad requirement for us now to approve this. Let me thank Mr. BERMAN also for your leadership and for your hard work in managing this.

Mr. Speaker, I strongly disapprove of this agreement, and urge my colleagues to do likewise. In withholding my approval, I seek not to penalize the people of India but, rather, to affirm the principle of nuclear nonproliferation and to maintain the integrity of the international nonproliferation standards.

Several years ago, I had the privilege of visiting India, and I witnessed firsthand the brilliance, the spirit and the commitment of the democracy of the Indian people. The United States and India are the two largest democracies in the world and have for many years enjoyed an excellent relationship.

Given the tremendous progress India has made and can be expected to make in the future, strengthening the ties that bind our countries together is a critically important strategic goal of the United States, but the suggestion that we can only do so by jettisoning adherence to the international nuclear nonproliferation framework that has served the world so well for more than 30 years, as approval of the agreement before us would do, is just simply unwise. It is also reckless.

Approval of this agreement undermines our efforts to dissuade countries like Iran and North Korea from developing nuclear weapons. By approving this agreement, all we are doing is creating incentives for other countries to withdraw from the Nuclear Nonproliferation Treaty.

Why should we expect, for example, Brazil or South Korea to continue playing by the rules in foregoing the development of nuclear weapons in exchange for civilian technology when they see that India receives the benefits while flouting the rules?

Mr. Speaker, the fact that India is not a signatory to the Nuclear Nonproliferation Treaty is sufficient reason for me to disapprove the agreement, but for those of my colleagues who may have supported the bill, there are many other compelling reasons to disapprove this agreement.

So I ask all Members to say that we want to adhere to nonproliferation and not pass this approval.

I thank the gentlemen for yielding, I also thank Chairman BERMAN for his hard work in managing the consideration by this body of the U.S.-India Civilian Nuclear Cooperation Agreement, which comes before the Congress for approval pursuant to section 123 of the Atomic Energy Act of 1954.

I strongly disapprove of this agreement and urge my colleagues to do likewise. In withholding my approval I seek not to penalize the people of India but rather to affirm the principle of nuclear nonproliferation and to maintain the integrity of international nonproliferation standards.

Several years ago I had the privilege of visiting India and witnessed firsthand the brilliance, the spirit, and the commitment to democracy of the Indian people. The United States and India are the two largest democracies in the world and have for many years enjoyed an excellent relationship. Given the tremendous progress India has made and can be expected to make in the future, strengthening the ties that bind our countries is a critically important strategic goal of the United States.

But the suggestion that we can only do so by jettisoning adherence to the international nuclear non-proliferation framework that has served the world so well for more than 30 years, as approval of the agreement before would do, is not simply unwise. It is reckless.

Approval of this agreement undermines our efforts to dissuade countries like Iran and North Korea from developing nuclear weapons. By approving this agreement all we are doing is creating incentives for other countries to withdraw from the Nuclear Nonproliferation Treaty. Why should we expect, for example, Brazil or South Korea to continue playing by the rules and foregoing development of nuclear weapons in exchange for civilian technology when they see India receive the benefits while flouting the rules?

Mr. Speaker, the fact that India is not a signatory to the Nuclear Nonproliferation Treaty is sufficient reason for me to disapprove this agreement. But for those of my colleagues who may have supported H.R. 5682, the Henry J. Hyde United States India Peaceful Atomic Energy Cooperation Act ("Hyde Act"), there are two other compelling reasons to disapprove this agreement.

First, the agreement will indirectly assist India's nuclear weapons program because foreign supplies of nuclear fuel to India's civil nuclear sector will free up electricity generation capacity to produce weapons-grade plutonium.

Second, the Hyde Act requires that the provisions in any agreement governing safeguards on civil nuclear material and facilities remain in effect "in perpetuity" and must be "consistent with IAEA standards and practices." The requirement that India be bound to comply with these safeguards in perpetuity is not satisfied because Indian governmental officials have publicly suggested that India may withdraw from the safeguards agreement if fuel supplies are interrupted, even if the interruption is the required response to a breach of the agreement by India.

Mr. Speaker, we should not forget that unlike 179 other countries, India has not signed the Comprehensive Test Ban Treaty (CTBT), and is one of only three countries never to have signed the Nuclear Nonproliferation Treaty. And it is noteworthy that while it continues to produce fissile material, India has never made a legally binding commitment to nuclear disarmament or nonproliferation.

To sum up, this deal will not advance America's interests or make the world safer. It will, however, deal a near fatal blow to the stability of the international nonproliferation regime. For these reasons, I will vote to disapprove the agreement.

Ms. ROS-LEHTINEN. Mr. Speaker, I'd like to yield myself 4 minutes.

I rise in strong support of this bill to approve the U.S.-India Agreement for Peaceful Nuclear Cooperation. I've been a strong supporter of this increased cooperation between the United States and India, including peaceful nuclear cooperation.

I was an original cosponsor of the Henry Hyde U.S.-India Peaceful Nuclear Cooperation Act, which laid the foundation for the agreement that we are seeking to implement this week. I have worked hard to secure bipartisan support for that legislation and for the agreement on nuclear cooperation.

To ensure that legislation bringing the nuclear agreement into force could be adopted by the Congress this week, I introduced, with the support of our Republican leadership, H.R. 7039, which is an identical version of the text now before the Senate and the text that Chairman HOWARD BERMAN introduced last night and that we are considering right now.

Mr. Speaker, the U.S.-India nuclear cooperation agreement is not one that we would offer to just any nation. It is a venture we would enter into only with our most trusted democratic allies. I believe that stronger economic, scientific, diplomatic, and military cooperation between the United States and India is in the national interest of

both countries and that our increasingly close relationship will be the central factor determining the course of global events in this century.

Among the most important elements of this new relationship is India's commitment to cooperate with the United States on major issues such as stopping the spread of nuclear weapons material and technology to groups and to countries of concern.

In particular, Mr. Speaker, this nuclear cooperation agreement is essential in continuing to ensure India's active involvement in dissuading, isolating and, if necessary, sanctioning and containing Iran for its efforts to acquire chemical, biological and nuclear weapon capabilities and the means to deliver these deadly weapons.

It will also help secure India's full participation in the Proliferation Security Initiative, including a formal commitment to the Statement of Interdiction Principles, and it will be a major step forward in achieving a moratorium by India, Pakistan and China on the production of fissile materials for nuclear explosives.

In addition, in order to meet the requirements of the Hyde Act, India and the International Atomic Energy Agency have negotiated a safeguards agreement on several Indian nuclear facilities that will expand the ability of the IAEA to monitor nuclear activities in that country.

Mr. Speaker, these are but a few of the many benefits from our nuclear cooperation with India and the strategic cooperation between our two countries that have already taken root. I am gratified that we are finally considering this legislation so that Congress can approve it without delay.

I urge my colleagues in both the House and the Senate to approve this nuclear cooperation agreement with India overwhelmingly. By doing so, the United States and India will embrace one another in a strategic partnership that will prove to be one of the most principal guarantors of the security and prosperity of both countries in this new century.

I reserve the balance of our time.

Mr. MARKEY. I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. I thank the gentleman for yielding time.

Mr. Speaker, I oppose the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act. This bill flies in the face of decades of American leadership to contain the spread of weapons of mass destruction. The bill does not include all of the safeguards and protections contained in the Henry Hyde Act of 2006.

A vote for this bill is a vote to approve a rushed process that has not allowed hearings, debate or amendment to this deal.

Most importantly, the India deal would give a country which has a dismal record on nonproliferation all of the benefits of nuclear trade with none of the responsibilities.

India has been denied access to the international nuclear market for three decades and for good reason. India is not a signatory of the nonproliferation treaty, and it has never committed to nuclear disarmament nor has it signed the Comprehensive Test Ban Treaty. India has misused civilian nuclear technology to produce its first nuclear weapon in 1974, and it continues to manufacture nuclear weapons to this day.

This deal will help India expand its nuclear weapons program. For every pound of uranium that India is allowed to import for its power reactors, this deal frees up a pound of uranium for its bomb program. I was in Pakistan this month, and it is clear that this deal will only increase the chances of a nuclear arms race on the subcontinent.

For all of these reasons, I urge my colleagues to oppose this bill and to promote a stronger relationship with India that does not come at the expense of our own security and that of our allies.

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Mr. BERMAN. Mr. Speaker, I am pleased to yield 1¼ minutes to the Chair of the Subcommittee on the Middle East and South Asia, someone who was involved in this issue since the first announcement of the joint declaration in the summer of 2005, which was the first time Congress was ever told about this issue, the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. I thank the chairman.

Mr. Speaker, I rise in strong support of this bill because it will give congressional approval to civil nuclear cooperation with India. Let me tell you what that means. It means that the IAEA will be able to inspect two-thirds of India's civilian nuclear facilities because those facilities will be under IAEA safeguards and all future nuclear facilities will also be under safeguards.

It means that India, for the first time ever, has committed to MTCR guidelines. It means that India, for the first time ever, will adhere to the Nuclear Suppliers Group guidelines. It means that we can send a clear message to rogue states, nuclear rogue states, about how to behave because it shows that responsible nuclear powers are welcomed by the International Community and not sanctions. It means that we can finally achieve the broad, deep, and enduring strategic relationship with India that all of us in this House support.

So if you wanted all of these things when you voted overwhelmingly for it 2 years ago, then vote for it again tonight.

There are two options before us today. One is to throw away all of the work that's been done and just keep the status quo. India would then pursue its national interests, as it's been doing, outside of the nonproliferation mainstream and we get to inspect nothing. The other is to make a deal with India, and the United States and the International Community will get a window in perpetuity into two-thirds of India's nuclear facilities and all of its future nuclear facilities.

The choice is clear, Mr. Speaker. It's time for 21st century policy towards India, and it encourages India's emergence as a global nuclear power and solidifies our bilateral relationship for decades to come.

This bill is that new policy, and I urge everyone to support it.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this bill, H.R. 7081. By approving this nuclear agreement, an agreement with India, we will permanently and irrevocably undermine decades of nonproliferation efforts.

This agreement says that India, but no other country, can live outside the international nuclear control system. It sets a frightening precedent. If a country is unhappy about the rules on nuclear possession, it can simply go around them breaking them.

And what does it matter if India ignores international agreements? Any sanctions? Any punishment? No. Just a lucrative deal with the United States of America.

If we approve this deal, we lose our moral high ground, Mr. Speaker. Who are we to be telling any other nation to adhere to the rules when we subvert them ourselves? This is not about our relationship with the people of India; this is about a complete obliteration of the nuclear security regime.

The Bush administration is demanding we move with haste without looking back. Sound familiar?

I urge my colleagues to oppose H.R. 7081, stand up for national security, stand up for nuclear nonproliferation.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so proud to yield 2½ minutes to the gentleman from California (Mr. ROYCE) the ranking member on the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. Mr. Speaker, I rise in support of this legislation. I just want to commend Chairman BERMAN and Ranking Member ROS-LEHTINEN's leadership on the issue.

This has been a long road. In the last Congress, I managed on the House floor approval of the Hyde Act, which was a legal framework for facilitating civil nuclear cooperation with India. And that was a tremendous foreign policy achievement of the last Congress. Failure by this Congress to push this agreement across the finish line, I'm afraid, would be foreign policy malpractice.

Indian officials have told me about their ambitious plans to expand nuclear power to fuel their growing economy with clean-burning energy through this source. And with this deal, the Indian nuclear industry will overcome international restrictions and they will reach their full potential to do this.

This deal, frankly, has consumed Indian politics. The far, far left in India sought to turn the nuclear deal into a referendum on India's relationship with the United States. They lost in that. Let's seal the deal today helping cement the new U.S.-India relationship.

And strictly speaking, this deal really isn't about the United States. The Nuclear Suppliers Group, an organization of 45 countries to control the spread of nuclear technology, okayed this agreement. That NSG decision represents the will of the international community to make the nuclear rules conform to the realities of India's energy situation.

Opponents are deriding the exception made for India as a blow to nonproliferation rules. But while this deal may not be a net gain for nonproliferation, neither is it a net loss because under the deal, India stays outside the NPT, but it separates its civil and military nuclear facilities, it gives the IAEA increased access to its nuclear facilities, and it continues its unilateral moratorium on nuclear testing. Indeed, Mohamed ElBaradei, the chief of the IAEA, supports the agreement. Sure it makes changes to the rules that were set down decades ago, but the world is not standing still. Critics can not ignore the security, political, economic, and environmental reasons, frankly, to support it.

Opposing this won't affect India. It will only hurt our relationship with India and U.S. interests. With the NSG agreement, other countries, notably France and Russia, can enter the Indian nuclear market—with a potential for up to $100 billion in investment. It has been reported that India will soon sign their own nuclear cooperation agreements with these countries. Now U.S. companies, however, would be blocked out of India until Congress finally approves this agreement.

Mr. Speaker, either we continue to try to box in India and hope for the best, or we act to make India a true partner. This agreement works through a difficult nonproliferation situation to strengthen a very important situation.

India will be a major power in the 21st century. Let's approve this legislation.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I want to begin by acknowledging the fine efforts of my colleague and Chairman HOWARD BERMAN to approve this deal, and I find myself in reluctant opposition.

I believe our relationship with India is one of our most important. Our interests are inextricably linked, and our economies draw ever closer. In the past, that relationship has been strained by the issue of nuclear proliferation—India never signed the Nuclear Nonproliferation Treaty and continues to build nuclear weapons.

The agreement we vote on today began as a valiant attempt to bring India into the nuclear mainstream while binding our business communities closer together. Unfortunately, it has ended with an agreement that falls short of either goal: the safeguards are not strong enough, the incentive for other nations to proliferate is too great; and while opening India's nuclear market to the world, it places American companies at a competitive disadvantage compared to the French and Russian firms.

Even worse, the deal is really no deal at all. The Indian government and the administration have been issuing contradictory statements about it for the past year. This is not a problem of each side interpreting the treaty differently. The two sides have apparently signed different treaties. The next time India has a new government, which could be as early as winter, it may withdraw from the agreement, and the net result of all of this negotiation will allow foreign companies to sell nuclear technology to India. No nonproliferation goals would be accomplished, no new business would be generated for American companies, and no new relationship with India would be achieved.

When it became clear that the real winners in this deal were the Russians and other nuclear powers that indiscriminately and irresponsibly sell nuclear technology around the world, why didn't the administration pull out? When the administration realized that India would not accept the deal that ended cooperation if it decided to test a nuclear weapon, a requirement of the Hyde Act, why did they continue to negotiate? When the administration realized this deal might undermine the MPT, a treaty that has succeeded in dramatically limiting the number of nuclear nations, why did they not take steps to strengthen other nonproliferation efforts?

Some proponents of the deal have said that it brings India into the nuclear nonproliferation mainstream.

Mr. Speaker, I urge opposition to the agreement.

Mr. Speaker, my friend and colleague from California, Chairman BERMAN, has worked tirelessly over the last year to make this deal better. He has been a great champion of nonproliferation in this House, and he has led many efforts to prod and question the Bush administration on the negotiations with India—pressing for a deal that would enhance our relationship with the world's largest democracy while protecting the global nonproliferation regime and our interests around the world. Unfortunately, the administration resisted many of his efforts and that of others, and I am forced to oppose the final package.

I believe that our relationship with India is one of our most important. Our interests are inextricably linked, and our economies draw ever closer. In the past, that relationship has been strained by the issue of nuclear proliferation—India never signed the Nuclear Nonproliferation Treaty, and continues to build nuclear weapons. The agreement we vote on today began as a valiant attempt to bring India into the nuclear mainstream, while binding our business communities closer together. Unfortunately, it has ended with an agreement that falls short of either goal: the safeguards are not strong enough, the incentive for other nations to proliferate is too great, and while opening India's nuclear market to the world, it places American companies at a competitive disadvantage compared to French and Russian firms.

Even worse, the "deal" is not really a deal at all. The Indian Government and the administration have been issuing contradictory statements about it for the past year. This is not a problem of each side interpreting the treaty differently—the two sides have apparently signed two different treaties. The next time India has a new government, which could be as early as this winter, it may withdraw from the agreement, and the net result of all of this negotiation will be to allow foreign companies to sell nuclear technology to India. No nonproliferation goals would be accomplished, no new business would be generated for American companies, and no new relationship with India would be achieved.

So, I have a few questions for the administration, which have not yet been answered, and I thInk they're important questions to consider as we vote on this proposal.

When the administration realized that India would not accept a deal that ended cooperation if it decided to test a nuclear weapon, a requirement of the Hyde Act, why did they continue to negotiate.

When it became clear that the real winners in this deal were the Russians and other nuclear powers that indiscriminately and irresponsibly sell nuclear technology around the world, why didn't we pull out?

When the administration realized that this deal might undermine the Nuclear Nonproliferation Treaty, a treaty that has succeeded in dramatically limiting the number of nuclear nations, why did they not take steps to strengthen other nonproliferation efforts?

When it became clear that we couldn't get the assurances we needed to stem proliferation, why didn't we shift gears and produce a deal in renewable energy, information technology, or another area that would bring actual benefits to the American economy without harming our national security?

Some proponents of the deal have said that it brings India into the nonproliferation mainstream. But in fact, India remains free to test nuclear weapons, has not agreed to abide by the Nonproliferation Treaty, has not signed the Comprehensive Test Ban Treaty, and will only allow international inspectors access to a few of their civilian power plants. That is not the mainstream.

India has become a vital partner in a world that has grown dangerous and unpredictable. But tragically, an agreement in any other field of renewable energy would have brought us more, without seriously weakening our efforts to prevent a nuclear arms race in the Middle East and South Asia.

As a strong supporter of improving our relationship with India, but a firm advocate of nonproliferation, I cannot support this agreement, and I must urge my colleagues to oppose it as well.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 2½ minutes to the gentleman from South Carolina (Mr. WILSON), an esteemed member of our Committee on Foreign Affairs and its Subcommittee on Middle East and

South Asia, and cochair of the Congressional Caucus on India and Indian Americans.

Mr. WILSON of South Carolina. Mr. Speaker, thank you for this opportunity to support the U.S.-India civilian nuclear agreement.

As cochair of the Congressional Caucus on India and Indian Americans, I am grateful for the bipartisan support of this agreement. The Senate Foreign Relations Committee vote was 19–2 this week. A vote in favor of the U.S.-India Civilian Nuclear Agreement will be a giant step forward in strengthening our Nation's partnership with the people of India.

Our two nations have a vested and shared interest in expanding our opportunities to compete in the global economy. This agreement will be a landmark accomplishment to do just that. After all, India is the world's largest democracy, and America is the world's oldest democracy.

In my home State of South Carolina, over 50 percent of our electricity is generated by nuclear power and has been for over 30 years. I know firsthand that this is an effective, clean, and safe alternative to traditional resources.

The U.S. Chamber of Commerce has estimated that this civilian nuclear agreement could create as many as 250,000 high-tech jobs right here in America. Moreover, Undersecretary for Political Affairs at the State Department, William J. Burns, has made his own estimates that we could see anywhere between 3- to 5,000 new direct jobs and 10,0000 to 15,000 indirect jobs per reactor.

I am grateful for the leadership of President George W. Bush, Secretary of State Dr. Condoleezza Rice, and Prime Minister Manmohan Singh. Former U.S. Ambassador Robert Blackwill and current U.S. Ambassador David Mulford have worked professionally and successfully with Indian Ambassador to the United States, Ronen Sen.

Additionally, this agreement could not be finalized without the hard work of Ron Somers, President of the U.S.-India Business Council, former Assistant Secretary of State for Legislative Affairs Jeffrey Bergner, Deputy Assistant Secretary of State for Legislative Affairs Joel Starr, State Department Director of House Affairs Scott Kamins, White House members Brian McCormack and Vishal Amin, and South Carolina's Second Congressional District Chief of Staff Dino Teppara, and senior legislative assistant Paul Callahan.

This agreement, which is mutually beneficial for the people of India and America, have significant support from the 2.2 million Indian Americans who are successful members of American Society.

I want to thank my colleagues on the House Foreign Affairs Committee and staff members, particularly Chairman HOWARD BERMAN of California, Ranking Member ILEANA ROS-LEHTINEN, former India cochair ED ROYCE, and former cochair GARY ACKERMAN.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank the gentleman from Massachusetts for yielding time.

I also wish to thank the ranking member, Ms. ROS-LEHTINEN, for her leadership on this complex issue and her consideration of my differing view.

Mr. Speaker, given the enormous pressures this Congress is facing to solve urgent financial problems which threaten the stability and health of our economy, I must express my deep reservations about expediting approval of the U.S.-India civil Nuclear Agreement at this time.

While I fully favor strengthening ties, economic, social, cultural, and political with our Indian friends, why this most desirable pursuit hinges upon the sale of sensitive nuclear technology remains a mystery to me.

The U.S.-India Civil Nuclear Agreement sets a groundbreaking precedent that could open a floodgate of nuclear commerce worldwide that, absent rigorous conditions, safeguards, and oversight, could significantly damage the stability and integrity of U.S. and international nuclear nonproliferation efforts.

Just this week, the Russian prime minister announced that Russia was, ''ready to consider the possibility of cooperation in nuclear energy'' with Venezuela's President Hugo Chavez.

We should not rush this.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to the Chair of the Western Hemisphere Subcommittee of the Foreign Affairs Committee, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the chairman for yielding to me, and I rise in strong support of this legislation. For the United States, passage of this legislation will clear the way to deepen the strategic relationship with India, open significant opportunities for American firms, help meet India's surging energy requirements in an environmentally friendly manner, and bring India into the global nuclear nonproliferation mainstream.

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This agreement marks the culmination of a decade-long process of India's emergence on the national stage and the Indian Government's effort to steer a more pragmatic and realistic course in foreign affairs. We have common strategic interests with India, and this will enhance these interests.

India's energy demand is expected to grow nearly 5 percent per year for the next two decades. We should be a partner in that.

When the Congress passed the Hyde Act, we recognized India's refusal to transfer nuclear technology to others. These unique circumstances make this change in U.S. nonproliferation policy possible. We're now poised to reap the benefits of ending India's nuclear isolation.

Eligibility to civilian nuclear cooperation is an essential step toward bringing India fully into the global effort to prevent onward transmission of nuclear weapons know-how.

I urge my colleagues to support the bill.

Mr. MARKEY. I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, I welcome the prospect of peaceful cooperation and trade between the United States and India on matters of nuclear power. I voted for the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 because I thought it was a foundation on which we could build an energy relationship with India, one that would be mutually beneficial and, at the same time, reassuring to the international community.

Seeking energy solutions for the world's rapidly developing countries, India among them, is an admirable cause. But nuclear nonproliferation is also an admirable, compelling cause, and I am not frankly convinced that the bill we're considering on this fast track, with 40 minutes of debate, will promote India's nuclear energy goals without creating exceptions, gaps, and ambiguities that could hamper our efforts to police and stop the spread of nuclear weapons and materials.

Many serious questions need to be answered with respect to this legislation. Chief among them are questions like these: How well do these agreements comport with the letter and spirit of the Hyde Act and the Atomic Energy Act? Does the bill take the right course in constraining India from breaching the worldwide moratorium to undertake nuclear testing? Does the bill indirectly encourage India to enlarge its arsenal of nuclear weapons by allocating nuclear materials from reactor fuel to warheads? Does it provide international safeguards?

Mr. Speaker, it appears that the President is bent upon a hurried approval of this agreement. Frankly, I can find no convincing reason to treat this issue in such a hasty manner, particularly as we enter the waning hours of this session preoccupied with other issues.

The Atomic Energy Act contemplates a continuous 30-day period of congressional review, calling clearly for due diligence on issues of this gravity. I say we should abide by this solemn requirement, and if necessary, work our will and make improvements to the legislation before us.

The President may want us to move with dispatch, but the American people, on matters of this importance, want us to move with diligence and deliberation. Due diligence takes time and effort. In this instance, if we adopt this bill, we are not applying either.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1½ minutes to the gentleman

from California (Mr. ROHRABACHER) who is the ranking member of the Subcommittee on International Organizations, Human Rights, and Oversight.

Mr. ROHRABACHER. I rise in support of this historic effort to establish a partnership in helping India meets its energy needs, creating a prosperous country through clean and safe nuclear energy.

I would hope that the nuclear technology utilized by this project and by this pact will be based on the high temperature gas cool reactors, which are safer and will not produce a byproduct that can be built into a bomb. Now, if we use these reactors, that should take care of the proliferation concerns of our colleagues they are rightfully concerned about.

During the Cold War, unfortunate ideologically driven issues prevented us from a friendship and a close relationship with India. By cooperating in good faith to help India meet its energy challenge, we are indeed making it a better world and a safer world, and we now have an opportunity to have a new beginning with a country that was not in a good relationship with us in decades past.

This can be a mutually profitable relationship, and we can indeed embrace the world's largest democracy, as compared to during the Cold War when we had too close a relationship, which we are paying for now, with China, which is the world's largest and biggest human rights abuser.

So I gladly step forward and proudly step forward to be part of this historic effort to build good relations between the United States and India by utilizing safe and clean nuclear energy to build a more prosperous continent.

The SPEAKER pro tempore. All time for the gentlewoman from Florida has now expired.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman, my friend, from Massachusetts.

There will be a time when the history of the spread of nuclear weapons of mass destruction is written, and we will look back and see when the last thread of the international nuclear nonproliferation regime was shredded with this agreement. Now, we can talk at length about the details of this cooperative agreement. We can talk about what a good friend India is and how responsible they have been, but the history will say that with this agreement the world lost the last bit of an international tool to control the spread of nuclear weapons of mass destruction.

We will be left only with the ability to jawbone with our allies and to threaten our enemies. Countries will work out whatever deals they can and will, two-by-two.

If we really believe that nuclear proliferation and loose nukes are the greatest threat to world peace and security, as I do, then we should be holding on to every tool we can find to prevent that threat. We should be working with India to strengthen the international nonproliferation regime, not collaborating with India to destroy it.

I urge a ''no'' vote.

Mr. BERMAN. Mr. Speaker, I'm pleased to yield 1 minute to a member of our committee, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman. I thank him for his leadership here this evening.

On July 18, 2005, our government and the government of India entered into an agreement that we are here today seeing through. The joint statement laid the groundwork for the cooperation of our two countries for the engagement of our two countries throughout this next century. And today, we're taking the final step needed to put this agreement into place.

This agreement will end India's nuclear isolation and allow them to be brought into the nonproliferation tent with the rest of the responsible states who seek safe and efficient civilian nuclear technology.

Passage of the agreement is common sense. We are united in the world's oldest and the world's largest democracies in an effort to expand peaceful and responsible development of nuclear technology. If we expect India to be our ally in the 21st century, we must treat them as an equal, which is what this cooperation deal does.

India has never proliferated beyond her borders, unlike her neighbor, and I believe that this is an important relationship, an important aspect of this relationship that needs to be taken into consideration when evaluating this legislation before us.

I trust my colleagues will recognize what our future with India holds and vote for final passage of this historic legislation.

Mr. MARKEY. I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

As with many Members of this House, I am a strong supporter of India. I have had the opportunity to visit the country, meet with leaders, meet with people, and I think we could say we have a lot in common.

India's the world's largest democracy. Someone whose life I have admired, the life of Mahatma Gandhi, is synonymous with peace.

India is a strong ally in the quest for nuclear disarmament. It was the first nation to call for a ban on testing back in 1954.

Regretfully, I rise in opposition to this bill because I believe it threatens security in India and the Asian subcontinent and in the world. The U.S. should work with India on initiatives to eliminate all nuclear weapons for the safety of the global community and for the safety of every man, woman, and child.

The contradictory policies of this administration with respect to the nuclear nonproliferation treaty are obvious. The administration has repeatedly cited Iran for minor breaches of the nonproliferation treaty and has used these breaches to rally support for a military attack on Iran.

Yet the administration is undercutting the nonproliferation treaty by seeking to build new nuclear weapons, a major violation of the NPT, which states that nuclear weapon states should be seeking to phase out nuclear weapons.

Now the administration would like this body to approve a civilian nuclear agreement with India, despite India's refusal to join the NPT or sign the comprehensive nuclear test ban treaty.

India has nuclear weapons. It has no intention of limiting its nuclear weapons cache or production capability. The United States should be leading in nonproliferation and towards nuclear abolition.

This legislation undermines global nonproliferation efforts by endorsing India's refusal to sign the NPT. We are also extending a more favorable civil nuclear trade policy to Indian than that which is extended to countries in substantial compliance with the nonproliferation treaty.

Furthermore, by ensuring a foreign supply of uranium fuel to India for use in the civilian sector, India will be able to use more of its own limited uranium reserves to produce nuclear weapons.

Mr. Speaker, I urge defeat of this resolution.

Mr. BERMAN. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from American Samoa, ENI FALEOMAVAEGA, chairman of the Subcommittee on Asia, the Pacific, and the Global Environment.

Mr. FALEOMAVAEGA. I thank the distinguished chairman of our committee and also commend our distinguished ranking member of the committee for their leadership and support of this legislation.

Mr. Speaker, on every level it is long overdue and I believe it's long overdue that we should strengthen our relations with India. It has been stated many times before, India lives in one of the world's toughest neighborhoods, and the U.S. is the world's oldest democracy and the world's largest democracy. It is time for the United States and India to live together as friends and partners committed to promoting the values we share.

We have come a long way, and I am pleased that Congress will now vote in favor of supporting the use of India's civil nuclear cooperation which will lift millions out of poverty and will help us begin to address the global energy crisis which now confronts us.

Two major factors that I think I want to share with my colleagues and I think it's important in this agreement, the fact that it has the IAEA's approval and the fact that 45 members of the Nuclear Suppliers Group has also given approval to this agreement.

Mr. Speaker, I rise today in support of H.R. 7081, the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act, and commend Chairman HOWARD L. BERMAN of the House Foreign Relations Committee for his leadership in bringing this deal to the floor for an historic vote. Without his support, this deal would have gone nowhere. I also want to thank the gentlelady from Florida, Ms. ROS-LEHTINEN, our senior ranking member of the committee, for her leadership and support.

Before agreeing to allow this bill to move forward, Chairman BERMAN insisted that U.S. Secretary of State Condoleezza Rice offer assurances that, in a change of policy, ''the United States will makes its highest priority at the November meeting of the Nuclear Suppliers Group (NSG) the achievement of a decision to prohibit the export of enrichment and reprocessing equipment and technology to states that are not signatories of the Nuclear Nonproliferation Treaty (NPT). I fully agree with Chairman BERMAN'S decision, and applaud him for making sure this agreement is interpreted in a manner consistent with the intent of Congress as expressed in the Hyde Act to further restrict international transfers of this sensitive technology.

I also want to pay tribute to our former and esteemed colleagues, the Honorable Henry J. Hyde and the Honorable Tom Lantos, who both served with distinction as chairmen of the House Foreign Relations Committee, and did everything they could to ensure that this day would come and that the U.S. would enter into a civilian nuclear cooperation agreement with the Government of India.

I also want to acknowledge the efforts of the Indian-American community which has been galvanized in support of this deal. Like House Majority Leader STENY HOYER said, ''I commend Mr. Sanjay Prui, President of USIBA, for the important work he has done on the U.S.–India nuclear deal, in cooperation with the Congressional Taskforce on U.S.–India Trade.''

As Co-Chair of the Congressional Taskforce on U.S.–India Trade, I believe, as Chairman BERMAN has so eloquently stated, we should have no illusions that India will give up its nuclear weapons, ''so long as the five recognized nuclear weapons states fail to make serious reductions in their arsenals.'' But, like Chairman BERMAN, I also agree that this deal is a ''positive step to integrate India into the global nonproliferation regime.''

On every level, Mr. Speaker, I believe it is way overdue that we strengthen U.S.–India relations. As has been stated many times before, India lives in one of the world's toughest neighborhoods and, the U.S. as the world's oldest democracy and the world's largest democracy, it is time for the U.S. and India to stand together as friends and partners committed to promoting the values we share.

I also recognize, again, the important contributions of former Under Secretary of State Nicholas Burns who, as lead negotiator for this agreement, represented our Nation's interest with distinction. I am honored to have worked with Under Secretary Burns during a time when the deal was first proposed to the Congress.

I also appreciate the support of the Honorable Richard Boucher, Assistant Secretary of State for South and Central Asian Affairs, who, at the invitation of the Congressional Taskforce on U.S.–India Trade, in cooperation with USIBA, was first on the Hill from the U.S. Administration to brief Members of Congress, staffers, professionals in the field, and the Indian-American community since India was given a waiver by the 45-nation Nuclear Suppliers' Group (NSG) on Saturday, September 6, 2008.

We have come a long way, and I am pleased that Congress will now vote in favor of supporting U.S.–India civil nuclear cooperation which will lift millions out of poverty, and will help us begin to address the global energy crisis which now confronts us.

Mr. BERMAN. Mr. Speaker, I'm pleased to yield 1 minute to a very active member of the House Foreign Affairs Committee, the gentlelady from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the chairman very much, and let me quickly thank him for the thoughtfulness on this legislation, and as well the ranking member, Congresswoman ILEANA ROS-LEHTINEN.

I am a strong supporter of nuclear nonproliferation. I am a supporter of India. And I also believe in balancing the needs of India and our friend and ally against terrorism, Pakistan. But this is an important statement about our friendship with India, and I believe that this nuclear civil agreement is just that, 1.1 billion people who are attempting to invest and grow their economy.

The restrictions that we have are meaningful: no stockpiles; fuel supplies should match the nuclear reactor needs; no accumulation, as I said, of stockpiles; Congress having the right to disapprove by resolution any agreement that permits India to extract plutonium and uranium from U.S. fast reactor fuel.

It is important to note that this particular agreement is one that we should support. The Indian Government has put forward their best effort. They are our friend, and I ask my colleagues to support this legislation.

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

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 7 minutes.

Mr. MARKEY. Mr. Speaker, I rise today in strong opposition to this bill and to the U.S.-India Nuclear Deal.

Most people think that this is a debate about India. It is not. We are all friends of India, and we are all united in our view that the United States and India share a bright future of strong relations. This is a debate about Iran. This is a debate about North Korea, about Pakistan, about Venezuela, about any other country in the world that harbors the goal of acquiring nuclear weapons.

With this vote, we are shattering the nonproliferation rules. And the next three countries to march through the broken glass will be Iran, North Korea, and Pakistan. And there are others with their nose up against the window getting ready as well. Flashing a green light to India sends a dangerous signal to all of those countries because these policies are interconnected.

We are now seeing the devastating financial consequences of years of Wall Street recklessness. The subprime mortgage pushers pretended that the laws of supply and demand no longer applied and that home values would always go up. Well, they were wrong. The Bush administration argues that breaking the nuclear rules for India will not lead to broken rules for anyone else. The Bush administration is wrong. And this deal will have serious consequences for our national security. Like the financial crisis that is now gripping the globe, this disastrous nuclear deal will come back to haunt us because there is no bailout for a nuclear bomb.

Nonproliferation experts tell us that India will be able to increase its annual nuclear weapons production from seven bombs per year to 40 or 50 bombs per year. That is absolutely a crazy situation for us to be engaging in. Does the Bush administration think that nobody is watching what we are doing? Pakistan is watching. Pakistan is watching its arch rival get welcomed into ''the nuclear club.'' Does the Bush administration think that Pakistan will just watch India ramp up its nuclear weapons production and do nothing? Pakistan will respond. Pakistan warned us this summer that this deal, and I quote, ''threatens to increase the chances of a nuclear arms race.''

Right now, according to nonproliferation experts, Pakistan is building two new reactors to dramatically increase its nuclear weapons production. The first of these new reactors could come online within a year. Pakistan is essentially telling India, ''We're in this game, too. We will match you step to step.''

This is an all out nuclear arms race. That is what President Bush should be working on, not fueling it, but trying to negotiate an end to it. This is what a nuclear arms race looks like. We lived through one with the Soviet Union, now we are fueling one in Southeast Asia.

And who is Pakistan? A.Q. Khan, right here, the world's number one nuclear proliferator, a criminal against humanity, he is in Pakistan. Al Qaeda and Osama bin Laden, the people that actually attacked us on 9/11—and we know have attempted to acquire weapons of mass destruction—they are in Pakistan. And the Pakistani government, upon which we are relying to safeguard the nuclear weapons and materials, is dangerously unstable. We are feeding the fire of a nuclear arms race in the one country, Pakistan, where we can least afford to do so.

It's incredibly ironic that next here on the House floor we will consider a bill to increase sanctions on Iran for its nuclear program because the bill we're considering now makes an Iranian nuclear weapon much harder to

prevent. By breaking the rules for India, we're making it less likely that the rules will hold against Iran or anyone else.

Iran is looking at this deal for India and they're saying, ''Where can I sign up?'' ''I want that deal.'' And where is it written that once these new rules are set up, that the Venezuelans can't cut the same deal with the Chinese, that the Iranians and the Russians will just continue merrily along the way? They will be pointing at us. They will be pointing at our explanation that we can cut a separate deal here with India. That is what we are establishing in this bill. This is the new regime for the world, not a comprehensive policy, but each big country who wants to cut a deal with a nuclear aspiring country can do so.

The Nuclear Nonproliferation Treaty is the bedrock of our efforts to prevent the spread of nuclear weapons. It is the foundation upon which all of our work rests. And this deal is ripping that foundation up by its roots.

Ladies and gentlemen, we are at an historic point. This deal allows for a country which is not a signatory to the Nuclear Nonproliferation Treaty to be exempted from it. It's an historic moment not only in the history of the United States, but of the world.

This nuclear nonproliferation regime that President Kennedy told us we had to establish has worked. In 1963, when he said, by the year 2000 we might have to count the countries that don't have nuclear weapons because they will be fewer than those that do unless we put a regime in place, was accurate. And if you look now, in 2008, almost no new countries have obtained nuclear weapons since 1963; quite an achievement. But here tonight, we're about to create a new global regime. And we will look back on this in the same way that we look back on the day when we began to allow subprime loans, and we will wonder how a global nuclear catastrophe was created, and we will point back to this evening.

I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield the remaining time to the gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore. The gentleman is recognized for 1¾ minutes.

Mr. PALLONE. Mr. Speaker, I beg to disagree with my colleague from Massachusetts for several reasons. First of all, this is not about Iran. India's entire history with regard to nuclear weapons has been defensive, completely defensive, not offensive in the way Iran speaks and its President speaks.

In addition, India is very much like the United States. We know it's a democracy. We know there has always been very strict civilian control of its nuclear weapons. This is really not about nuclear weapons at all. It's about a civilian nuclear agreement between the United States and India.

And we know very much that India is similar to the United States; it seeks energy independence, it does not want to be dependent upon Mid East oil and the Mid East countries in the same way that we are.

By putting this agreement together, by passing this agreement tomorrow, basically we will be making India part of our partnership and saying that we will share civilian nuclear purposes. We will strengthen not only our own independence from Mid East oil, we will also strengthen India's.

And the bottom line is that there is only a history of cooperation between the United States and India. India has a strong record—and I heard some of my colleagues say to the contrary, it simply is not true—India has a strong record of trying to create a situation of nuclear nonproliferation. It has been a leader, in fact, on that. And this agreement is simply going to strengthen that even more.

I think that we can trust India in the way that we can trust our own leaders. And the fact that we are going to work and have this agreement passed tomorrow—and I know that it will pass and it will pass on a bipartisan basis—will simply strengthen the alliance between our two countries, which is so important to both countries' future.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have reservations about the rapid way in which H.R. 7081, the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act, was brought to the House floor without consideration and amendment in the Foreign Affairs Committee of which I am a member. However, despite my concerns and my steadfast commitment to non-proliferation, I rise in support of this legislation and our Nation's important relationship with India.

The United States' relationship with India is of paramount importance to our nation's political and economic future. With the receding of the Cold War's global divisions and the new realities of globalization and trans-national terrorism, we have embarked on a new era of promise, possibility and uncertainty. This means the United States bears an especially heavy responsibility to remain engaged in all regions of the world, with all nation-states. It is in the national interest for the United States to continue our policy of engagement, collaboration, and exchange which has served the nation well in the past, particularly in the South Asia region.

This legislation approves the U.S.–India Agreement for Peaceful Nuclear Cooperation, notwithstanding the procedures in the Atomic Energy Act and the Hyde Act. It declares that the Bush Administration's past statements are authoritative interpretations of the agreement, but also reiterates the policy directives in the Hyde Act that the U.S. will seek to prevent other nations from nuclear trade with India if U.S. halts U.S. trade to India because of a nuclear test. Furthermore, the supply of U.S. fuel supply to India should match India's reactor needs, rather than a stockpile to weather an international fuel sanction should India resume nuclear testing.

Importantly, this legislation ensures Congress retains the ability to review and disapprove (via a joint resolution of disapproval enacted within 30 days) a subsequent agreement to permit India to extract plutonium and uranium from U.S.-origin spent reactor fuel. It re-establishes Congressional authority to legislatively reject (via a joint resolution of disapproval within 60 days) a Presidential decision to resume nuclear trade with any country that detonates a nuclear explosive device. It is also vital that this legislation requires the President to certify that the India Agreement is consistent with U.S. NPT commitment not to assist in any way in the acquisition of nuclear weapons.

Mr. Speaker, I visited India and met with India's Prime Minister in July of this year where we discussed how our two Nation's continue to collaborate economically, politically, and technologically. In this Nation and in my city of Houston, we have a large and vibrant Indian-American community which makes significant contributions to the vitality of our democracy. I am confident that we can work with India so that they can meet their energy needs through nuclear technology. Accordingly, that is why it is important that this legislation urges India to sign and implement an IAEA Additional Protocol for Safeguards, as India has committed to do. It also restricts issuance of U.S. export licenses under the Agreement (which has entered into force) until India completes the process of bringing its Safeguards Agreement with the International Atomic Energy Agency (IAEA) into force.

Mr. Speaker, this legislation also requires the Administration to keep the Congress fully and completely informed regarding new initiatives for civil nuclear cooperation agreements. It requires additional reporting requirements for an Annual Report to Congress on implementation of the Agreement required by the Hyde Act. It also requires a Presidential certification that it is U.S. policy to seek greater restrictions on transfer or uranium enrichment or plutonium reprocessing equipment technology at the Nuclear Suppliers Group (NSG) or with NSG governments before entry-into-force of the India Agreement. Finally, this legislation declares that the India Agreement does not supersede the Atomic Energy Act or Hyde Act.

Peaceful nuclear cooperation with India can serve multiple U.S. foreign policy objectives so long as it is undertaken in a manner that minimizes potential risks to the nonproliferation regime. This will be best achieved by sustained and active engagement and cooperation between the India and the United States.

This landmark legislation serves both our strategic interests and our long-standing nonproliferation objectives. We should heed the sage words of the Iraq Study Group which recommends engaging rather than abandoning the possibilities dialogue offers. Our engagement and subsequent abandonment of Iran has resulted in their current pursuit of nuclear technology. We should not make the same mistake in South Asia. We need to remain engaged with India and Pakistan so that they remain our most important allies rather than our adversaries.

We are on the path to fostering an enduring relationship of mutually beneficial cooperation with India. The new realities of globalization and interdependence have brought a convergence of interests between the world's largest democracy and the world's most powerful one. I accompanied President Clinton in his groundbreaking trip to India marking a new phase in the bonds that bind our two countries. This legislation builds on this relationship

by permitting an invigorated relationship in the field of nuclear cooperation, an area of critical importance given India's increasing energy demands.

I am hopeful that the nonproliferation measures in this legislation anchor India in the international nonproliferation framework by including: safeguards between India and the International Atomic Energy Agency (IAEA); end use monitoring of U.S. exports to India; and strengthening the Nuclear Suppliers Group, which are the group of countries that restrict nuclear proliferation throughout the world.

In addition, this legislation maintains Congressional oversight over the ongoing relationship of nuclear cooperation between the U.S. and India. We must continue to enhance our nonproliferation policy and bolster our argument that the rest of the world should agree to this robust inspection regime.

In conclusion, I support this legislation, and I urge my colleagues to do the same.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of H.R. 7081, the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act. This landmark legislation will ensure India's continued access to safe, clean carbon-free nuclear power while guaranteeing, through international inspections, that India's nuclear ambitions remain peaceful.

Mr. Speaker, I have been a strong proponent of nuclear power because it is an efficient and inexpensive way to meet our growing energy needs. In fact, my state of Illinois derives 50% of its power from nuclear energy. In my district, Argonne National Laboratories has been at the cutting edge of the next generation of nuclear power.

Most recently, they have helped to develop an advanced nuclear reprocessing technology called UREX, which literally re-burns spent fuel to extract more energy. At the same time, it improves efficiency and vastly reduces the toxicity, volume, and danger of the final waste product.

As the global appetite for energy continues to a row, nuclear technology will become increasingly important if we are to meet this unprecedented demand. This agreement will allow India, which has one of the fastest growing economies in the world, access to advanced nuclear technology. Cheap and abundant nuclear power will ensure that their economy can continue to flourish, without the pollution that plagues many other rapidly modernizing nations.

This agreement also has built in safeguards to ensure that sensitive nuclear technology is not compromised. India has agreed to prevent any third-parties from accessing their nuclear technology and to allow international inspectors into 14 nuclear sites around the country to enforce this agreement. These provisions will ensure that sensitive nuclear info does not end up in the hands of terrorists or rogue nations that would seek to do us harm.

The United States and India have a long history of cooperation stretching back over half a century, and I am pleased that we can continue this productive partnership. I urge all of my colleagues to support this historic legislation.

Mr. CONYERS. Mr. Speaker, I rise in opposition today to the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act. If this body ratifies this agreement today, it will be the first time that a country that is not a member of the Nonproliferation Treaty will have the benefits of nuclear trade without any of the responsibilities associated with possessing unstable, dangerous material on the planet.

Earlier this month, the Nuclear Suppliers Group made the ill-fated decision to approve an India-specific waive from its guidelines requiring full-scope International Atomic Energy Agency safeguards as a condition for nuclear supply and trade. The decision ends the 34-year global ban on nuclear trade with India, a nation which has defied international norms regarding responsible and acceptable nuclear energy use.

Now, the Bush Administration is attempting bilateral deal with India that would exacerbate and codify the NSG's mistake. Under the deal, India would only have to separate its unregulated military and regulated civilian nuclear programs, not cease the pursuit of additional nuclear weapons. Additionally, India is allowed to keep 1,000 bombs worth of nuclear material outside of IAEA safeguards. In other words, by agreeing to provide material to satisfy India's civilian nuclear needs, America would be freeing up unregulated material for use in its military bomb production program.

How a deal like this brings India into conformance with international norms of state nonproliferation behavior—something the administration claims—is beyond me. Freeing up more unregulated nuclear material for bomb making doesn't sound like a safety measure. It sounds like a recipe for irresponsible use.

The economic benefits of this deal have also been greatly exaggerated by the Bush Administration. Russia and other regional states are already actively negotiating supply deals with India; leaving little opportunity for US energy companies half a world away.

However, more important than the potential economic aspects of the deal for our domestic energy production industry, or even the increased ability of India to create nuclear weapons, is the drastic effect the deal would have on the Nuclear Nonproliferation Treaty, one of the most sacrosanct and honored multilateral agreements in international law.

The NPT is the single most effective bulwark against the spread of nuclear weapons materials and technology. The treaty currently has 189 signatories and only four non-signatories. Under the treaty, NPT countries which possess nuclear weapons agree not to share weapon making materials or information. Similarly, NPT countries without weapons agree not to pursue these materials or information.

By agreeing to supply a nation that has not agreed to abide by these solemn pledges, this agreement would blow a hole in the NPT. Previously, our government required states to sign the NPT if they wanted to engage in nuclear trade with us. With this deal, the leverage inherent in that tradeoff will be gone. What moral authority will we or the international community have over Iran, or any other NPT signatory for that matter, if it actively seeks nuclear materials in violation of the treaty?

In the waning days of an administration that has shredded international law and our credibility around the world, why is this body prepared today to add to this tarnished legacy? Let there be no doubt, a vote for this bill is a vote for a more dangerous world. For the sake of peace and the sanctity of the rule of law, I encourage my colleagues to oppose the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 7081.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2008

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7112) to impose sanctions with respect to Iran, to provide for the divestment of assets in Iran by State and local governments and other entities, and to identify locations of concern with respect to transshipment, reexportation, or diversion of certain sensitive items to Iran.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008''.

(a) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Support for diplomatic efforts relating to preventing Iran from acquiring nuclear weapons.

TITLE I—SANCTIONS

Sec. 101. Definitions.
Sec. 102. Clarification and expansion of definitions.
Sec. 103. Economic sanctions relating to Iran.
Sec. 104. Liability of parent companies for violations of sanctions by foreign subsidiaries.
Sec. 105. Increased capacity for efforts to combat unlawful or terrorist financing.
Sec. 106. Reporting requirements.
Sec. 107. Sense of Congress regarding the imposition of sanctions on the Central Bank of Iran.
Sec. 108. Rule of construction.
Sec. 109. Temporary increase in fee for certain consular services.

TITLE II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

Sec. 201. Definitions.
Sec. 202. Authority of State and local governments to divest from certain companies that invest in Iran.
Sec. 203. Safe harbor for changes of investment policies by asset managers.
Sec. 204. Sense of Congress regarding certain ERISA plan investments.

TITLE III—PREVENTION OF TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF SENSITIVE ITEMS TO IRAN

Sec. 301. Definitions.

Sec. 302. Identification of locations of concern with respect to transshipment, reexportation, or diversion of certain items to Iran.
Sec. 303. Destinations of Possible Diversion Concern and Destinations of Diversion Concern.
Sec. 304. Report on expanding diversion concern system to countries other than Iran.
TITLE IV—EFFECTIVE DATE; SUNSET
Sec. 401. Effective date; sunset.

SEC. 2. SUPPORT FOR DIPLOMATIC EFFORTS RELATING TO PREVENTING IRAN FROM ACQUIRING NUCLEAR WEAPONS.

(a) SUPPORT FOR INTERNATIONAL DIPLOMATIC EFFORTS.—It is the sense of the Congress that—

(1) the United States should use diplomatic and economic means to resolve the Iranian nuclear problem;

(2) the United States should continue to support efforts in the International Atomic Energy Agency and the United Nations Security Council to bring about an end to Iran's uranium enrichment program and its nuclear weapons program; and

(3)(A) United Nations Security Council Resolution 1737 was a useful first step toward pressing Iran to end its nuclear weapons program; and

(B) in light of Iran's continued defiance of the international community, the United Nations Security Council should adopt additional measures against Iran, including measures to prohibit investments in Iran's energy sector.

(b) PEACEFUL EFFORTS BY THE UNITED STATES.—Nothing in this Act shall be construed as authorizing the use of force or the use of the United States Armed Forces against Iran.

TITLE I—SANCTIONS

SEC. 101. DEFINITIONS.

In this title:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) FAMILY MEMBER.—The term ''family member'' means, with respect to an individual, the spouse, children, grandchildren, or parents of the individual.

(5) INFORMATION AND INFORMATIONAL MATERIALS.—The term ''information and informational materials''—

(A) means information and informational materials described in section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)); and

(B) does not include information or informational materials—

(i) the exportation of which is otherwise controlled—

(I) under section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)); or

(II) under section 6 of that Act (50 U.S.C. App. 2405), to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States; or

(ii) with respect to which acts are prohibited by chapter 37 of title 18, United States Code.

(6) INVESTMENT.—The term ''investment'' has the meaning given that term in section 14(9) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(7) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term ''Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran'' has the meaning given that term in section 14(11) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note).

(8) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(9) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

SEC. 102. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) PERSON.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) by inserting ''financial institution, insurer, underwriter, guarantor, and any other business organization, including any foreign subsidiary, parent, or affiliate of the foregoing,'' after ''trust,''; and

(2) by inserting '', such as an export credit agency'' before the semicolon.

(b) PETROLEUM RESOURCES.—Section 14(14) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

''(14) PETROLEUM RESOURCES.—

''(A) PETROLEUM RESOURCES.—The term 'petroleum resources' includes petroleum, petroleum by-products, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or compressed or liquefied natural gas.

''(B) PETROLEUM BY-PRODUCTS.—The term 'petroleum by-products' means gasoline, kerosene, distillates, propane or butane gas, diesel fuel, residual fuel oil, and other goods classified in headings 2709 and 2710 of the Harmonized Tariff Schedule of the United States.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

SEC. 103. ECONOMIC SANCTIONS RELATING TO IRAN.

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 120 days after the date of the enactment of this Act, the economic sanctions described in subsection (b) shall apply with respect to Iran.

(b) SANCTIONS.—The sanctions described in this subsection are the following:

(1) PROHIBITION ON IMPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article of Iranian origin may be imported directly or indirectly into the United States.

(B) EXCEPTION.—The prohibition in subparagraph (A) does not apply to imports from Iran of information and informational materials.

(2) PROHIBITION ON EXPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article of United States origin may be exported directly or indirectly to Iran.

(B) EXCEPTIONS.—The prohibition in subparagraph (A) does not apply to exports to Iran of—

(i) agricultural commodities, food, medicine, or medical devices;

(ii) articles exported to Iran to provide humanitarian assistance to the people of Iran;

(iii) information or informational materials; or

(iv) goods, services, or technologies necessary to ensure the safe operation of commercial passenger aircraft produced in the United States if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations for licensing the exportation of such goods, services, or technologies, if appropriate.

(3) FREEZING ASSETS.—

(A) IN GENERAL.—At such time as the United States has access to the names of persons in Iran, including Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran, that are determined to be subject to sanctions imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other provision of law relating to the imposition of sanctions with respect to Iran, the President shall take such action as may be necessary to freeze immediately the funds and other assets belonging to any person so named, and any family members or associates of those persons so named to whom assets or property of those persons so named were transferred on or after January 1, 2008. The action described in the preceding sentence includes requiring any United States financial institution that holds funds and assets of a person so named to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(B) ASSET REPORTING REQUIREMENT.—Not later than 14 days after a decision is made to freeze the property or assets of any person under this paragraph, the President shall report the name of such person to the appropriate congressional committees.

(4) UNITED STATES GOVERNMENT CONTRACTS.—The head of an executive agency may not procure, or enter into a contract for the procurement of, any goods or services from a person that meets the criteria for the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(c) WAIVER.—The President may waive the application of the sanctions described in subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

SEC. 104. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(2) OWN OR CONTROL.—The term ''own or control'' means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(3) SUBSIDIARY.—The term ''subsidiary'' means an entity that is owned or controlled, directly or indirectly, by a United States person.

(4) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen, resident, or national of the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own or control the entity.

(b) IN GENERAL.—A United States person shall be subject to a penalty for a violation of the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), if—

(1) the President determines that the United States person establishes or maintains a subsidiary outside of the United States for the purpose of circumventing such provisions; and

(2) that subsidiary engages in an act that, if committed in the United States or by a United States person, would violate such provisions.

(c) WAIVER.—The President may waive the application of subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (b) shall take effect on the date of the enactment of this Act and apply with respect to acts described in subsection (b)(2) that are—

(A) commenced on or after the date of the enactment of this Act; or

(B) except as provided in paragraph (2), commenced before such date of enactment, if such acts continue on or after such date of enactment.

(2) EXCEPTION.—Subsection (b) shall not apply with respect to an act described in paragraph (1)(B) by a subsidiary owned or controlled by a United States person if the United States person divests or terminates its business with the subsidiary not later than 90 days after such date of enactment.

SEC. 105. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) FINDING.—Congress finds that the work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—There is authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(1) $61,712,000 for fiscal year 2009; and

(2) such sums as may be necessary for each of fiscal years 2010 and 2011.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE FINANCIAL CRIMES ENFORCEMENT NETWORK.—Section 310(d)(1) of title 31, United States Code, is amended by striking ''such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005'' and inserting ''$91,335,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 and 2011''.

SEC. 106. REPORTING REQUIREMENTS.

(a) FOREIGN INVESTMENT IN IRAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on—

(A) any foreign investments of $20,000,000 or more made in Iran's energy sector on or after January 1, 2008, and before the date on which the President submits the report; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) SUBSEQUENT REPORTS.—Not later than 1 year after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on—

(A) any foreign investments of $20,000,000 or more made in Iran's energy sector during the 180-day period preceding the submission of the report; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(b) FORM OF REPORTS.—The reports required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 107. SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS ON THE CENTRAL BANK OF IRAN.

Congress urges the President, in the strongest terms, to consider immediately using the authority of the President to impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support of terrorist groups.

SEC. 108. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to affect any provision of title I of the Iran Freedom Support Act (Public Law 109–293; 50 U.S.C. 1701 note).

SEC. 109. TEMPORARY INCREASE IN FEE FOR CERTAIN CONSULAR SERVICES.

(a) INCREASE IN FEE.—Notwithstanding any other provision of law, not later than 120 days after the date of the enactment of this Act, the Secretary of State shall increase by $1.00 the fee or surcharge assessed under section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 8 U.S.C. 1351 note) over the amount of such fee or surcharge as of such date for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

(b) DEPOSIT OF AMOUNTS.—Notwithstanding section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, fees collected under the authority of subsection (a) shall be deposited in the Treasury of the United States.

(c) DURATION OF INCREASE.—The fee increase authorized under subsection (a) shall terminate on the date that is nine months after the date on which such fee is first collected.

TITLE II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

SEC. 201. DEFINITIONS.

In this title:

(1) ENERGY SECTOR.—The term ''energy sector'' refers to activities to develop petroleum or natural gas resources or nuclear power.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 14(5) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(4) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company, or subsidiary of any entity described in subparagraph (A) or (B).

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 202. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES THAT INVEST IN IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should support the decision of any State or local government to divest from, or to prohibit the investment of assets of the State or local government in, a person that the State or local government determines poses a financial or reputational risk.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) INVESTMENT ACTIVITIES DESCRIBED.—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of $20,000,000 or more—

(A) in the energy sector of Iran; or

(B) in a person that provides oil or liquified natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquified natural gas, for the energy sector in Iran; or

(2) is a financial institution that extends $20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit to invest in the energy sector in Iran.

(d) REQUIREMENTS.—The requirements referred to in subsection (b) that a measure taken by a State or local government must meet are the following:

(1) NOTICE.—The State or local government shall provide written notice to each person to which a measure is to be applied.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) OPPORTUNITY FOR HEARING.—The State or local government shall provide an opportunity to comment in writing to each person to which a measure is to be applied. If the person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to

avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(f) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) is not preempted by any Federal law or regulation.

(g) DEFINITIONS.—In this section:

(1) INVESTMENT.—The ''investment'' of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(2) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''assets'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

SEC. 203. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information available to the public—

''(A) conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007 (50 U.S.C. 1701 note); or

''(B) engage in investment activities in Iran described in section 202(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008.''.

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 to include divestments of securities in accordance with paragraph (1)(B) of such section, as added by subsection (a).

SEC. 204. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities in Iran described in section 202(c) of this title, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) such divestment or avoidance of investment is conducted in accordance with section 2509.94–1 of title 29, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

TITLE III—PREVENTION OF TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF SENSITIVE ITEMS TO IRAN

SEC. 301. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) END-USER.—The term ''end-user'' means an end-user as that term is used in the Export Administration Regulations.

(3) ENTITY OWNED OR CONTROLLED BY THE GOVERNMENT OF IRAN.—The term ''entity owned or controlled by the Government of Iran'' includes—

(A) any corporation, partnership, association, or other entity in which the Government of Iran owns a majority or controlling interest; and

(B) any entity that is otherwise controlled by the Government of Iran.

(4) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means subchapter C of chapter VII of title 15, Code of Federal Regulations.

(5) GOVERNMENT.—The term ''government'' includes any agency or instrumentality of a government.

(6) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(7) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means any country the government of which the Secretary of State has determined, pursuant to—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto),

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)),

is a government that has repeatedly provided support for acts of international terrorism.

(8) TRANSSHIPMENT, REEXPORTATION, OR DIVERSION.—The term ''transshipment, reexportation, or diversion'' means the exportation, directly or indirectly, by any means, of items that originated in the United States to an end-user whose identity cannot be verified or to an entity owned or controlled by the Government of Iran in violation of the laws or regulations of the United States, including by—

(A) shipping such items through 1 or more foreign countries; or

(B) by using false information regarding the country of origin of such items.

SEC. 302. IDENTIFICATION OF LOCATIONS OF CONCERN WITH RESPECT TO TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF CERTAIN ITEMS TO IRAN.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies all countries that the Director determines are of concern with respect to transshipment, reexportation, or diversion of items subject to the provisions of the Export Administration Regulations to an entity owned or controlled by the Government of Iran.

SEC. 303. DESTINATIONS OF POSSIBLE DIVERSION CONCERN AND DESTINATIONS OF DIVERSION CONCERN.

(a) DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Possible Diversion Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines that such designation is appropriate to carry out activities to strengthen the export control systems of that country based on criteria that include—

(A) the volume of items that originated in the United States that are transported through the country to end-users whose identities cannot be verified;

(B) the inadequacy of the export and reexport controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control diversion activities; and

(D) the unwillingness or inability of the government of the country to cooperate with the United States in interdiction efforts.

(2) STRENGTHENING EXPORT CONTROL SYSTEMS OF DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—If the Secretary of Commerce designates a country as a Destination of Possible Diversion Concern under paragraph (1), the United States shall initiate government-to-government activities described in paragraph (3) to strengthen the export control systems of the country.

(3) GOVERNMENT-TO-GOVERNMENT ACTIVITIES DESCRIBED.—The government-to-government activities described in this paragraph include—

(A) cooperation by agencies and departments of the United States with counterpart agencies and departments in a country designated as a Destination of Possible Diversion Concern under paragraph (1) to—

(i) develop or strengthen export control systems in the country;

(ii) strengthen cooperation and facilitate enforcement of export control systems in the country; and

(iii) promote information and data exchanges among agencies of the country and with the United States; and

(B) efforts by the Office of International Programs of the Department of Commerce to strengthen the export control systems of the country to—

(i) facilitate legitimate trade in high-technology goods; and

(ii) prevent terrorists and state sponsors of terrorism, including Iran, from obtaining nuclear, biological, and chemical weapons, defense technologies, components for improvised explosive devices, and other defense items.

(b) DESTINATIONS OF DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Diversion Concern if the Secretary, in consultation with the Secretary of

State and the Secretary of the Treasury, determines—

(A) that the government of the country is directly involved in transshipment, reexportation, or diversion of items that originated in the United States to end-users whose identities cannot be verified or to entities owned or controlled by the Government of Iran; or

(B) 12 months after the Secretary of Commerce designates the country as a Destination of Possible Diversion Concern under subsection (a)(1), that the country has failed—

(i) to cooperate with the government-to-government activities initiated by the United States under subsection (a)(2); or

(ii) based on the criteria described in subsection (a)(1), to adequately strengthen the export control systems of the country.

(2) LICENSING CONTROLS WITH RESPECT TO DESTINATIONS OF DIVERSION CONCERN.—

(A) REPORT ON SUSPECT ITEMS.—

(i) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Director of National Intelligence, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report containing a list of items that, if the items were transshipped, reexported, or diverted to Iran, could contribute to—

(I) Iran obtaining nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(II) support by Iran for acts of international terrorism.

(ii) CONSIDERATIONS FOR LIST.—In developing the list required under clause (i), the Secretary of Commerce shall consider—

(I) the items subject to licensing requirements under section 742.8 of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling) and other existing licensing requirements; and

(II) the items added to the list of items for which a license is required for exportation to North Korea by the final rule of the Bureau of Export Administration of the Department of Commerce issued on June 19, 2000 (65 Fed. Reg. 38148; relating to export restrictions on North Korea).

(B) LICENSING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall require a license to export an item on the list required under subparagraph (A)(i) to a country designated as a Destination of Diversion Concern.

(3) WAIVER.—The President may waive the imposition of the licensing requirement under paragraph (2)(B) with respect to a country designated as a Destination of Diversion Concern if the President—

(A) determines that such a waiver is in the national interest of the United States; and

(B) submits to the appropriate congressional committees a report describing the reasons for the determination.

(c) TERMINATION OF DESIGNATION.—The designation of a country as a Destination of Possible Diversion Concern or a Destination of Diversion Concern shall terminate on the date on which the Secretary of Commerce determines, based on the criteria described in subparagraphs (A) through (D) of subsection (a)(1), and certifies to Congress and the President that the country has adequately strengthened the export control systems of the country to prevent transshipment, reexportation, and diversion of items through the country to end-users whose identities cannot be verified or to entities owned or controlled by the Government of Iran.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 304. REPORT ON EXPANDING DIVERSION CONCERN SYSTEM TO COUNTRIES OTHER THAN IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that—

(1) identifies any country that the Director determines may be transshipping, reexporting, or diverting items subject to the provisions of the Export Administration Regulations to another country if such other country—

(A) is seeking to obtain nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(B) provides support for acts of international terrorism; and

(2) assesses the feasability and advisability of expanding the system established under section 303 for designating countries as Destinations of Possible Diversion Concern and Destinations of Diversion Concern to include countries identified under paragraph (1).

TITLE IV—EFFECTIVE DATE; SUNSET

SEC. 401. EFFECTIVE DATE; SUNSET.

(a) EFFECTIVE DATE.—Except as provided in sections 102, 103, 104 and 202, this Act and the amendments made by this Act take effect on the date of the enactment of this Act.

(b) SUNSET.—The provisions of this Act shall terminate on the date that is 30 days after the date on which the President certifies to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism under—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, preventing Iran from becoming a nuclear power, to me, is one of the great national security challenges of our age. A nuclear-armed, fundamentalist Iran would become the dominant power in its region. The global nonproliferation regime would crumble. Already today we know that many of Iran's neighbors are contemplating their own nuclear programs. And can anyone be sure that Iran, with a leader who speaks like he speaks now, would not resort to either the use of nuclear weapons or to the handoff of those weapons to terrorist organizations?

The sanctions that the United States and the international community have thus far placed on Iran have squeezed Iran's economy somewhat, but clearly not enough to slow down its nuclear program. The present strategy is not working. I'm disappointed—and I believe the Iranian regime is surely heartened—by the failure of the administration's program to produce the kinds of results we need regarding Iran's nuclear program.

We need to make our foreign policy priorities clear. And Iran must be at the very top of the agenda in all our dealings with other countries. Sanctions will never work unless we have buy-in and support from other key countries. And if the process of achieving that buy-in requires us to engage directly with Iran, that is certainly something we should do.

Two months ago, the Permanent Members of the U.N. Security Council and Germany offered Iran all kinds of generous incentives to persuade it to suspend its uranium enrichment program. Just for the sake of initiating further talks on this package, they offered what they called a ''freeze-for-freeze,'' meaning we will agree not to pursue further sanctions for 6 weeks and Iran agrees not to increase the number of its centrifuges. But these offers weren't good enough for Iran, which responded only with a noncommittal letter.

If Iran won't change its behavior as a result of the sanctions the international community has already imposed, and if it won't change its behavior as a result of the generous incentives package offered in Geneva, then we should be pursuing tougher and more meaningful sanctions.

The legislation before us won't put an end to Iran's nuclear program, but it may help to slow it down. It will send a strong signal to Tehran that the U.S. Congress views this matter with urgency. And it will send a message to companies and countries that invest or consider investing in Iran's energy sector.

□ 1945

This bill before us contains a somewhat diluted version of two measures put together in the other body that had previously been passed by the House by votes of 397–16 and 408–6.

This legislation would codify and expand export and import bans on goods to and from Iran. It would freeze assets in the U.S. held by Iranians closely tied to the regime. It would render sanctionable a U.S. parent company if that parent company uses a foreign subsidiary to circumvent sanctions. It expands the Iran Sanctions Act to

cover not only oil and all natural gas but related industries. It authorizes State and local governments in the United States to divest from any company that invests $20 million or more in Iran's energy sector. It increases U.S. export controls on countries that are directly involved in trans-shipment or illegal diversion of sensitive technologies to Iran. And it requires the administration to report all foreign investments of $20 million or more made in Iran's energy sector, an action which they have not done notwithstanding the existing law, and determining whether each such investment qualifies as sanctionable.

Since 1996, the executive branch has never implemented the sanctions in the Iran Sanctions Act, even though well over a dozen sanctionable investment deals have been concluded with Iran by international companies. The administration hasn't even made a determination as to whether any of those investors are sanctionable. This bill will close that loophole.

This legislation before us also reaffirms our Nation's commitment to multilateral diplomacy to increase pressure on Iran to give up its nuclear weapons program, and it exclusively states that nothing in this act authorizes the use of force.

Based on previous votes, this body is committed to ending Iran's illicit nuclear program by taking measures that are peaceful but meaningful. I believe this legislation is a useful step forward toward that end.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I might consume.

Mr. Speaker, I rise in support of this measure, but with great reservations that this weak legislation will send a message to our enemies of a weakened U.S. position on the issue of Iran.

The Iranian threat to the United States, to our allies and to our interests could not be more apparent. Only last week the head of the International Atomic Energy Agency warned that Iran is probably carrying out secret nuclear activities. Then last Saturday the lead inspector for the Middle East shared with member nations of the IAEA extensive documentation of an Iranian effort to reconfigure the Shahab-3 long-range missile to carry a nuclear warhead. The range of these missiles reach Israel and most of the Middle East.

And this is a regime whose current leader, Ahmadinejad, has consistently called for the destruction of the Jewish State of Israel.

On October 26, 2005, at the World Without Zionism Conference in Tehran, the Iranian leader called for Israel to be ''wiped off the map,'' described Israel as ''a disgraceful blot on the face of the Islamic world'' and declared that ''anybody who recognizes Israel will burn in the fire of the Islamic nation's fury.'' Then on December 12, 2006, he addressed a conference in Tehran questioning the historical veracity of the Holocaust and said that Israel, again, would ''soon be wiped out.''

On Israel's 60th birthday, Ahmadinejad gave a speech in which, according to the official Iranian news agency, he stated that Israel was ''on its way to total destruction.''

In a public address which aired on the Iranian news channel on June 2 of this year, Ahmadinejad again called this ''worm of corruption'' in reference to Israel, to be wiped off. He further stated that while ''some say the ideal of Greater Israel has expired, I say the idea of lesser Israel has expired too.'' And earlier this week at the United Nations, he continued to invoke anti-Israel and anti-Semitic canards when he stated ''the dignity, integrity and rights of the European and American people are being played with by a small but deceitful number of people call Zionists. These nations are spending their dignity and resources on the crimes and the occupations and the threats of the Zionist network against their will.''

But the threat is not just to our friend Israel. Iran is currently working on even longer-range missiles directly threatening critical U.S. interests. The importance and the urgency of strengthened sanctions was underlined just a few days ago, Mr. Speaker, when the European Union warned that Iran was approaching a nuclear weapons capability. The significance stems from the fact that the European Union has long insisted that the West and other countries focus their efforts on diplomacy to persuade Iran to suspend its nuclear program.

This is an acknowledgment that a strategy based on holding out an olive branch and engaging directly with the Iranian regime, while promising trade agreements and other benefits, has not worked and that more concrete economic pressure is needed to compel a change in regimes' behavior. Thus the evidence before us makes it clear that we must act quickly to impose the greatest pressure possible on the regime and its enablers.

Unfortunately, this bill does not do quite that, Mr. Speaker. My colleagues, you all know where I stand on Iran. Last Congress I authored the Iran Freedom Support Act which contained very tough and quite focused sanctions on the regime in Tehran. Our beloved late former chairman of the Foreign Affairs Committee, Tom Lantos, was the lead Democrat cosponsor, and the bill enjoyed the support of our current chairman, HOWARD BERMAN, my good friend, and 360 Members of the House.

The Iran Freedom Support Act was enacted into law 2 years ago almost to the day on September 30. Then when Chairman Lantos approached me last year and asked that I serve as the lead Republican cosponsor of H.R. 1400, the Iran Counter-Proliferation Act of 2007, I immediately agreed because H.R. 1400 truly does strengthen U.S. law and does tighten the economic noose around the regime's elites in Iran.

H.R. 1400 passed the House a year ago yesterday, September 25, 2007, by a vote of 397 in favor and only 16 against. Yet it has been stalled in the Senate all this time. Then we have Senate bill 970 which currently has the support of 73 Senators. However, action on these stronger bills was not to be. Instead, we have a bill which refers to certain sanctions already in place, and they call them ''new'' sanctions, and then refers to a handful of other important ones while providing a meager ''national interest waiver.''

What does this mean in practice, Mr. Speaker? The next President doesn't have to worry about actually implementing or applying these sanctions, as a ''national interest waiver'' has been easily justified by consecutive administrations to avoid implementing U.S. laws concerning state sponsors of terrorism, like Iran.

So rather than strengthening the sanctions structure, rather than limiting the President's flexibility, as we did 2 years ago in the Iran Freedom Support Act on proliferation-related sanctions by removing the waiver and on the Iran Sanctions Act by raising the threshold to ''vital to the national security interests of the United States,'' the bill before us provides the weakest possible threshold.

I do not fault my good friend, Chairman BERMAN. I commend the chairman for his efforts. He is in a difficult situation, and this is as strong a bill as some of his colleagues will allow the House or the Senate to act on.

This bill is like one of the weak Iran resolutions that the United Nations Security Council keeps passing that allows Russia and China and others to go along with because they do nothing. In fact, just today, the U.N. Security Council moved a measure that contained no new sanctions but said that other Security Council resolutions on Iran are legally binding and must be carried out. That is almost exactly what the bill before us is going to do on the issue of sanctions.

Again, I do not understand why, at a time when the Iranian regime is crystal clear in accelerating its efforts to acquire a nuclear weapon, that we are not considering the Lantos Iran Counter-Proliferation Act or Senate bill 970.

Notably, this body has not even considered the Ackerman-Pence resolution, which has 275 cosponsors and is a strong, unequivocal message to the regime.

Yet, Mr. Speaker, despite the many deficiencies of this bill, I want to thank my friend, Chairman BERMAN, for adding a Rule of Construction to his version of the Dodd bill which states, ''nothing in this Act shall be construed as affecting in any way any provision of the Iran Freedom Support Act of 2006, Public Law 109–293.''

Since the legislation retains a ''notwithstanding'' clause for section 103, I hope that the Rule of Construction will be sufficient to prevent the unraveling

of sanctions codified 2 years ago. Additionally, Mr. Speaker, portions of section 104 are essentially a repetition of current law as section 2(f) of the Executive Order 13059 codified.

In this respect, Chairman BERMAN, I would appreciate or his substitute, Mr. ACKERMAN, clarification that the waiver in section 104 would not apply to sanctions already in place, even if these have been restated in the legislation.

Finally, Mr. Speaker, I appreciate that the reporting requirements have been strengthened with respect to investments in Iran's energy sector since January 1 of this year. However, I ask to add language to the bill before us that would amend current law and force a determination on whether foreign investments in Iran's energy sector violate the Iran Sanctions Act and whether sanctions should be implemented. My proposal was not limited to the last 9 months of activity or to simply reporting requirements. But this modification was not incorporated in the text that we are considering today.

Looking to other sections of this House version of the Dodd bill, there are provisions seeking to prevent the export or trans-shipment of U.S.-origin goods to Iran. Except for the language calling for the designation of a country as a Destination of Possible Diversion Concern, this bill duplicates most existing laws and regulations on these issues, as well as current U.S. Government programs. It does provide for the application of licensing controls to the countries designated, but immediately affords yet another mere ''national interest waiver.''

There are also stronger bills pending on the issue of trans-shipment, such as H.R. 6178, the Security Through Termination of Proliferation Act, or the STOP Act. And I hope that we can work together to move that legislation in the next Congress.

My good friend, HOWARD BERMAN, shares with me concerns about transshipment and diversion of sensitive materials and technology to Iran. We articulated them in our letter of February 5, 2008, a letter to Admiral McConnell, the Director of National Intelligence, raising these and many other vital issues.

Mr. Speaker, also on this issue I recently wrote to my chairman, HOWARD BERMAN, asking for greater scrutiny of foreign military financing, foreign military sales and direct commercial sales to countries that are a trans-shipment concern for U.S.-origin goods to Iran.

In closing, Mr. Speaker, despite my grave, serious and repeated reservations about this weak bill, I will vote for it, and I hope that the Iranian regime and its enablers do not see this as a sign of weakness on our part.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, February 5, 2008.

Hon. J. MICHAEL MCCONNELL,
Director of National Intelligence, Office of the Director of National Intelligence, Washington, DC.

DEAR ADMIRAL MCCONNELL: We are writing to request an assessment of the export control regime in the United Arab Emirates (UAE), especially its effectiveness in preventing the export or transshipment of U.S.-origin goods to Iran. We are also interested in receiving information regarding broader efforts to implement U.S. sanctions against Iran.

As you are aware, Iran is the one of the UAE's largest trade partners. The UAE is also a world leader in the transshipments of goods from other countries, including the United States. We are concerned by reports that the international sanctions against Iran are being undermined by inadequate end-use controls in the UAE. Obviously, an effective export, re-export, and transshipment control regime in the UAE is a prerequisite to that country's ability to control transshipment of sensitive goods through its ports.

To enable the House Foreign Affairs Committee to better understand this issue, we request that you provide an assessment of the effectiveness of the UAE's existing export control regime and a translated copy of the DAE's new export control legislation. Among other subjects, the assessment should address overall effectiveness, obstacles to implementation, the extent to which the UAE has complied with U.S. requests to interdict and prevent shipments of concern, and the attitudes and records of specific UAE officials toward preventing exports or transshipments of items of proliferation concern to Iran or Iranian-controlled entities.

Additionally, we request that you provide the following information pertaining to broader U.S. efforts: the amount of goods seized, penalties imposed, and convictions obtained by U.S. authorities under the trade ban; the type and amount of U.S. sensitive items diverted to Iran through all transshipment points; the extent to which all repeat violators of U.S. Iran-specific sanctions laws have ended their sales of sensitive items to Iran; the total amount of assets frozen due to financial sanctions implemented by both the United States and other nations; and the total impact of U.S. bilateral sanctions on foreign investment in Iran's energy sector.

This assessment may be in classified form.

Thank you for your attention to our request.

Sincerely,

ILEANA ROS-LEHTINEN,
Ranking Member, House Foreign Affairs Committee.

EDWARD R. ROYCE,
Ranking Member, Subcommittee on Terrorism, Nonproliferation and Trade.

MIKE PENCE,
Ranking Member, Subcommittee on the Middle East and South Asia.

TOM LANTOS,
Chairman, House Foreign Affairs Committee.

HOWARD L. BERMAN,
Senior Member, House Foreign Affairs Committee.

HOUSE OF REPRESENTATIVES
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 11, 2008.

Hon. HOWARD L. BERMAN,
Chairman, House Committee on Foreign Affairs, 2170 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing regarding the current status of our Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales approval process and criteria toward our Middle East allies. Specifically, I ask you to consider holding on approving the recently notified sale of Terminal High Altitude Air Defense units, missiles, radars, launchers, and related equipment to the United Arab Emirates; the proposed transfer of the AIM–9X Sidewinder air-to-air missile to the Kingdom of Saudi Arabia; and future sales to UAE, and Saudi Arabia until the Department of State and Department of Defense provide the Committee with a detailed written accounting of: (1) procedures for vetting recipient entities and individuals with access to the U.S. equipment proposed to be transferred; (2) procedures for U.S. Government post shipment verification; and (3) safeguards in place to prevent diversion to or sharing of technology with unintended recipients. Further, before clearance is granted for these and future sales, it is imperative that the pertinent USG agencies provide detailed written justification of: (1) how these transfers are necessary to protect U.S. assets and personnel in the region; (2) how they promote specific national security interests and priorities beyond a broad justification relating to the Iran threat; (3) steps undertaken by the recipient government to address such U.S. national security priorities as preventing the transshipment of U.S.-origin goods to Iran through UAE and the closing of madrassas and so-called Islamic charities in Saudi Arabia. Finally, we should require written assurances from the pertinent USG agencies that the provision of defensive weapons and technology cannot be used by our enemies to enhance their offensive capabilities.

Mr. Chairman, as you know, the United States is facing many challenges in the Middle East—a region described by security officials as the center of an ''arc of instability.'' It is therefore incumbent upon us to work together to identify and address those variables that pose the preeminent threats to our nation's security, our interests, and our allies. Chief among these is Iran's development of conventional and unconventional capabilities—to include both symmetric and asymmetric threats to its neighbors, and, above all nuclear aspirations—aimed at establishing its hegemony in its immediate neighborhood and enhancing its role in the Middle East and beyond.

As a means to confront the Iranian threat, and other threats facing the region, we have provided congressional approval for significant new and increasingly sophisticated military sales to U.S. allies in the Persian Gulf region, as part of a broader American strategy aimed at containing Iranian influence by strengthening Iran's neighbors.

On balance, we recognize that the Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales programs represent a constructive element in a larger strategy to reassure our regional friends and deter Tehran. However, these arms sales and associated efforts cannot continue to be provided in a vacuum, nor should they be viewed by recipient nations as an entitlement. In this context, any long-term U.S. strategy to bolster Gulf security through such programs must include the following principles.

The first is that our Gulf allies cannot undermine the American position in the region—and with it vital U.S. national security objectives—while simultaneously relying on it. They cannot expect to receive such security guarantees to guard against a nuclear Iran if they: (1) fail to publicly support the U.S. and UN Security Council position that Iran must unconditionally cease its uranium enrichment and reprocessing activities and address all pending questions concerning its nuclear program; (2) fail to take steps to fully implement UNSC sanctions targeting the Iranian regime; and (3) are in violation of U.S. sanctions laws regarding Iran.

Second, out military assistance and sales to Saudi Arabia, Kuwait and the United Arab Emirates, in particular, and our regional allies in general, must be contingent upon their cooperation to combat extremists—both those that pose a threat to their governments and those who intend to harm the U.S. and its allies.

For example, combating terrorist financing is one of the most critical components of our anti-terror efforts in the region. Yet, significant concerns remain regarding fundraising activities, and the transfer of funds to terrorist organizations in countries such as Saudi Arabia, Kuwait, Qatar and the UAE, among others. In particular, the failure to address the financing of terrorist organizations such as Hamas directly impacts and undermines efforts to disrupt the same and similar networks that provide financing to al-Qaeda. Persons, governments and governing entities that actively or passively allow fundraising activities or the transfer of funds to terrorist organizations bear responsibility for the actions taken by terrorists themselves. As a result, Congress must expect these and other FMF, FMS and DCS recipients to show tangible progress towards addressing the concerns listed above, and ceasing other counterproductive actions.

The third principle is that the military sales component of this strategy must be accompanied by cooperation of the Gulf States with the U.S. and others in addressing critical challenges in the region. In this respect, we will expect GSD participant countries, support for and participation in U.S. and international non-proliferation and counter-terror policies and programs, such as the Proliferation Security Initiative.

The failure of GCC states to develop a proper degree of integration, interoperability and effectiveness in performing key military missions, in particular, remains a primary concern. Since the founding of the GCC, Gulf leaders have done little to reach beyond national boundaries and create effective deterrence and defense throughout the Gulf. They continue to buy more sophisticated weapons systems; but have failed to come to grips with the details of creating effective joint forces. This has been coupled with a de facto acceptance of dependence on the US, rather than efforts to create an effective partnership based on creating effective local deterrent and defense capabilities mixed with reinforcement and support by US forces. We must see demonstrative progress toward addressing these concerns if we are to approve the sale of future sophisticated weapons systems under these programs.

Third, we not-only remain concerned that prospective U.S. transfers of advanced military technologies could erode Israel's ''qualitative edge'' over its Arab neighbors, but that this hardware could be utilized against Israel or other U.S. allies in the event that a conflagration were to erupt within the region. We should not approve new sales of sophisticated defense technologies to the region without iron-clad guarantees on these two concerns.

Finally, current U.S. law bars American arms sales to any country that enforces the primary and secondary Arab League boycott of Israel. While the provision has been waived for the Gulf states every year since enactment, we should insist on its full implementation.

Our allies in the region must show demonstrable progress on the above issues as a prerequisite to Committee approval of FMF, FMS and DCS programs and sales in the region. Thank you for your time and consideration, and I look forward to receiving your response.

Sincerely,

ILEANA ROS-LEHTINEN,
Ranking Member, House Committee on Foreign Affairs.

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

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the remaining time of the gentleman from California.

There was no objection.

Mr. ACKERMAN. Mr. Speaker, at this time I yield 4 minutes to the distinguished gentleman from Ohio, DENNIS KUCINICH.

Mr. KUCINICH. I thank the gentleman.

I rise in opposition. What we see here at work is the Bush administration's flawed national security doctrine. They are staging an attack on Iran. Their Navy is in the gulf. There have been overflights. There are covert operations and assassinations. The administration recently sent weapons to Israel which can be used for an attack on Iran: 1,000 so-called smart bombs, the GBU 39s, which could be used to attack the nuclear power sites that would produce a catastrophe, according to the Physicians for Social Responsibility report.

I believe it is adverse to the security of Israel to continue to follow the United States' current national security doctrine. And it's also adverse to continue to insist that nuclear power is to be equated with nuclear weapons.

Now, if we want diplomacy, and we should, we should be listening to five former Secretaries of State who have said that diplomacy is what we should pursue.

I would like to enter their names into the RECORD.

□ 2000

Sanctions are not to be confused with diplomacy, any more than war is to be confused with diplomacy. Nuclear power, I want to repeat, does not equate with a nuclear weapons program.

I want to cite our own CRS report which was given to the Congress on August 11, 2008, just a little more than a month ago, which cites the 2007 National Intelligence Estimate, that says according to the 2007 National Intelligence Estimate, and that is from December of 2007, ''Iranian military entities were working under government direction to develop nuclear weapons'' until fall 2003, but then halted its nuclear weapons program ''primarily in response to international pressure.''

I would like to enter the CRS report into the RECORD.

Furthermore, the International Atomic Energy Agency has recently released a report which states very clearly, and this report is 4 days ago, September 22, 2008, by the Director General, Mohamed ElBaradei, with respect to the implementation of safeguards in the Islamic Republic of Iran, ''The Agency has been able to continue to verify the non-diversion of nuclear material in Iran.'' It goes on to say, ''I note that the agency has not detected the usual use of nuclear material in connection with the alleged studies, nor does it have information apart from uranium metal document on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon.''

I would like to include this in the RECORD.

I would also like to include in the RECORD a quote from a piece by historian William Polk, who has said, ''Ironically the U.S. has three times actually helped Iran move towards nuclear weapons. Under the Shah, the Nixon administration gave Iran a big push in that direction. Then 6 years ago in Operation Merlin, the CIA provided Iran with plans for the central explosive charge for a nuclear weapon. The idea was to mislead the Persians into working on an unworkable model for the bomb, but the ploy was so crude that Iran probably profited from it. Finally, it turns out the U.S. Department of Energy has been subsidizing Russian organizations that have been helping Iran's nuclear program.''

Now, one of my many concerns with this legislation is it sanctions the Central Bank of Iran. In doing that, I raise a question with regard to our current liquidity problems on Wall Street, whether or not the sanctioning of Iran's Central Bank will be a problem for our own economy, as well as the sanctions here on oil transactions, which could affect the price of energy.

I want to submit this for the RECORD as well.

PRÉCIS OF UNDERSTANDING IRAN

(By William Polk, Historian)

Ironically, the U.S. has three times actually helped Iran move toward nuclear weapons: Under the Shah the Nixon administration gave Iran a big push in that direction; then six years ago in ''Operation Merlin,'' the CIA provided Iran with plans for the central explosive charge for a nuclear weapon. The idea was to mislead the Persians into working on an unworkable approach to the bomb but the ploy was so crude that Iran probably profited from it. Finally, it turns out that the U.S. Department of Energy has been subsidizing Russian organizations that have been helping Iran's nuclear program.

CRS REPORT FOR CONGRESS: IRAN'S NUCLEAR PROGRAM: STATUS, UPDATED AUGUST 11, 2008

THE 2007 NATIONAL INTELLIGENCE ESTIMATE

According to the 2007 NIE, ''Iranian military entities were working under government direction to develop nuclear weapons'' until fall 2003, but then halted its nuclear weapons program ''primarily in response to international pressure.'' The NIE defines ''nuclear weapons program'' as ''Iran's nuclear weapon design and weaponization work

and covert uranium conversion-related and uranium enrichment-related work.''

5 FORMER SECRETARIES OF STATE URGE TALKS WITH IRAN

WASHINGTON (AP)—Five former secretaries of state, gathering to give their best advice to the next president, agreed Monday that the United States should talk to Iran.

The wide-ranging, 90-minute session in a packed auditorium at The George Washington University, produced exceptional unity among Madeleine Albright, Colin Powell, Warren Christopher, Henry A. Kissinger and James A. Baker.

INTRODUCTORY STATEMENT TO THE BOARD OF GOVERNORS

(By IAEA Director General Dr. Mohamed ElBaradei)

IMPLEMENTATION OF SAFEGUARDS IN THE ISLAMIC REPUBLIC OF IRAN

The Agency has been able to continue to verify the non-diversion of declared nuclear material in Iran. Regrettably, the Agency has not been able to make substantive progress on the alleged studies and associated questions relevant to possible military dimensions to Iran's nuclear programme. These remain of serious concern.

I note that the Agency has not detected the actual use of nuclear material in connection with the alleged studies, nor does it have information—apart from the uranium metal document—on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon.

Ms. ROS-LEHTINEN. I continue to reserve, Mr. Speaker.

Mr. ACKERMAN. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, in considering this bill, this package of sanctions and divestment authorities for states and localities, we should keep foremost in our minds we are in a race. I am not referring to our upcoming elections, but rather the race between the civilized world and the nuclear ambitions of Iran.

One of us will win, and one will lose. If the world wins, Iran will not become a nuclear weapons state, there will not be a nuclear arms race in the Middle East and the nuclear Nonproliferation Treaty will not collapse. If Iran wins, the chief sponsor of terrorism in the Middle East, the patron of Hamas and Hezbollah, a hegemonic nation led by fanatical religious zealots will be able to threaten the global economy and the security of the United States and the civilized world from behind a nuclear shield.

And we are just about to lose this race. Iran is not only ahead, it is sprinting to the finish. Its proliferation potential is now a simple math problem. Iran is now producing 2.5 kilograms of low-enriched uranium per day, and has produced an estimated 200 to 250 kilograms of LEU just since this past May.

For a crash bomb program, Iran could use the LEU as feedstock, dramatically shortening the time to produce nuclear weapons grade uranium. With 700 to 800 kilograms of LEU set into centrifuges, Iran could produce the 20 to 25 kilograms of weapons-grade uranium required for a crude atomic bomb. Other estimates suggest that 1,000 to 1,700 kilograms of LEU would be necessary. Regardless of whether it is 700 or 1,700 kilograms, Iranian proliferation is no longer a question of if, but when.

The President has known about this threat since day one. He has known, and done next to nothing. The Bush administration has adamantly refused to use existing U.S. sanction laws against foreign companies investing in Iran's oil sector. But far worse, the Bush administration has actively worked to stop Congress from adopting the tough and necessary legislation that we have before us today.

Why? Do they believe that the past 5 years of slow motion, U.S.-in-the-backseat diplomacy is about to make a huge breakthrough? In the light of Russia's recent announcement that they have no intention of supporting additional UN Security Council sanctions in Iran, I would like someone to explain how this huge breakthrough is supposed to happen.

With our administration tied up in an ideological knot, opposed to U.S. sanctions and unwilling to engage effectively itself, the question for Congress is what can we do to stop Iran. With so little time, our thinking on this problem needs to change. Options that years ago may have seemed reckless, like sanctioning firms in allied countries and applying unilateral economic levers, now have been become essential if we are going to be successful in peacefully getting Iran to back down.

Likewise, continuing doggedly with the current take-no-chances, small-carrots-and-no-sticks diplomacy which the Bush administration has insisted on, today looks like a roadmap to disaster.

Iranian proliferation is mere months away. That fact makes what is feckless, by definition, reckless. I am not calling for another war. I do not want air strikes or a blockade. I want to avoid all that. But if we don't want war, and we really don't want a nuclear Iran, then we have an obligation to use every peaceful, diplomatic, political and economic weapon at our disposal. If you don't want bombs, then you have to have an alternative, and that is sanctions. Abjuring sanctions is a de facto call to those who want arms.

I am very grateful to Chairman BERMAN and Ranking Member ROS-LEHTINEN for their efforts in bringing this critical package of sanctions of legislation to the floor today. It deserves the enthusiastic support of every Member of the House, and there isn't a moment to lose.

Ms. ROS-LEHTINEN. I reserve my time.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. SHERMAN) from the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. SHERMAN. Let me quickly respond to the comments of the gentleman from Ohio. He can attack this bill as he will, except he cannot say that it is related to George Bush. Bush stalled and weakened this legislation throughout the 110th Congress. It would be law today without the opposition of the Bush administration.

He also tells us, he quotes from the NIE, that Iran seems to have suspended its weaponization program. Weaponization is the small, easy and delayable part of developing a nuclear weapon. The tough part is getting enough highly enriched uranium, and Iran is working full bore and proudly unveiled 3,000 and more centrifuges to do that. They can wait a couple of years, and then work on the engineering of how to take that enriched uranium and turn it into an atomic weapon, without delaying for a day the day they have become a nuclear power state.

I also want to agree with the ranking member when she states that this bill does not waive or make waivable any sanction in existing law. The sole purpose of this law is to increase and apply new sanctions to Iran, not to waive or make waivable any sanction under existing law.

The goal of this bill is to drive home to the people and elites of Iran that they face economic isolation if they do not abandon their nuclear program. But let's not exaggerate its impact. It is long overdue, modest steps in that direction.

The bill includes concepts from two important Iran sanctions bills that passed the House overwhelmingly in 2007. Within 6 months of our taking office, with the strong support of Speaker PELOSI and Majority Leader HOYER, under the leadership of Chairman Lantos and Chairman FRANK, the House passed the two Iran sanctions bills that have become the centerpiece legislation of efforts on Iran in the 110th Congress: H.R. 1400, the Iran Counter-Proliferation Act, authored by the late Tom Lantos; and H.R. 2347, the Iran Sanctions Enabling Act, authored by Chairman FRANK and introduced in the Senate by Senator OBAMA.

We have worked over the opposition of the Bush administration to pass these bills through the House. Then they got bogged down in the Senate. Now the Senate, with Senators Dodd and Shelby, have reached consensus on an Iran package that encompasses the concepts in the House bills, though weakens them. This bill would already be in the Senate DOD authorization bill had a bipartisan consensus not broken down.

So now we have this imperfect bill which we need to enact, and hopefully the Senate will act on it in the next few days.

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

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

Mr. SHERMAN. The bill takes important steps like reinforcing the embargo on Iranian goods. We don't import oil

from Iran. We only import the stuff that we don't need and they couldn't sell elsewhere. Unfortunately, this provision is waivable.

If it clarifies that a U.S. company, and I take some pride in authoring this provision, may not use its overseas subsidiaries to do business with Iran that it could not do on its own. Unfortunately, this provision is also waivable.

I would hope that people would understand, you get overwhelming rhetoric from the administration about how much they hate Ahmadinejad. The little secret is they have a love for the total independence of multinational oil corporations that exceeds their hatred of Ahmadinejad, and that is something the country does not understand. That is why the Bush administration has bottled up this legislation. We need to pass it now.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I may consume.

I would like to point out that the reports that we are getting about the threat of a nuclear-powered Iran are coming from all corners of the world, and I would like to read just segments of the online edition of The Jerusalem Post posted by Herb Keinon. It says, ''Military Intelligence: Iran Halfway to First Nuclear Bomb.'' It reads, ''Iran is halfway to a nuclear bomb, and Hezbollah, Hamas and Syria are using this period of relative calm to significantly rearm.''

This is according to the Head of Research from the Israeli Military Intelligence, and that is the information that he gave and he shared with members of the Israeli Cabinet and the Israeli Parliament on September 21st, in the Knesset. He said there was a growing gap between Iran's progress on the nuclear front and the determination of the West to stop it. A growing gap. Iran gets closer, our determination is stopped. Iran is concentrating on uranium enrichment and is making progress.

□ 2015

He noted that they have improved the function of their 4,000 centrifuges. According to this military intelligence head of research, Iranian centrifuges have so far produced between one-third to one-half of the enriched material that is needed to build a nuclear bomb. The time that they will have crossed the nuclear point of no return is fast approaching.

Although he stopped short of giving a firm deadline, last week in the Knesset's Foreign Affairs and Defense Committee, he put the date at 2011. Tick tock, the clock is ticking. He said that their confidence is growing with the thought that the international community is not strong enough to stop them. He said that the Iranians were playing for time and that time was working in their favor because the longer the process dragged on, the wider the riffs appearing among the countries in the west, then Iran is in control of the technology and continues to move forward with determination toward a nuclear bomb.

In addition to their nuclear efforts, Iranians were also deepening their influence throughout the region, because they are cooperating with Syria. They are cooperating with the Palestinian terrorist organization, as well as being the main arms supplier to another terrorist group, Hezbollah.

While I appreciate the intentions of my good friend, Chairman BERMAN, this bill does fall far short of the type of comprehensive sanctions that would truly cripple the Iranian economy, which is dependent on investments in its energy sector. Setting aside the weakness of the bill regarding the U.S. direct sanctions on the regime, it does nothing tangible to force the executive branch's hand to fully implement the Iran Sanctions Act.

It could have, but language to include an automatic trigger for a determination of sanctions was not in place in this bill, and it was not to be. This bill had great promise. It does deliver on some of those promises. I wish that it could have gone further, but I hope that my colleagues will adopt this important bill tonight.

Mr. Speaker, I yield back the balance of our time.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield now to the gentleman from New York, the distinguished gentleman from the Subcommittee on the Western Hemisphere, Mr. ENGEL, 1 minute.

Mr. ENGEL. I thank my colleague and good friend from New York.

I rise to support this very important bill. Iran continues to defy Security Council resolutions by continuing to develop its nuclear program. The U.S. and our allies in the U.N. Security Council have recognized the danger that would be posed by a nuclear Iran and have repeatedly demanded that Iran suspend uranium enrichment.

To change Iran's course, the U.S. must increase pressure with every appropriate diplomatic and political tool. U.S. sanctions have already helped to discourage investment in Iran, and further pressure may yet convince the regime in Iran to comply with international obligations and drop its nuclear program.

This bill will counter Iran's illicit nuclear weapons program by sending a clear message that if Iran does not end its quest to obtain nuclear weapons, and its support for terrorism, it will face strong economic sanctions. The legislation imposes sanctions that will undercut Iran's nuclear program and support for terrorism.

Moreover, the legislation reaffirms our commitment to multilateral diplomacy to increase pressure on Iran to beef up its program. Finally, it explicitly states that nothing in the act authorizes the use of force against Iran.

I urge my colleagues to support this very important measure.

Mr. ACKERMAN. Mr. Speaker, it is now my pleasure to yield to the gentleman from California, the distinguished chairman of the full committee, Mr. HOWARD BERMAN.

The SPEAKER pro tempore. The gentleman from California is recognized for 1½ minutes.

Mr. BERMAN. Mr. Speaker, two issues: first, the gentlelady has mentioned several times that this bill is not as strong as we wanted, and she is right. But it does many good things, many important things.

If we went on and fully extrapolated her comments, we would know the reason it isn't quite as strong as we wanted. It is because the White House, working with the other body, has worked very hard to not make it as strong as we would like.

Even this good, but not good as we wanted bill, would have been much stronger. I would love to see a letter of support from the administration for this measure.

On the issue she asked me to clarify, she got a very important piece of legislation through a couple of years ago that codified our sanctions and did not contain waiver authority. We don't believe this bill did, but we have made clear, by the language in section 108, that this waiver does not affect the provisions of the executive order codified by the Iran Freedom Support Act, that the waiver in this legislation has no impact whatsoever on her legislation, which passed in 2006, I am glad of that, and the specific provisions of section 108.

Mr. Speaker, I would like to place two exchanges of letters with the Committee on Financial Services and the Committee on Ways and Means in the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 26, 2008.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 7112—to amend the Iran Sanctions Act of 1996, to expand and clarify the entities against which sanctions may be imposed—is expected to be on the suspension calendar today.

As you know, the Committee on Ways and Means has jurisdiction over import matters, such as the import ban and restrictions on imports imposed by the Iran Sanctions Act and the International Emergency Powers Act. Accordingly, the certain provisions of H.R. 7112 fall under the Committee's jurisdiction.

There have been some very productive conversations between the staffs of our committees, during which we have proposed some changes to H.R. 7112 that I believe help clarify the intent and scope of the measure. My understanding is that there is an agreement with regard to these changes.

In order to expedite this legislation for floor consideration, the Committee will forgo action on this bill and will not oppose its consideration on the suspension calendar. This is done with the understanding that it does not in any way prejudice the Committee or its jurisdictional prerogatives on this, or similar legislation in the future.

I would appreciate your response to this letter, confirming our understanding with

respect to H.R. 7112, and would ask that a copy of our exchange of letters on this matter be included in the Record.

I look forward to the bill's consideration on the floor and hope that it will command the broadest possible support.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 26, 2008.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 7112, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008.

I appreciate your willingness to work cooperatively on this legislation and the mutually agreed upon text that is being presented to the House. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I agree that the inaction of your Committee with respect to the bill does not in any way prejudice the Committee on Ways and Means or its jurisdictional prerogatives on this or similar legislation in the future.

I will ensure that our exchange of letters be included in the Congressional Record.

Cordially,

HOWARD L. BERMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, September 26, 2008.

Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 7112, the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2008. This bill was referred to the Committee on Foreign Affairs, and in addition, to this Committee, among others.

There is an agreement with regard to this bill, and so in order to expedite floor consideration, I agree to forego further consideration by the Committee on Financial Services. I do so with the understanding that this decision will not prejudice this Committee with respect to its jurisdictional prerogatives on this or similar legislation. I request your support for the appointment of conferees from this Committee should this bill be the subject of a House-Senate conference.

Please place this letter in the Congressional Record when this bill is considered by the House. I look forward to the bill's consideration and hope that it will command the broadest possible support.

BARNEY FRANK,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 26, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 7112, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008.

I appreciate your willingness to work cooperatively on this legislation and the mutually agreed upon text that is being presented to the House. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Financial Services. I agree that the inaction of your Committee with respect to the bill does not in any way prejudice the Committee on Financial Services or its jurisdictional prerogatives on this or similar legislation in the future.

I will ensure that our exchange of letters be included in the Congressional Record.

Cordially,

HOWARD L. BERMAN,
Chairman.

Mr. MARKEY. Mr. Speaker, I rise in support of this legislation to increase some sanctions against Iran in response to it's ongoing nuclear program. One important provision, which I have fought for in my state of Massachusetts, is to grant State governments the authority to divest their funds from companies investing in Iran's petroleum sector.

But ladies and gentlemen, who are we kidding here? We just passed a bill which will break all the nonproliferation rules for India. And somehow we think doing that won't have any impact on our ability to prevent an Iranian bomb?

These policies are interconnected.

By breaking the rules for India, we're making it less likely that the rules will hold against Iran, or anyone else.

Iran is looking at the U.S.-India Nuclear Deal and they are saying, "Where can I sign up? I want that deal!"

In our efforts to prevent Iran from building nuclear weapons, this bill moves us one step forward, but the India Nuclear Deal takes us 20 steps back.

If you want to prevent an Iranian nuclear bomb, you should vote for this bill, and you must vote against the U.S.-India Nuclear Deal.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 7112.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECONNECTING HOMELESS YOUTH ACT OF 2008

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2982) to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 2982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reconnecting Homeless Youth Act of 2008''.

SEC. 2. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) services to such young people should be developed and provided using a positive youth development approach that ensures a young person a sense of—

''(A) safety and structure;

''(B) belonging and membership;

''(C) self-worth and social contribution;

''(D) independence and control over one's life; and

''(E) closeness in interpersonal relationships.''.

SEC. 3. BASIC CENTER PROGRAM.

(a) SERVICES PROVIDED.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in subsection (a)(2)(B), by striking clause (i) and inserting the following:

''(i) safe and appropriate shelter provided for not to exceed 21 days; and''; and

(2) in subsection (b)(2)—

(A) by striking ''(2) The'' and inserting ''(2)(A) Except as provided in subparagraph (B), the'';

(B) by striking ''$100,000'' and inserting ''$200,000'';

(C) by striking ''$45,000'' and inserting ''$70,000''; and

(D) by adding at the end the following:

''(B) For fiscal years 2009 and 2010, the amount allotted under paragraph (1) with respect to a State for a fiscal year shall be not less than the amount allotted under paragraph (1) with respect to such State for fiscal year 2008.

''(C) Whenever the Secretary determines that any part of the amount allotted under paragraph (1) to a State for a fiscal year will not be obligated before the end of the fiscal year, the Secretary shall reallot such part to the remaining States for obligation for the fiscal year.''.

(b) ELIGIBILITY.—Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in paragraph (12), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(13) shall develop an adequate emergency preparedness and management plan.''.

SEC. 4. TRANSITIONAL LIVING GRANT PROGRAM.

(a) ELIGIBILITY.—Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''directly or indirectly'' and inserting ''by grant, agreement, or contract''; and

(B) by striking ''services'' the first place it appears and inserting ''provide, by grant, agreement, or contract, services,'';

(2) in paragraph (2), by striking ''a continuous period not to exceed 540 days, except that'' and all that follows and inserting the following: ''a continuous period not to exceed 540 days, or in exceptional circumstances 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, in exceptional circumstances and if otherwise qualified for the program, remain in the program until the youth's 18th birthday;'';

(3) in paragraph (14), by striking ''and'' at the end;

(4) in paragraph (15), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(16) to develop an adequate emergency preparedness and management plan.''.

(b) DEFINITIONS.—Section 322(c) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(c)) is amended by—

(1) striking ''part, the term'' and inserting the following: ''part—

''(1) the term'';

(2) striking the period and inserting ''; and''; and

(3) adding at the end thereof the following:

''(2) the term 'exceptional circumstances' means circumstances in which a youth would benefit to an unusual extent from additional time in the program.''.

SEC. 5. GRANTS FOR RESEARCH EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''special consideration'' and inserting ''priority'';

(B) in paragraph (8)—

(i) by striking ''to health'' and inserting ''to quality health'';

(ii) by striking ''mental health care'' and inserting ''behavioral health care''; and

(iii) by striking ''and'' at the end;

(C) in paragraph (9), by striking the period at the end and inserting '', including access to educational and workforce programs to achieve outcomes such as decreasing secondary school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement and retention in postsecondary education or advanced workforce training programs; and''; and

(D) by adding at the end the following:

''(10) providing programs, including innovative programs, that assist youth in obtaining and maintaining safe and stable housing, and which may include programs with supportive services that continue after the youth complete the remainder of the programs.''; and

(2) by striking subsection (c) and inserting the following:

''(c) In selecting among applicants for grants under subsection (a), the Secretary shall—

''(1) give priority to applicants who have experience working with runaway or homeless youth; and

''(2) ensure that the applicants selected—

''(A) represent diverse geographic regions of the United States; and

''(B) carry out projects that serve diverse populations of runaway or homeless youth.''.

SEC. 6. COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21 et seq.) is amended by adding at the end the following:

''SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

''(a) PERIODIC ESTIMATE.—Not later than 2 years after the date of enactment of the Reconnecting Homeless Youth Act of 2008, and at 5-year intervals thereafter, the Secretary, in consultation with the United States Interagency Council on Homelessness, shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate, and make available to the public, a report—

''(1) by using the best quantitative and qualitative social science research methods available, containing an estimate of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age; and

''(2) that includes with such estimate an assessment of the characteristics of such individuals.

''(b) CONTENT.—The report required by subsection (a) shall include—

''(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age, to determine past and current—

''(A) socioeconomic characteristics of such individuals; and

''(B) barriers to such individuals obtaining—

''(i) safe, quality, and affordable housing;

''(ii) comprehensive and affordable health insurance and health services; and

''(iii) incomes, public benefits, supportive services, and connections to caring adults; and

''(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

''(c) IMPLEMENTATION.—If the Secretary enters into any contract with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.''.

SEC. 7. SEXUAL ABUSE PREVENTION PROGRAM.

Section 351(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–41(b)) is amended by inserting ''public and'' after ''priority to''.

SEC. 8. PERFORMANCE STANDARDS.

Part F of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.) is amended by inserting after section 386 the following:

''SEC. 386A. PERFORMANCE STANDARDS.

''(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the date of enactment of the Reconnecting Homeless Youth Act of 2008, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities and agencies that receive grants under sections 311, 321, and 351.

''(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities and agencies that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

''(c) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate the performance standards into the processes of the Department of Health and Human Services for grantmaking, monitoring, and evaluation for programs under sections 311, 321, and 351.''.

SEC. 9. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study, including making findings and recommendations, relating to the processes for making grants under parts A, B, and E of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq., 5714–1 et seq., 5714–41).

(2) SUBJECTS.—In particular, the Comptroller General shall study—

(A) the Secretary's written responses to and other communications with applicants who do not receive grants under part A, B, or E of such Act, to determine if the information provided in the responses and communications is conveyed clearly;

(B) the content and structure of the grant application documents, and of other associated documents (including grant announcements), to determine if the requirements of the applications and other associated documents are presented and structured in a way that gives an applicant a clear understanding of the information that the applicant must provide in each portion of an application to successfully complete it, and a clear understanding of the terminology used throughout the application and other associated documents;

(C) the peer review process for applications for the grants, including the selection of peer reviewers, the oversight of the process by staff of the Department of Health and Human Services, and the extent to which such staff make funding determinations based on the comments and scores of the peer reviewers;

(D) the typical timeframe, and the process and responsibilities of such staff, for responding to applicants for the grants, and the efforts made by such staff to communicate with the applicants when funding decisions or funding for the grants is delayed, such as when funding is delayed due to funding of a program through appropriations made under a continuing resolution; and

(E) the plans for implementation of, and the implementation of, where practicable, the technical assistance and training programs carried out under section 342 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–22), and the effect of such programs on the application process for the grants.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report containing the findings and recommendations resulting from the study.

SEC. 10. DEFINITIONS.

(a) HOMELESS YOUTH.—Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''The'' and all that follows through ''means'' and inserting ''The term 'homeless', used with respect to a youth, means''; and

(2) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''not more than'' each place it appears and inserting ''less than''; and

(ii) by inserting after ''age'' the last place it appears the following: '', or is less than a higher maximum age if the State where the center is located has an applicable State or local law (including a regulation) that permits such higher maximum age in compliance with licensure requirements for child- and youth-serving facilities''; and

(B) in clause (ii), by striking ''age;'' and inserting the following: ''age and either—

''(I) less than 22 years of age; or

''(II) not less than 22 years of age, as of the expiration of the maximum period of stay permitted under section 322(a)(2) if such individual commences such stay before reaching 22 years of age;''.

(b) RUNAWAY YOUTH.—Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RUNAWAY YOUTH.—The term 'runaway', used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.''.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''is authorized'' and inserting ''are authorized'';

(B) by striking ''part E) $105,000,000 for fiscal year 2004'' and inserting ''section 345 and part E) $140,000,000 for fiscal year 2009''; and

(C) by striking ''2005, 2006, 2007, and 2008'' and inserting ''2010, 2011, 2012, and 2013'';

(2) in paragraph (3)—

(A) by striking ''In'' and inserting the following:

''(A) IN GENERAL.—In'';

(B) by inserting ''(other than section 345)'' before the period; and

(C) by adding at the end the following:

''(B) PERIODIC ESTIMATE.—There are authorized to be appropriated to carry out section 345 such sums as may be necessary for fiscal years 2009, 2010, 2011, 2012, and 2013.''; and

(3) in paragraph (4)—

(A) by striking ''is authorized'' and inserting ''are authorized''; and

(B) by striking ''such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''$25,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONGRATULATING THE 200TH ANNIVERSARY OF THE UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of H. Res. 870, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 870

Whereas the Baltimore campus of the University of Maryland was founded in 1807;

Whereas the School of Medicine was established in 1807, which makes it the first public and the fifth oldest medical school in the United States and the first to institute a residency training program in 1823;

Whereas the School of Medicine is the founding school at the University of Maryland and is an integral part of the 11-campus University System of Maryland;

Whereas at the University of Maryland in Baltimore, the School of Medicine serves as the foundation for a large academic health center that combines medical education, biomedical research, patient care, and community service;

Whereas the University of Maryland School of Medicine is dedicated to providing excellence in biomedical education, basic and clinical research, quality patient care, and service to improve the health of the citizens of Maryland and beyond;

Whereas the School of Medicine is committed to the education and training of M.D., Ph.D., graduate, physical therapy, rehabilitation science, and medical research technology students;

Whereas the University of Maryland School of Medicine has played a crucial role in helping to meet Maryland's health care needs and continues to recruit and develop faculty to serve as exemplary role models for students;

Whereas in 1823, the medical school became the first teaching hospital in the Nation with the construction of the Baltimore Infirmary; and

Whereas the University of Maryland School of Medicine has a legacy that has established a tradition of academic excellence, outstanding patient care, and ground-breaking research: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) congratulates the 200th Anniversary of the University of Maryland School of Medicine;

(2) recognizes the achievements of the University of Maryland, Baltimore, and the School of Medicine in training local, State, and world leaders; and

(3) recognizes the achievements of the University of Maryland School of Medicine for outstanding work in the community.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL STEP UP FOR KIDS DAY

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the resolution (H. Res. 1430) expressing support for the goals of the National Step Up For Kids Day by promoting national awareness of the needs of the children, youth, and families of the United States, celebrating children, and expressing the need to make their future and well-being a national priority, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1430

Whereas there are approximately 73 million children in the United States;

Whereas nine million children are without health insurance and do not receive timely or comprehensive medical attention;

Whereas three million children are reported abused or neglected each year, thousands of whom are killed or severely injured;

Whereas more than 13 million children and youth live below the poverty level;

Whereas millions of children and youth are unsupervised at the end of the school day and would benefit from participation in quality after school programs;

Whereas millions of infants, toddlers, and preschoolers lack access to affordable, high-quality early care, and education;

Whereas safe, nurturing, and stimulating experiences in the first years of life promote school-readiness, future academic success, and other positive social outcomes; and

Whereas the future success, health, prosperity, and security of our Nation depend on an educated, healthy, and secure citizenry, all of which is founded in childhood: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that wise investments in children will lead to a better-educated citizenry and a more competitive workforce in the United States;

(2) supports the goals and ideals of the National Step Up For Kids Day;

(3) recognizes that every child matters; and

(4) encourages the citizens of the United States to make children, youth, and families a priority throughout the year.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the resolution (H. Res. 135) expressing the sense of the House of Representatives that a National Historically Black Colleges and Universities Week should be established, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 135

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements and goals of historically Black colleges and universities in the United States;

(2) supports the designation of an appropriate week as ''National Historically Black Colleges and Universities Week''; and

(3) requests the President to issue a proclamation designating such a week, and calling on the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. ANDREWS

Mr. ANDREWS. I have an amendment to the preamble at the desk.

The Clerk read as follows:

Amendment to the preamble offered by ANDREWS:

In the preamble, in the first whereas clause, strike ''103'' and insert ''105''.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

COMMENDING BARTER THEATRE ON ITS 75TH ANNIVERSARY

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the concurrent resolution (H. Con. Res. 416) commending Barter Theatre on the occasion of its 75th anniversary, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 416

Whereas Barter Theatre in Abingdon, Virginia, presents its 75th anniversary season in 2008;

Whereas Barter Theatre was founded in 1933 by visionary Robert Porterfield, who originated the idea of offering people admission to artistic performances in exchange for fresh produce and livestock, inspiring the name, ''Barter Theatre'';

Whereas in 1946, the Virginia General Assembly designated Barter Theatre as the State Theatre of Virginia, the first theater to receive this distinction;

Whereas Barter Theatre is a favorite destination for regional, national, and international visitors, and its patrons have more than doubled over the past 10 years;

Whereas in 2006, the company's 2 stages drew 160,000 patrons for live theatrical productions, including comedies, musicals, dramas, mysteries, and innovative new works, to educate and entertain audiences;

Whereas, as one of the few resident theaters still functioning, Barter Theatre is the longest continuously operating Equity theater in the country;

Whereas the Barter Players, the touring company of the theater, travel to 8 States each year, performing at schools and community venues, augmenting the artistic education for all ages;

Whereas Barter Theatre's Appalachian Festival of Plays and Playwrights is an annual arts festival that celebrates the richness of Appalachian history and culture by providing a venue where the story of the region, both past and present, can be explored and showcased by area playwrights and writers;

Whereas Barter Theatre has created and implemented an award-winning Internet Distance Learning Program which teaches students about artistic and technical theatrical elements using a web-based interactive program available to classrooms across the region;

Whereas the Barter Theatre Student Matinee Program provides the opportunity for students to attend professional theater performances, ask questions of the actors and other theater professionals, participate in set design and acting workshops, and learn about the inner workings of a professional theater;

Whereas the Barter Theatre Young Playwrights Festival offers a contest for local high school students to write and submit plays of their own, with the winning plays performed by professionals at Barter Theatre, encouraging the development of students' writing skills and creativity and providing training to educators in teaching playwriting; and

Whereas Barter Theatre is a premiere tourist attraction in Southwest Virginia and one of the cornerstones of tourism for the entire region: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends and congratulates Barter Theatre on the occasion of its 75th anniversary;

(2) recognizes Barter Theatre for providing 75 years of high quality artistic programs to visitors and the surrounding community, educational programs, and a venue for artistic development in Southwest Virginia;

(3) recognizes that Barter Theatre is a valuable educational resource, reaching 18,000 students each season through its productions on two stages; and

(4) recognizes that educational outreach of Barter Theatre, which includes the Young Playwrights Festival, the Internet Distance Learning Program, the Student Matinee Program, and the touring company of Barter Theatre, the Barter Players, exposes young people to playwriting and performances and encourages artistic expression.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ACKNOWLEDGING THE ACCOMPLISHMENTS AND GOALS OF THE YOUTH IMPACT PROGRAM

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of H. Res. 1413 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1413

Whereas many at-risk young men in the Nation's inner cities face a challenging and uncertain future;

Whereas the future success of at-risk young men can be greatly enhanced through sustained mentorship;

Whereas effective working partnerships between and within the public and private sectors can have a lasting and positive impact on the future of these young men;

Whereas participation in organized sports has provided a creative and disciplined outlet and a path to a better life for many at-risk males;

Whereas the Youth Impact Program combines the disciplines of football, mentoring, and academics in partnership between local National Football League (NFL) franchises and universities to promote discipline, learning, and positive values;

Whereas the Youth Impact Program is a community-based program that has proven its value over the past 2 years in raising the outlook and aspirations of at-risk young men and has provided them greater exposure to academics, core values, and life skills;

Whereas the Youth Impact Program provides year-round mentoring to its participants that is a proven formula for building success;

Whereas the NFL, the National Football League Players Association, the University of Southern California, and Tulane University have provided critical support to the Youth Impact Program;

Whereas the Youth Impact Program will be expanded to three additional cities in partnership with local NFL franchises and universities;

Whereas the Youth Impact Program seeks to establish a presence in every city with a local NFL franchise; and

Whereas under the vision and leadership of Mr. Riki Ellison, founder of the Youth Impact Program, 10-year veteran of the NFL, three-time Super Bowl champion, and a University of Southern California alumnus, the Youth Impact Program has expanded from a regional program to one with a growing national presence: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Mr. Riki Ellison for his leadership and vision in founding the Youth Impact Program;

(2) recognizes the ongoing and significant contributions of the National Football League, the University of Southern California, and Tulane University to the Youth Impact program; and

(3) encourages the expansion of the Youth Impact Program to inner cities across the Nation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIVE AMERICAN HERITAGE DAY ACT OF 2008

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 62) to honor the achievements and contributions of Native Americans to the United States, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the resolving clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Heritage Day Act of 2008''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Native Americans are the descendants of the aboriginal, indigenous, native people who were the original inhabitants of the United States;

(2) Native Americans have volunteered to serve in the United States Armed Forces and have served with valor in all of the Nation's military actions from the Revolutionary War through the present day, and in most of those actions, more Native Americans per capita served in the Armed Forces than any other group of Americans;

(3) Native Americans have made distinct and significant contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

(4) Native Americans should be recognized for their contributions to the United States as local and national leaders, artists, athletes, and scholars;

(5) nationwide recognition of the contributions that Native Americans have made to the fabric of American society will afford an opportunity for all Americans to demonstrate their respect and admiration of Native Americans for their important contributions to the political, cultural, and economic life of the United States;

(6) nationwide recognition of the contributions that Native Americans have made to the Nation will encourage self-esteem, pride, and self-awareness in Native Americans of all ages;

(7) designation of the Friday following Thanksgiving of each year as Native American Heritage Day will underscore the government-to-government relationship between the United States and Native American governments; and

(8) designation of Native American Heritage Day will encourage public elementary and secondary schools in the United States to enhance understanding of Native Americans by providing curricula and classroom instruction focusing on the achievements and contributions of Native Americans to the Nation.

SEC. 3. IMPLEMENTATION OF NATIVE AMERICAN HERITAGE DAY.

Congress—

(1) designates Friday, November 28, 2008, as ''Native American Heritage Day''; and

(2) encourages the people of the United States, as well as Federal, State, and local governments, and interested groups and organizations to observe Native American Heritage Day with appropriate programs, ceremonies, and activities, including activities relating to—

(A) the historical status of Native American tribal governments as well as the present day status of Native Americans;

(B) the cultures, traditions, and languages of Native Americans; and

(C) the rich Native American cultural legacy that all Americans enjoy today.

The SPEAKER pro tempore (during the reading). Without objection, the reading is dispensed with.

There was no objection.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

NATIONAL WORKPLACE WELLNESS WEEK

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the concurrent resolution (H. Con. Res. 405) recognizing the first full week of April as ''National Workplace Wellness Week,'' and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the House concurrent resolution is as follows:

Whereas comprehensive, culturally sensitive health promotion within the workplace is essential to maintain and improve United States workers' health, as a significant part of a working citizen's day is spent at work;

Whereas employees who improve their health reduce their probability of chronic health conditions, lower their out-of-pocket medical and pharmaceutical costs, reduce pain and suffering, have greater levels of energy and vitality, and experience increased satisfaction with their lives and jobs;

Whereas health care costs in the United States doubled from 1990 to 2001 and are expected to double again by 2012;

Whereas employee health benefits are the fastest growing labor cost component for employers, and pose a serious and growing challenge for U.S. business competitiveness;

Whereas business leaders are struggling to find strategies to help reduce the direct costs of employer-provided health care as well as the indirect costs associated with higher rates of absenteeism, presenteeism, disability, and injury;

Whereas an effective strategy to address the primary driver of soaring health care costs requires an investment in prevention;

Whereas some employers who invest in health promotion and disease prevention have achieved rates of return on investment ranging from $3 to $15 for each dollar invested, as well as an average 28-percent reduction in sick leave absenteeism, an average 26-percent reduction in health care costs, and an average 30-percent reduction in workers' compensation and disability management claims costs;

Whereas the Healthy People 2010 national objectives for the United States include the workplace health related goal that at least three-quarters of United States employers, regardless of size, voluntarily will offer a 5-element comprehensive employee health promotion program that includes—

(1) health education and programming, which focuses on skill development and lifestyle behavior change along with information dissemination and awareness building, preferably tailored to employees' interests and needs;

(2) supportive social and physical environments, including an organization's expectations regarding healthy behaviors, and implementation of policies that promote health and reduce risk of disease;

(3) integration of the worksite program into the organization's structure;

(4) linkage to related programs like employee assistance programs (EAPs) and programs to help employees balance work and family; and

(5) screening programs, ideally linked to medical care to ensure follow up and appropriate treatment as necessary;

Whereas employers should be encouraged to invest in the health of employees by implementing comprehensive worksite health promotion programs that will help achieve our national Healthy People 2010 objectives;

Whereas business leaders that have made a healthy workforce a part of their core business strategy should be encouraged to share information and resources to educate their peers on the issue of employee health management through initiatives such as the Leading by Example CEO-to-CEO Roundtable on Workforce Health and the United States Workplace Wellness Alliance;

Whereas employers that provide health care coverage for more than 177,000,000 United States citizens have the potential to exert transformative leadership on this issue by increasing the number, quality, and types of health promotion programs and policies at worksites across the Nation;

Whereas for workplace wellness efforts to reach their full potential, CEOs of major corporations, company presidents of small enterprises, and State Governors should be encouraged to make worksite health promotion a priority; and

Whereas Congress supports the National Worksite Health Promotion goal as stated in Healthy People 2010 and encourages public employers to increase their awareness of the value of corporate investments in employee health management during the first full week of April each year: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of a National Workplace Wellness Week and calls on private and public employers to voluntarily implement worksite health promotion programs to help maximize employees health, well-being, and lower health care costs; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested organizations to observe such a week with appropriate ceremonies and activities.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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CONGRATULATING THE ADRIAN COLLEGE BULLDOGS MEN'S HOCKEY TEAM

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the resolution (H. Res. 1059) congratulating the Adrian College Bulldogs men's hockey team for winning the Midwest Collegiate Hockey Association regular season title and postseason tournament and for having the best first year win-loss record in Division III history, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1059

Whereas the Adrian College Bulldogs men's hockey team just completed its first season with the best first year win-loss record in Division III history in the 2007–2008 season;

Whereas the Bulldogs finished the season with a 26–3 record;

Whereas the Bulldogs won their final 20 games;

Whereas the Bulldogs won the Midwest Collegiate Hockey Association (MCHA) postseason tournament and the Harris Cup;

Whereas the Bulldogs averaged almost 8 goals a game;

Whereas the Bulldogs' excellent first year record earned the team a national ranking and consideration for the National Collegiate Athletic Association tournament;

Whereas head coach Ron Fogarty guided the Bulldogs to the best first year win-loss record in Division III history;

Whereas team captain Adam Krug, a junior, was named MCHA Player of the Year, MCHA All-Conference, and MCHA All-Academic;

Whereas freshmen Eric Miller, Shawn Skelly, Chris Sansik, Quinn Wall, and Brad Fogal were named MCHA All-Conference; and

Whereas sophomore Rob Hodnicki received MCHA All-Academic honors: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and commends the Bulldogs for winning the Midwest Collegiate

Hockey Association regular season title and postseason tournament and for having the best first year win-loss record in Division III history;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the Bulldogs achieve remarkable successes during its first season; and

(3) respectfully requests the Clerk of the House of Representatives to transmit enrolled copies of this resolution to the following individuals for display:

(A) Dr. Jeffrey Docking, Adrian College President;

(B) Rev. Christopher Momany, Adrian College Chaplain and Director of Church Relations; and

(C) Mr. Mike Duffy, Adrian College Athletic Director.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. ANDREWS

Mr. ANDREWS. I have an amendment to the preamble at the desk.

The Clerk read as follows:

Amendment to the preamble offered by Mr. ANDREWS:

Strike the preamble and insert the following:

Whereas the Adrian College Bulldogs men's hockey team completed its first season in 2007–2008 with the best first year win-loss record in National Collegiate Athletic Association (NCAA) Division III history;

Whereas the Bulldogs finished the season with a 26–3 record;

Whereas the Bulldogs won their final 20 games;

Whereas the Bulldogs won the Midwest Collegiate Hockey Association (MCHA) postseason tournament and the Harris Cup;

Whereas the Bulldogs averaged almost 8 goals a game;

Whereas the Bulldogs' excellent first year record earned the team a national ranking and consideration for the National Collegiate Athletic Association tournament;

Whereas there are 420 NCAA Division III schools across the country, making it the NCAA's largest division;

Whereas head coach Ron Fogarty guided the Bulldogs to the best first year win-loss record in NCAA Division III history;

Whereas team captain Adam Krug, a junior, was named MCHA Player of the Year, MCHA All-Conference, and MCHA All-Academic;

Whereas freshmen Eric Miller, Shawn Skelly, Chris Sansik, Quinn Waller, and Brad Fogal were named MCHA All-Conference; and

Whereas sophomore Rob Hodnicki received MCHA All-Academic honors: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

(1) congratulates and commends the Adrian College Bulldogs men's hockey team for winning the Midwest Collegiate Hockey Association regular season title and postseason tournament and for having the best first year win-loss record in National Collegiate Athletic Association Division III history;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the Bulldogs achieve remarkable successes during its first season; and

(3) respectfully requests the Clerk of the House of Representatives to transmit enrolled copies of this resolution to the following individuals for display:

(A) Dr. Jeffrey Docking, Adrian College President.

(B) Rev. Christopher Momany, Adrian College Chaplain and Director of Church Relations.

(C) Mr. Mike Duffy, Adrian College Athletic Director.

Mr. ANDREWS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING AND HONORING BIRTHPARENTS WHO CARRY OUT AN ADOPTION PLAN

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of H. Con. Res. 239 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 239

Whereas once a pregnant woman and the man involved in the pregnancy (the birthparents) decide that they are unable to parent a child, carrying out an adoption plan is highly admirable;

Whereas for the birthparents, carrying out an adoption plan can be an expression of great love for the child and can be what it means to be the best parent possible;

Whereas birthparents who decide to carry out an adoption plan come from all walks of life, with various backgrounds and socioeconomic status;

Whereas in 2002 (the most recent year for which such statistics are available), there were 22,291 domestic infant adoptions in the United States;

Whereas birthparents should be recognized, honored, and commended for making a loving decision to carry out an adoption plan; and

Whereas Congress should endeavor to do more to support birthparents who carry out an adoption plan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes and honors birthparents who carry out an adoption plan.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS:

Strike all after the resolving clause and insert the following:

''That Congress recognizes and acknowledges the important role of adoption, and commends all parties involved, including birthparents who carry out an adoption plan, adoptive families, and adopted children.''.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. ANDREWS

Mr. ANDREWS. I have an amendment to the preamble at the desk.

The Clerk read as follows:

Amendment to the preamble offered by Mr. ANDREWS:

Strike the preamble and insert the following:

Whereas in 2002, there were 22,291 domestic infant adoptions in the United States;

Whereas birthparents who decide to carry out an adoption plan come from all walks of life, with various backgrounds and socioeconomic status;

Whereas birthparents who carry out an adoption plan should be recognized and commended for doing what they believe is in the best interest of their child;

Whereas loving, nurturing adoptive families make it possible for birthparents to carry out an adoption plan;

Whereas adoptive families make an important difference in the life of a child through adoption and show the compassionate spirit of our Nation;

Whereas adoptive families should be recognized and commended for providing a permanent, safe, and loving home for a child;

Whereas studies have shown that adopted children form deep emotional bonds with their adoptive parents indistinguishable from those biological children form with their parents;

Whereas adopted children grow up to make valuable contributions to our Nation and lead fulfilling lives;

Whereas adopted children should be recognized and commended for understanding that the choice of the birthparents to carry out an adoption plan may be a difficult and carefully considered decision made out of love for a child; and

Whereas Congress should do more to support adoption, including birthparents who carry out an adoption plan, adoptive families, and adopted children: Now, therefore, be it

Mr. ANDREWS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

The amendment to the preamble was agreed to.

The title was amended so as to read: ''Concurrent resolution recognizing and acknowledging the important role of adoption, and commending all parties involved, including birthparents who carry out an adoption plan, adoptive families, and adopted children.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bills considered during the last few minutes here.

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

There was no objection.

HONORING CHUCK TURNER UPON HIS RETIREMENT

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I would like to take a moment to ask the Members to join me in paying a special tribute to one of the most respected and knowledgeable staffers here on Capitol Hill. After more than 30 years of Federal service, Chuck Turner is retiring from the Appropriations Committee today.

Chuck is one of the finest examples of a public servant that we have in this institution. He has worked tirelessly on the Legislative Branch Subcommittee for more than 20 years, and leaves behind a record of integrity and service to this institution that few can match.

The tremendous expertise and insight he has brought to the day-to-day oversight of the House of Representatives and the entire legislative branch will be sorely missed. I have gotten to know Chuck over the past 2 years in my role as Chair of the Legislative Branch Subcommittee. We owe Chuck a deep debt of gratitude for the great contributions that he has made, and this rookie Cardinal owes him a tremendous personal debt.

Chuck, we will miss you. We thank you for your service, and wish you good luck with all of your future endeavors. Godspeed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVISIONS TO THE BUDGET ALLOCATIONS FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

REVISIONS TO THE BUDGET ALLOCATIONS AND AGGREGATES FOR CERTAIN HOUSE COMMITTEES FOR FISCAL YEARS 2008 AND 2009 AND THE PERIOD OF FISCAL YEARS 2009 THROUGH 2013

Mr. SPRATT. Madam Speaker, under section 204 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to passage of the House amendment to the Senate amendment to the bill H.R. 2095 (Rail Safety Improvement Act of 2008). Corresponding tables are attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES,

[On-budget amounts, in millions of dollars]

	Fiscal year 2008 [1]	Fiscal year 2009 [1 2]	Fiscal years 2009–2013
Current Aggregates:			
Budget Authority	2,456,198	2,462,544	n.a.
Outlays	2,437,784	2,497,322	n.a.
Revenues	1,875,401	2,029,653	11,780,263
Change in the Railroad Safety Improvement Act (H.R. 2095):			
Budget Authority	0	3	n.a.
Outlays	0	3	n.a.
Revenues	0	6	30
Revised Aggregates:			
Budget Authority	2,456,198	2,462,547	n.a.
Outlays	2,437,784	2,497,325	n.a.
Revenues	1,875,401	2,029,659	11,780,293

[1] Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

House Committee	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Transportation and Infrastructure	395	0	1,496	0	4,176	0
Change in the Railroad Safety Improvement Act (H.R. 2095):						
Transportation and Infrastructure	0	0	3	3	29	29
Revised allocation:						
Transportation and Infrastructure	395	0	1,499	3	4,205	29

REVISIONS TO THE BUDGET ALLOCATIONS AND AGGREGATES FOR CERTAIN HOUSE COMMITTEES FOR FISCAL YEARS 2008 AND 2009 AND THE PERIOD OF FISCAL YEARS 2009 THROUGH 2013

Under section 206 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of the bill H.R. 7060 (Renewable Energy and Job Creation Tax Act of 2008). Corresponding tables are attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974 as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2008 [1]	Fiscal year 2009 [1 2]	Fiscal years 2009–2013
Current Aggregates:			
Budget Authority	2,456,198	2,462,544	n.a.
Outlays	2,437,784	2,497,322	n.a.
Revenues	1,875,401	2,029,653	11,780,263

BUDGET AGGREGATES—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year 2008 [1]	Fiscal year 2009 [1 2]	Fiscal years 2009–2013
Change in the Renewable Energy and Job Creation Tax Act (H.R. 7060):			
Budget Authority	0	371	n.a.
Outlays	0	371	n.a.
Revenues	0	0	5,667
Revised Aggregates:			
Budget Authority	2,456,198	2,462,915	n.a.
Outlays	2,437,784	2,497,693	n.a.
Revenues	1,875,401	2,029,653	11,785,930

[1] Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

House Committee	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Ways and Means	1,853	1,843	5,794	5,714	−6,724	−5,034
Change in the Renewable Energy and Job Creation Tax Act (H.R. 7060):						
Ways and Means	0	0	371	371	3,807	3,807
Revised allocation:						
Ways and Means	1,853	1,843	6,165	6,085	−2,917	−1,227

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GOVERNMENT FAILS WHEN WE IGNORE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, this week we have been focused on what has been described as the most critical situation facing our economic status in our country since World War II. The liberals/Democrats say it is a failure of the markets. It is not a failure of the markets. It is a failure of our government. It is caused by ignoring the Constitution and by getting the Federal Government involved in things it should not be involved in.

If we are about to allow the very people who got us into this mess by promoting the bad policies, especially Fannie Mae and Freddie Mac, to design the cure, then in common parlance, we are about to let the fox guard the hen house.

Another point that needs to be made relative to this situation is that the Democrats in the House have been doing their best to blame House Republicans for the fact that a bill to solve this problem was not passed this week. What has to be said over and over again is that the Democrats are in charge, in control, of both Houses of Congress. They can pass any bill they want without a single Republican vote and have done so on hundreds of bills in the past 20 months, including several times today.

But suddenly, the Democrats want to make this situation the responsibility of the Republicans. Most Republicans want to have no part of any further slide into socialism that the legislation the Democrats are likely to present to us will represent.

The Republicans have presented alternatives that will not be allowed to be considered. But like many of my colleagues, I feel that God holds us guilty for sins of omission as well as sins of commission. Therefore, I think it is important that we raise the issues, that we discuss the situation, and that we present alternatives.

One very thoughtful person has given us the benefit of his wisdom and advice in this situation, and that person is John Allison, chairman and CEO of the very successful Branch Banking & Trust, known as BB&T, which is headquartered in Winston-Salem, North Carolina. I will share some of his comments and put into the RECORD his letter of September 26.

The letter is addressed to me.

''Unfortunately, while under normal circumstances, there would be a free market solution, given the publicity and psychological mindset which is being created, Congress not acting is extraordinarily risky. Therefore, an alternative to the Paulson plan must be developed. A much more effective, far less expensive solution to the financial crisis than the Treasury Secretary presented is outlined below.''

As I said, I won't read all of the letter, but I want to highlight some important points. He underlines these, and I do, too.

''Without Freddie Mac and Fannie Mae and the affordable housing program (subprime), we could never have made a misallocation of capital of this magnitude.''

Again, Mr. Speaker, the problem lays directly with the Democrats who pushed Fannie and Freddie and refused to allow Republicans when they wanted to bring them under control. Let me share the end of his letter.

''By the way, the reason Bernanke and Paulson cannot see the solution is they are making a fundamental epistological (thinking) error. Bernanke is thinking from economic theory and Paulson is thinking from a capital market theoretical perspective. To solve the problem, we have to deal with the real physical world, i.e., the fact that there is a physical inventory of houses that needs to be cleared, and we must grasp what motivates real individuals (not theoretical collectives) to act.

''A carefully designed housing tax credit and ending fair value accounting (as currently implemented) will fix the real estate markets, capital markets and the economy. This program will likely actually increase tax revenue by stimulating the economy by increasing taxable income. There is likely to be net gain to the government.

''I hope you will give this issue serious consideration.''

We have solutions available to us if we will follow them.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DEAL OR NO DEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I come to the floor to follow the gentlewoman from North Carolina (Ms. FOXX) and address the issue of the bailout. She started her talk with deal or no deal. There was talk in the media that there was a deal. We heard from Senator DODD and the chairman of our committee and other leaders on the other side of the aisle yesterday that there was a deal. Unfortunately, the fact of the matter was that there may have been a deal between themselves and the White House, there was no deal obviously to bring the bill to the floor, or at 8 or 9 at night, we would have seen the Speaker of the House bring the bill to the floor. That is evidence of the fact that there never was a deal.

We do know the fact is we have a serious problem in this country, a problem that must be addressed now, a problem which requires both sides coming together to try to find the solution to the problem.

As the previous speaker said, there are alternative solutions on the table, solutions that economists and business schools across the country have come behind and said can be the credible solution and one which would not put the taxpayers of the country on the hook.

I would suggest that one way of coming to a solution is to decide that we are not going to go back to those same people who helped bring us to this problem in the first place.

One of the underlying problems that brought us to this situation is the fact that there was easy money in the economy for too long a period of time. From 2001 to 2004, interest rates slid from 6 percent all of the way down to 1 percent of the Fed's fund rate. There was an expression used of the Greenspan put, if you will, as far as trying to boost the economy and Wall Street all during that time.

Then that was followed from a switch turnaround from 2004 to 2007 where the interest rates shot up from 1 percent up to 5½ percent. Let me suggest to you that those higher interest rates have been reflected in the housing market today, and will be potentially affected due to a lag time to other sections of the economy later. And that is another reason why we should not engage and support a measure as has been proposed by the White House and the other side of the aisle of spending $700 billion or anywhere near that amount of money that would put the taxpayers on hook because we can anticipate future problems due to that tightening up of the credit market by the Fed.

□ 2045

Now, another area where we should not go back to the same people who helped bring us to this problem are those very same people who helped exacerbate the problem by their misregulation of the GSEs. The GSEs, what are they? They are your Fannie Mae and Freddie Mac.

Those entities that supply the credit for about half of the mortgages in this country were allowed to grow out of control and to grow too large to fail and to grow to such an extent that there was systemic risk in this country

and in the marketplaces that brought us to where we are today with the crisis we are facing.

Now, this is something that was not unpredicted and not unforeseen. Our own administration came to this Congress in 2002, 2003, 2004, and 2005, in their budget requests and elsewhere, making pleas to this Congress to try to put in some regulation. ''World-class regulators'' is what they called them. Secretary Snow came to the Financial Services Committee and made that request and said we should have regulation. However, we were thwarted on every front. The current chairman of the Financial Services Committee was one who stood and said we should not do so.

I went back and looked into what the record of this was in 2005 to see what my position was on it and to read what I said on it. At that time in 2005, the gentleman from California (Mr. ROYCE) suggested that we could begin the process of reining in the GSEs so as to avoid systemic risk in this country with regard to them and avoid a future crisis. He put in an amendment to the bill to provide and to prevent systemic risk.

I came down to the floor to support the gentleman from California (Mr. ROYCE) in his amendment. At that time, I said that I rise in support of this legislation which strengthens the language with regard to portfolios and GSEs. I indicated that GSEs claimed that they are shock absorbers. This line is somewhat ironic today. The GSEs claimed back in 2005 that they were shock absorbers to the system and that one of the main reasons that Fannie and Freddie claimed they should not have portfolio limits was that they provided a stable means of support for the residential financial market in times of crisis. How ironic that they were claiming that they could be of help in a time of crisis when, in fact, they are what have now brought us to this time of crisis.

Back in 2005, Fannie's CEO, Dan Mudd, testified: ''Our mortgage portfolios allow us to play a shock-absorbing function for the finance system during times of potential difficulty.'' Well, there is no function that they're serving now except that they are causing the difficulty.

This week, they said Freddie's president, Eugene McQuade, was quoted as saying: ''The enterprises provide a source of stability to the market, mortgage, finance system.''

With that, Mr. Speaker, I would just like to conclude by saying that the problems that the GSEs have brought us to today—although we were warned by the administration and although many saw it and many people from this side of the aisle—were because of the failure to implement those regulations on a timely basis. We'll discuss this further at a later date.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UP-ARMORED HUMVEES AND THE PROTECTION OF AMERICAN SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I thought it might be appropriate at this time, when all of our focus is on the financial crises, to remember that we have just now passed the defense bill out of the House. It is awaiting passage in the Senate. At this time, we have Americans fighting in two theaters of action in Afghanistan and in Iraq, and their protection is paramount to the people of the United States, to this body and, of course, to the Armed Services Committee.

I thought it might be appropriate to talk about the precedent that has been established by the Armed Services Committee and by some great staff people on the Armed Services Committee who have helped to ensure that more Americans are protected earlier than they otherwise would have been in the conflicts in Iraq and Afghanistan.

We just passed the House bill in very difficult circumstances under the great leadership of IKE SKELTON. His staff director, Erin Conaton, is doing a wonderful job, and the minority director, Bob Simmons, is also doing a wonderful job. With their guidance and with the team of staff members behind them and helping them, we managed to get a very complex bill through the House floor very quickly.

Back in 2004, we were seeing the roadside bombs increase in Iraq, and we started to see increased casualties WIA, wounded in action, and KIA, killed in action. We were seeing those increased figures flowing out of that combat theater as the insurgents placed more and more bombs along the roadside.

We moved very quickly on the Armed Services Committee to get as many armored vehicles, up-armored vehicles, known as up-armored Humvees, into that theater as possible. In 2004, we looked at the plan, the blueprint, to get the 7,000 up-armored vehicles over there very quickly so that soldiers and marines in places like Mosul and Tikrit and Fallujah could have up-armored vehicles. We thought that that schedule took too long and that we saw those 7,000 vehicles coming into country around the end of the year in 2004.

So our great staff director, Bob Simmons, who had been an industrialist, who had been a CEO of an aerospace company in San Diego and who had known how to move components and how to move people quickly to get a product finished, went to the Army and asked them why their schedule was as long as it was. They said, you know, we think the driving factor here is the steel. Our schedule for receiving the steel is such that it's not going to be until the end of the year when we get these up-armored Humvees, these protective vehicles, into theater.

So Bob Simmons said, ''Why?'' like any good CEO. They said it was the steel production.

So he went to the steel companies, and he asked them, ''Why can't you put on more shifts and get this steel produced earlier and get it out to the Army and get those Humvees over there?'' They said, ''You know, we don't think we can get another shift on here, and we don't think that the unions will help us here or will comply with adding another shift to the time schedule.''

So Mr. Simmons said, ''Let me talk to the union leaders,'' and he sat down with the union leaders, and our great staff director talked to them about what was happening in Iraq. They said, ''You know, we have kids in Iraq, and we'll put on another shift, and we'll get that steel out.''

As a result of this, we accelerated the steel to the Army and to the Humvee makers, and we got those Humvees up-armored with more steel between those roadside blasts and those marines and soldiers inside those vehicles. We got those 7,000 Humvees into theater 7 months ahead of time.

I want to just say, Mr. Speaker, that it's a blessing to have those honest brokers—those great staff members like Mr. Simmons—and like his great team. I'll just mention a couple of them who worked this issue. John Wason was one of our great team members. Jesse Tolleson is another one. Steve DeTeresa is another.

You know, Steve DeTeresa with his team, in working with Lawrence Livermore and in working with DARPA, actually moved the first heavily armored trucks into Iraq, some 130 trucks that were double-hulled, that had two layers of steel and that had a layer of an inch and a quarter of what we call E-glass on the inside of that steel. I've seen some of those trucks that were hit with massive IEDs, with massive roadside bombs, and I've read letters back from the people who drove those trucks, saying, ''Our lives were saved because of the steel on those trucks.'' To my knowledge, none of those 130 or so trucks that were directed to be built by the Armed Services Committee were ever penetrated by fragment from roadside bombs.

So thanks to Mr. Simmons and to his great team and to all of his wonderful staff folks on the Armed Services Committee.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING CONGRESSMAN JOHN PETERSON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 60 minutes as the designee of the minority leader.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it's a rare privilege for me to rise here tonight.

As the senior Republican in the Pennsylvania delegation, I have certain opportunities and certain obligations. The one that I'm exercising this evening is one that I am particularly pleased to do, not without a certain reluctance, because I'm rising to honor a colleague of ours who is retiring and who has done a great deal for the State of Pennsylvania.

I have known Representative JOHN PETERSON, really, since 1981. JOHN PETERSON came to this body in 1996, and he has served with distinction for the last 12 years, but when I first knew JOHN PETERSON, he was then a member of the State House. He had been elected in 1977. He was recruited by local Republicans as the obvious choice when that vacancy occurred, and I first knew him as one of the most energetic members of the State House within the district of my boss and mentor who was then serving in the State Senate.

When Senator Kusse retired in 1984, again, JOHN PETERSON was the obvious person to succeed him into the State Senate. There, JOHN PETERSON became known as one of the authorities on rural health care and as one of the strongest advocates for transportation improvements in western Pennsylvania.

So it was an obvious thing in 1996 when Congressman Bill Clinger decided to retire that JOHN PETERSON was an obvious but not an uncontested candidate for that seat. After a vigorous primary, which included some fairly famous names, JOHN PETERSON won the Republican primary, and went on to win a convincing election in the fall.

My colleague JOHN PETERSON has made a great mark on this institution in 12 years.

When he came to the House, he, rather rapidly, established himself as an advocate for rural issues, not only in western Pennsylvania but all over the country, and he has always been a prominent member of the Rural Caucus. Surprisingly, for a member of a delegation from one of the States, from a Commonwealth that was one of the original 13 colonies, he has also been a leading member of the Western Caucus because of the infinity of the issues within his district with western concerns.

Perhaps one of the great distinctions about JOHN PETERSON is his representing one of the largest districts, if not the largest district, east of the Mississippi. He has brought an extraordinary energy to the job of representing a district that runs from the Titusville area, in my neighborhood, all the way down to some of the farthest bedroom communities within our State capital area.

JOHN PETERSON, after a term in the House, naturally gravitated to a higher assignment, and he was selected by our party to be a member of the Appropriations Committee.

I have to tell you he has served there with extraordinary distinction. Early on, he has become an advocate and an expert in rural health care, and he has played a particularly critical role in increasing Medicare reimbursements for many rural health care providers.

As the individual who has represented the area that covers the Allegheny National Forest, one of the gems of our national forest system, he has become a strong advocate consistently for that area and for its potential to be an economic driver as well as a source of natural beauty in the region. As a member of the Appropriations Committee, he has been a strong and consistent advocate of resources for the Allegheny National Forest and for recreation in the region.

He has also been recognized as one of the strongest advocates of rural economic development, particularly in western Pennsylvania but particularly with a focus on job training. He has played consistently a critical and active role in encouraging local economic development organizations to develop a regional outlook and to become effective advocates across county lines.

He has been a strong advocate in this Chamber of a pro-growth energy policy, and it was JOHN PETERSON who before most other Members of this body had focused on the issue, and he became a strong and consistent advocate of opening up new opportunities for drilling within the United States to reduce our energy dependence.

It was JOHN PETERSON who repeatedly brought up within the Appropriations Committee, in the face of opposition from some Democrats and also from some Republicans, legislation to open up the Outer Continental Shelf for drilling, initially for natural gas but also for petroleum.

□ 2100

JOHN PETERSON, before most people in this Chamber saw the critical importance of this issue as a way of driving down prices in the United States, became a strong advocate of addressing this issue head-on in lifting the ban that had been created by both Congress and the executive branch on drilling.

And I think it is a great tribute to him and, as he retires, must be a great source of satisfaction to see that this Congress has not continued that ban. This, I realize, is a controversial issue, but the beauty of my colleague is he's been able to engage people on both sides of the aisle on this issue and in a way that has even reached out to many people who he has initially disagreed with.

I, myself, have never seen my colleague more engaged than on the issue of tolling Interstate 80. I partnered with JOHN PETERSON just last year when this issue came up in this body in the wake of a decision by leaders in Harrisburg in our State capital and by the Turnpike Commission to attempt to toll the length of Interstate 80 utilizing a pilot project provision embedded in our Federal law. I had the privilege of seeing firsthand JOHN PETERSON's advocacy and his energy as he aggressively engaged both State officials and, ultimately, our U.S. Department of Transportation.

I must say the fact that we have recently received a decision from the U.S. Department of Transportation that effectively bars the tolling of Interstate 80 is a great tribute to his advocacy and also his ability to work with people like me and others to make the case.

JOHN PETERSON has decided this year to retire. I think that is a tribute to the love he bears for his family above everything else. But he leaves behind him a truly remarkable record as a public servant, as someone who's made his mark first in the State legislation, now in this body, someone who has always retained the vision and the inventiveness that comes from having been a small business man.

It's been a great privilege to serve with JOHN PETERSON, and my distinguished colleague from Pennsylvania will very much be missed. Certainly if there were ever a solution to the energy crisis, it would be to tap into his

energy and try to channel it into others in this body.

I know we have a couple of other members of our delegation present here, and I'm particularly interested to yield to the gentleman from Pennsylvania, such time as he may consume, the gentleman originally from western Pennsylvania but now from southeastern Pennsylvania and a great advocate for the State, my friend, Mr. GERLACH.

Mr. GERLACH. I thank the gentleman for yielding, and I thank you very much for the opportunity to say a few words on behalf of Congressman JOHN PETERSON.

Before I do so, let me thank my distinguished colleague from Pennsylvania, Congressman ENGLISH, for his leadership in conducting this special order to honor JOHN. And it's much appreciated by all of us that are in the Pennsylvania delegation.

I'm here tonight to honor my colleague, JOHN PETERSON, for his countless years of service to this great Nation. His strong presence and thoughtful contributions will be greatly missed in this Chamber.

I've had the pleasure to know JOHN for a long time, first serving with him in the Pennsylvania State Senate and for the past 6 years here in the House. Throughout his time in the State Senate and in the House of Representatives, JOHN has been a strong and steady voice on a wide range of issues, notably world development, transportation, and energy. It's been my honor to work with JOHN over the years in promoting the interests of our constituencies and the good of this Nation.

His service has been an inspiration, and it has been my pleasure to witness this man in action over the years.

Over the past 12 years, JOHN has faithfully served the needs of the Fifth Congressional District of Pennsylvania. Time after time he has promoted the interests and the well-being of his constituency, the largest and most rural of all of the districts in Pennsylvania. He accomplished throughout this effort to allow for job creation and economic development strategies, improve access to quality and affordable health care, and enhance the quality of life for his constituents. This tireless devotion to the residents of the Fifth Congressional District is just a glimpse of his compassion and devotion to our country.

As we get set to wrap up what appears to be the rest of this Congress, I wish JOHN all the best as he heads home to spend time with his wife, Sandy, and their wonderful family.

JOHN, thank you for your tireless service, and you will be missed.

Mr. ENGLISH of Pennsylvania. I would now like to yield to the gentleman from Pennsylvania (Mr. ALTMIRE) such time as he may consume. We're grateful for his presence here on the floor as well as his leadership.

Mr. ALTIMRE. I thank the senior Republican from the delegation. I stand here as the junior Democrat from the delegation, and I do appreciate the opportunity to address, in a very bipartisan way, my appreciation for the opportunity to have served with JOHN PETERSON here in the House of Representatives.

And I also want to thank the remarks from one of the former residents of the Fourth Congressional Districts, Congressman GERLACH, who grew up in Elwood City and was a star running back for Elwood City High School. So I was glad to hear from him as well.

One of the joys of being elected to Congress, as all of our colleagues know, is you get to serve with people who you may have known previous to getting into Congress. And I worked at the University of Pittsburgh Medical Center and got to know many members of the Pennsylvania delegation, including Congressman ENGLISH as well. And Congressman PETERSON was somebody that I really enjoyed working with, somebody that I knew and liked before I got to Congress.

So it was a pleasure and a treat for me to be able to serve for only one term, it looks like, because Mr. PETERSON is retiring, but to get to serve one term with someone that I knew and somebody that I respected.

And the reason I liked JOHN PETERSON was because he was somebody who was very interested and very active on a variety of subjects. There are a lot of people in this Congress who know certain subject matters very well, and they're experts in their fields of expertise. But JOHN PETERSON was somebody who seemed to know a little bit or maybe even a lot about a lot of different things.

And anyone who's met with JOHN PETERSON over the years knows that if you engage him in a conversation, you better be ready to be there for a while because he's going to tell you a lot of things that you didn't know about that. And he's going to offer his opinion, and he's going to spar with you. He's going to test to see whether you know what you're talking about. And he's going to engage in a friendly debate because he wants to learn and he enjoys that kind of combative spirit in a friendly way as you're talking with him.

So it was an honor for me to know him before, but it was a pleasure to see him in action on the House floor and get to know him in meetings that we had with the delegation.

And, of course, he represents a district in central Pennsylvania, but often he would fly home, as Congressman ENGLISH sometimes does, from Pittsburgh, from Washington to Pittsburgh; and many times we would sit in the airport and we would talk about whatever the issue of the day was in Congress and what the topic of conversation around the Nation was. And we would have our own friendly debates on these issues, and we would test each other.

And I was always amazed at JOHN PETERSON's ability to demonstrate expertise on any subject that came up. And my colleagues know what I'm talking about.

What I would say to the constituents of the Fifth District in Pennsylvania, those who've known JOHN PETERSON for many years, is you're losing a great representative. He's somebody who, as a Democrat, I did not always agree with, somebody who I did have differences with; but there's nobody in this Congress who cared more about their district, who cared more about this institution than JOHN PETERSON.

And I can guarantee the people of the Fifth District in Pennsylvania, there is nobody who is going home with more accomplishment at the end of their term to take home with them in retirement than JOHN PETERSON.

This is somebody who spent his entire career talking about energy, especially natural gas and oil drilling. He is somebody who talked continuously about the need to expand our offshore drilling for oil and natural gas and could tell you all of the reasons why and all of the history therein, and he's somebody who was successful in getting that done.

We are leaving this Congress, beginning next Wednesday, where a moratorium that was in place for 27 years on oil and natural gas drilling is expiring. And the restrictions are not going to be there anymore, and there is nobody in this House that can take more credit for that than JOHN PETERSON. That is one whale of an accomplishment to end your career on.

But as Congressman ENGLISH talked about, he also was passionate about Interstate 80 across Pennsylvania. JOHN PETERSON has the biggest district geographically in Pennsylvania. Interstate 80 is an east-to-west highway than ran right through his district. And he worked passionately to avoid the tolling of I–80 at the State level. It was a decision that had to be approved by the Federal Government.

And to make a long story short, over the course of several months, he was successful, along with Congressman ENGLISH—who deserves a lot of credit as well—in making sure that Interstate 80 was not tolled.

So although JOHN PETERSON is retiring, there is nobody in this Congress who is going home with more accomplishments and more benefit to their district than JOHN PETERSON.

So I just wanted to take a moment—and I do appreciate the opportunity to speak out of turn as I was in the chair—but to say the fondness for JOHN PETERSON was not a monopoly on the Republican side. We appreciated him as well, and it's not just in Pennsylvania, it's all of our colleagues in this Congress. We enjoyed serving with JOHN PETERSON. It was an honor to serve with him.

I am a better Member of Congress for having known him, and I wish him the best in his retirement.

Mr. ENGLISH of Pennsylvania. Reclaiming my time.

I would like to yield to the gentleman from Lehigh Valley, the distinguished Member, Mr. DENT, such time as he may consume.

Mr. DENT. Thank you, Congressman ENGLISH, for organizing this special order tonight in recognition of our good friend, John Peterson.

He has been certainly an extraordinary Member of Congress, a real character, and just been a good friend to so many.

John is one of those people who really makes this Congress a very special place. He does represent the Fifth District, as has been discussed tonight. I wanted to wish him and his wife, Sandy, well. This happens to be the anniversary of their wedding this weekend, so I wish both John and Sandy Peterson all the best on this anniversary weekend for them.

You know, I first met John Peterson back in 1991 when I was first sworn in to the Pennsylvania House of Representatives. John was a State senator, and I was just a freshman in the State House; and John was always very kind to me. He would take time out of his busy life to mentor me, to talk to me about issues, just to be a good friend. And I always appreciated that about John.

And John, too, in Washington, perhaps, is best known for his advocacy on the issue of Outer Coaster Shelf exploration for energy. What a lot of people don't know, who've probably listened to John Peterson over the years, he talked about that issue about American exploration for energy when it, perhaps, wasn't as popular. But he would come down with charts and talk about the need to produce energy in America.

And what a lot of people don't know about John Peterson is that he represents much of northwestern Pennsylvania, a very large, rural district. And in that district is a town called Titusville where oil was first discovered by Colonel Drake.

And so John was passionate on this issue of oil and gas exploration. It was something that he brought to this floor. He did a lot to educate many of us, many Members, about the situation in this country with respect to natural gas, especially. John would talk about it and talk about the need for us to develop more of our resources and how this is impacting America's manufacturers, particularly Pennsylvania's manufacturers. And he was just passionate about it. And of course during this Congress, that issue of American energy exploration, the Outer Coastal Shelf, is one that has really taken a very high profile.

And I know that John, because of his leadership in part, is why we saw the moratorium on OCS drilling lifted just recently, and I think that's a great accomplishment for John.

Also, too, he was one of the more tenacious Members I have ever met, and I met him in Harrisburg. He would take up an issue, and there was no one who was more fierce for his cause than John Peterson.

And we saw that this year with respect to the tolling, proposed tolling for Interstate 80. John was, as many of us know in Pennsylvania, rather upset about the proposal. And he just really took to the public airwaves and made his case. And, of course, that proposal was not adopted by the Federal Highway Administrator. So that was an issue that was one where John had taken a strong leadership position and came out successful, just as he did recently on the issue of Outer Coastal Shelf exploration.

So John Peterson has actually had quite a good year. Such a good year that I have teased him at times, ''Are you sure you want to retire now? You're doing so well around here. This is probably not the time for you to leave.''

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But John, as you know, is a dedicated public servant, a devoted family man, and I think he wants to spend more time with his family.

I know I will miss him here. As I said, he's a great friend to me. I've known him since our legislative days in Harrisburg.

I, again, want to thank John Peterson for his advocacy, for his friendship, for his leadership on behalf of the people of the Commonwealth of Pennsylvania, northwestern Pennsylvania in particular, and also for his support and leadership for all the American people.

Mr. ENGLISH. I want to thank the gentleman for his generous comments that certainly capture the spirit of our colleague, and I would like to finally yield to one other Member of our delegation, a gentleman whose name is synonymous with transportation in Pennsylvania and who has done an extraordinary job as an advocate for rural Pennsylvania and whose district has bordered that of our colleague. I'd like to yield to the gentleman from Altoona, Mr. SHUSTER.

Mr. SHUSTER. I want to thank the gentleman from Pennsylvania for yielding to me.

It's a great honor and privilege for me to be on the House floor tonight, coming to the well to talk about a very good friend, a dear friend, John Peterson. And I have to tell you about, we go back 12 years, and very little known to Members of this body, but John Peterson ran for Congress in a primary against my brother for Congress. And many would say, well, how can you say, ''your dear friend'' when a guy like John Peterson ran hard and defeated your brother in a primary? But John Peterson and I and my family quickly after that primary election became very close and got behind John and supported him to become the Congressman from the Fifth District.

But John, when I first came to Congress, was one of the first people to come to me and offer me advice, and I took it readily because of his long career in the State Senate and his years here in the House, listening to John and, as I said, becoming very, very good friends.

John is one of my very close and best and dearest friends here in Congress, and it's because John and I share the same principles. We share the same values. We share a similar background, coming from a small business.

John ran a grocery store in the Fifth District of Pennsylvania. He worked extremely hard, and as he worked his political career through the House and the Senate of Pennsylvania, anybody you talk to, whether it's here in Washington or whether it's in Harrisburg, talk about John's hard work and his tenacity. He's one of those guys that my colleague from Lehigh Valley said, you know it's John when he sinks his teeth into something, he doesn't let go. He fights and he fights and he fights, and his career has been an example of that, for the 20 years he served in the State legislature and the 14 years he's served here in Congress.

And he is one of the hardest working Members of the House of Representatives. I go back to, I remember John before I came to Congress on television going to Russia, fighting to get the release of one of his constituents who was arrested because the Russians at the time thought he was a spy. But it was John Peterson on national television, in Russia, pounding and fighting to make sure that his constituent was released. And you know, John Peterson, with that tenacity, that hard work, was able to do that, and that family is grateful to him. The people of his district are grateful for his hard work and his expertise.

I think it's been mentioned here tonight by different colleagues about his expertise on a number of issues, and John really understood the issues of rural America. In his role as the chairman of the Rural Caucus for a number of years, he was out there always fighting for those issues. Whether it was health care, whether it was education, economic development, John Peterson understood it as well or better than any Member of Congress, those issues for rural America, and he was a tireless advocate for those issues.

As well as here in the last several months on the House floor, it was John Peterson and his knowledge and expertise on energy. John Peterson knew energy. Being a representative from the district that the first well in America in 1859 was sunk in his district, John took that issue and made it his own issue, and he was able to talk about that issue with great authority. Many of us went to John to try to understand, try to get the knowledge from John when it came to energy issues. Whether it was OCS, whether it was biomass or renewables, John Peterson knew those issues.

Also, a little known fact is that John's family owns a business that sells furnaces, that sells heating apparatuses that use alternative energy. Whether it's corn, whether it's

wood, it's JOHN PETERSON who is up there in the weekends selling those products, talking to people about them because he understands them.

JOHN PETERSON is a grassroots politician. He understands the issues from the grassroots up, and this Congress is better today because of people like JOHN PETERSON, because of JOHN PETERSON, because of his knowledge of the issues. He is going to be missed significantly here in Congress because of that aspect of his knowledge on his grassroots issues and rural America and energy.

I want to make sure that I thank my colleague Mr. ENGLISH for organizing this Special Order tonight to thank JOHN PETERSON and also to say thanks and congratulations to JOHN and his wife Sandy who are celebrating a wedding anniversary.

As I said, I'm going to miss JOHN PETERSON personally. I know my colleagues will miss him in the Pennsylvania delegation, and I believe that America will miss JOHN PETERSON because of his advocacy of issues that are so, so important to America and especially to rural America.

So, with that, I thank the gentleman.

Mr. ENGLISH. Mr. Speaker, I think the remarks we've heard from the various Members of our delegation are a great tribute to the versatility and tenacity of Representative PETERSON, and I think give everyone an appreciation, whether they are from his district or have never met him before, of why he's going to be missed and the large hole that he leaves in this institution.

I must tell you, I have some small experience in filling JOHN PETERSON's shoes. When we did reapportionment in 2002, I had the opportunity to take over some territory from JOHN PETERSON. What I quickly discovered was that in terms of personal representation he had set the bar very, very high. There are few communities in that vast district that he wasn't a regular visitor to, that he wasn't accessible to, that he wasn't familiar with, that he didn't have a personal contact with local leaders in the community. That is going to be a challenge to his successor, and it's going to be a challenge to every Member of our delegation who tries to fill his role in our Pennsylvania leadership.

I want to thank you, Mr. Speaker, for the opportunity to provide this tribute, and I thank all of the Members of our delegation for participating.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WASSERMAN SCHULTZ) to revise and extend their remarks and include extraneous material:)

Mr. SPRATT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. MCHENRY, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today and September 27.

Mr. POE, for 5 minutes, September 27.

Mr. JONES, for 5 minutes, September 27.

Ms. FOXX, for 5 minutes, today and September 27.

Mr. TANCREDO, for 5 minutes, September 27.

Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FILNER, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,980.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BERMAN, and to include therein extraneous material, notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $2,275.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a Concurrent Resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2382. An act to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense; to the Committee on Transportation and Infrastructure.

S. 3128. An act to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project; to the Committee on Natural Resources.

S. 3166. An act to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States; to the Committee on the Judiciary.

S. 3597. An act to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009; to the Committee on Agriculture.

S. 3598. An act to amend titles 46 and 18, Unites States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality; to the Committee on the Judiciary; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3605. An act to extend the pilot program for volunteer groups to obtain criminal history background checks; to the Committee on the Judiciary.

S. Con. Res. 104. Concurrent resolution supporting ''Lights On Afterschool!'', a national celebration of after school programs; to the Committee on Education and Labor.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6890. An act to extend the waiver authority for the Secretary of Education under section 105 of subtitle A of the title IV of division B of Public Law 109–148, relating to elementary and secondary education hurricane recovery relief, and for other purposes.

H.R. 6894. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

ADJOURNMENT

Mr. ENGLISH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, September 27, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8703. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyprodinil; Pesticide Tolerances [EPA-HQ-OPP-2007-1069; FRL-8377-8] received August 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8704. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2,4-D, Bensulide, Chlorpyrifos, DCPA, Desmedipham, Dimethoate, Fenamiphos, Metolachlor, Phorate, Sethoxydim, Terbufos, Tetrachlorvinphos, and Triallate; Tolerance Actions [EPA-HQ-OPP-2007-0674; FRL-8375-2] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8705. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Forchlorfenuron; Permanent and Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2007-1065; FRL-8375-4] received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8706. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Residues of Quaternary Ammonium Compounds, N-Alkyl (C12-18) dimethyl benzyl ammonium chloride on Food Contact Surfaces; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-

2006-0573; FRL-8376-9] received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8707. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyfluthrin; Pesticide Tolerances [EPA-HQ-OPP-2007-0337; FRL-8382-5] received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8708. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Aldicarb, Ametryn, 2,4-DB, Dicamba, Dimethipin, Disulfoton, Diuron, et al.; Tolerance Actions [EPA-HQ-OPP-2008-0232; FRL-8382-2] received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8709. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredient: Exemption from the Requirement of a Tolerance for amylopectin, acid-hydrolyzed, 1-octenylbutanedioate and for amylopectin, hydrogen 1-octadecenylbutanedioate [EPA-HQ-OPP-2006-0791; FRL-8374-1] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8710. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ethoprop; Pesticide Tolerances [EPA-HQ-OPP-2007-0894; FRL-8382-6] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8711. A letter from the Comptroller, Department of Defense, transmitting a letter to report the Antideficiency Act violation, Army case number 05-13, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8712. A letter from the Comptroller, Department of Defense, transmitting a letter to report the Antideficiency Act violation, Air Force case number 06-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8713. A letter from the Assistant Secretary of the Navy (Installations and Environment), Department of Defense, transmitting notification of a performance decision by the Department of the Navy to convert to contract the aircraft maintenance, administration, and corrosion control functions currently performed by 375 military personnel; to the Committee on Armed Services.

8714. A letter from the Chief, Programs and Legislation Division Office of Legislative Liaison, Department of Defense, Department of the Air Force, transmitting notification that the Air Force has reached performance decision on the public-private competition affecting Trainer Development Activities; to the Committee on Armed Services.

8715. A letter from the Executive Director, Project on National Security Reform, transmitting a letter on the status of the report on the Project on National Security Reform, pursuant to Public Law 110-181, section 1049; to the Committee on Armed Services.

8716. A letter from the Executive Director, Consumer Federation of California Education Foundation, transmitting the 2008 Financial Privacy Report Card; to the Committee on Financial Services.

8717. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Home Equity Conversion Mortgages (HECMs): Determination of Maximum Claim Amount; and Eligibility for Discounted Mortgage Insurance Premium for Certain Refinanced HECM Loans [Docket No. FR-5129-F-02] (RIN: 2502-AI49) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8718. A letter from the Regulatory Specialist Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments [Docket ID OCC-2008-0010] (RIN: 1557-AD12) received August 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8719. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Hong Kong pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8720. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8721. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Phillipines pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8722. A letter from the General Counsel, Department of Commerce, transmitting draft legislation to implement Section 3005 of the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

8723. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determination of Attainment of Fine Particle Standard [EPA-R03-OAR-2008-0257; FRL-8707-3] received August 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8724. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa [EPA-R07-OAR-2008-0403; FRL-8707-7] received August 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8725. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution by Permits for New Construction or Modification [EPA-R06-OAR-2006-0867; FRL-8715-7] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8726. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Reclassification of the Houston/Galveston/Brazoria Ozone Nonattainment Area; Texas; Final Rule [EPA-R06-OAR-2007-0554; FRL-8721-8] received September 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8727. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Plans; North Carolina: Miscellaneous Revisions [EPA-OAR-R04-2008-0512-200815 (a) ; FRL-8706-4] received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8728. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Chapter 117 and Emission Inventories for the Dallas/Forth Worth 8-Hour Ozone Nonattainment Area [EPA-R06-OAR-2005-TX-0027; FRL-8764-8] received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8729. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program; Approved State Program for Hawaii [EPA-R09-UST-2007-1122; FRL-8716-3] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8730. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for Massachusetts [EPA-R01-OAR-2008-0112; A-1-FRL-8709-4] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8731. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Electric Generating Unit Multi-Pollutant Regulation [EPA-R03-OAR-2007-0027; FRL-8708-6] received August 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8732. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Nashville/Davidson County Portion [EPA-R04-OAR-2008-0051-200805(a); FRL-8705-3] received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8733. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Air Force's Proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services (Transmittal No. 08-96), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8734. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services (Transmittal No. 08-88), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8735. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Air Force's Proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services (Transmittal No. 08-90), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8736. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-08 informing of an intent to sign a Memorandum of Understanding between the Department of Defense of the United States of America and the Department of Public Safety and Emergency Preparedness of Canada,

pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

8737. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense services and defense articles to the Republic of Korea, the United Kingdom, New Zealand, Canada, Israel, Australia and Italy (Transmittal No. DDTC 069-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8738. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the United Kingdom (Transmittal No. DDTC 089-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8739. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed agreement for the export of major defense services and defense articles to the United Kingdom (Transmittal No. DDTC 083-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8740. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report entitled, ''U.S. Representation in United Nations Agencies and Efforts Made to Employ U.S. Citizens 2007,'' pursuant to Public Law 102-138, section 181; to the Committee on Foreign Affairs.

8741. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Norway (Transmittal No. RSAT-08-08); to the Committee on Foreign Affairs.

8742. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Republic of Korea, Canada, France, Germany, Italy, Spain, and Sweden (Transmittal No. DDTC 073-08); to the Committee on Foreign Affairs.

8743. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Republic of Korea, Canada, France, Germany, Italy, Spain, and Sweden (Transmittal No. DDTC 073-08); to the Committee on Foreign Affairs.

8744. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from France (Transmittal No. DDTC 054-08); to the Committee on Foreign Affairs.

8745. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Governments of Germany, Sweden, and Spain (Transmittal No. DDTC 091-08); to the Committee on Foreign Affairs.

8746. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from Taiwan (Transmittal No. DDTC 034-08); to the Committee on Foreign Affairs.

8747. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the United Kingdom, Germany, and France (Transmittal No. DDTC 059-08); to the Committee on Foreign Affairs.

8748. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the United Arab Emirates, Saudi Arabia, and Tunisia (Transmittal No. DDTC 082-08); to the Committee on Foreign Affairs.

8749. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a report on progress toward a negotiated solution of the Cyprus question covering the period June 1 through July 31, 2008, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

8750. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Arms Traffic in Arms Regulations: Rwanda [Public Notice:] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8751. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a proposed removal from the U.S. Munitions List of a digital radio transceiver that was developed for military applications, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8752. A letter from the White House Liaison, Office of Personnel Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8753. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the New Orleans, Louisiana, Appropriated Fund Federal Wage System Wage Area (RIN: 3206-AL68) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8754. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting commentary on H.R. 6020, the ''Lance Corporal Jose Gutierrez Act of 2008''; to the Committee on the Judiciary.

8755. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting commentary on H.R. 5882, a bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

8756. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting commentary on H.R. 5950, the ''Detainee Basic Medical Care Act of 2008''; to the Committee on the Judiciary.

8757. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended: Fingerprinting [Public Notice:] received August 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8758. A letter from the Controller, National Society Daughters of the American Revolution, transmitting the Audited Financial Statements of NSDAR for the Fiscal Year ended February 29, 2008, pursuant to Public Law 88-504; to the Committee on the Judiciary.

8759. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [Docket No. USCG-2008-0832] (RIN: 1625-AA08) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8760. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waters Surrounding S/V FALLS OF CLYDE, HI. [Docket No. USCG-2008-0835] (RIN: 1625-AA00) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8761. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model 1329 Series Airplanes [Docket No. FAA-2007-28255; Directorate Identifier 2007-NM-023-AD; Amendment 39-15589; AD 2008-13-26] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8762. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0184; Directorate Identifier 2007-NM-140-AD; Amendment 39-15575; AD 2008-13-12] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8763. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300 and -400 Series Airplanes [Docket No. FAA-2007-0395; Directorate Identifier 2007-NM-157-AD; Amendment 39-15588; AD 2008-13-25] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8764. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Limited Model FU-24 Airplanes [Docket No. FAA-2008-0543 Directorate Identifier 2007-CE-092-AD; Amendment 39-15607; AD 2008-14-12] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8765. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No. 2003-NM-33-AD; Amendment 39-15613; AD 2008-15-01] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8766. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes [Docket No. FAA-2008-0639; Directorate Identifier 2007-NM-003-AD; Amendment 39-15564; AD 2008-13-01] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8767. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Boeing Model 747-400 and 747-400D Series Airplanes [Docket No. FAA-2007-0267; Directorate Identifier 2007-NM-245-AD; Amendment 39-15609; AD 2008-14-14] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8768. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and A340-300 Series Airplanes [Docket No. FAA-2008-0232; Directorate Identifier 2007-NM-309-AD; Amendment 39-15612; AD 2008-14-17] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8769. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 and -300 Airplanes [Docket No. FAA-2008-0362; Directorate Identifier 2007-NM-308-AD; Amendment 39-15611; AD 2008-14-16] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8770. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109E and A119 Helicopters [Docket No. FAA-2008-0327; Directorate Identifier 2007-SW-21-AD; Amendment 39-15600; AD 2008-14-05] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8771. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42 Airplanes and Model ATR72-101, -102, -201, -202, -211, and -212 Airplanes [Docket No. FAA-2008-0409; Directorate Identifier 2007-NM-265-AD; Amendment 39-15587; AD 2008-13-24] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8772. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes [Docket No. FAA-2008-0222; Directorate Identifier 2007-NM-300-AD; Amendment 39-15604; AD 2008-14-09] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8773. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No. FAA-2008-0166; Directorate Identifier 2007-NM-329-AD; Amendment 39-15603; AD 2008-14-08] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8774. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Model SR20 and SR22 Airplanes [Docket No. FAA-2007-28245; Directorate Identifier 2007-CE-047-AD; Amendment 39-15608; AD 2008-14-13] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8775. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A, 206B, 206L, 206L-1, 206L-3, and 206L-4 Helicopters [Docket No. FAA-2008-0040; Directorate Identifier 2007-SW-13-AD; Amendment 39-15598; AD 2008-14-03] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8776. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines, Fuel Injected Reciprocating Engines [Docket No. FAA-2007-0218; Directorate Identifier 92-ANE-56-AD; Amendment 39-15602; AD 2008-14-07] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8777. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model AB 139 and AW 139 Helicopters [Docket No. FAA-2008-0256; Directorate Identifier 2007-SW-01-AD; Amendment 39-15597; AD 2008-14-02] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8778. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. FAA-2007-29335; Directorate Identifier 2007-NM-045-AD; Amendment 39-15592; AD 2008-13-29] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8779. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, 230 and 430 Helicopters [Docket No. FAA-2008-0039; Directorate Identifier 2006-SW-13-AD; Amendment 39-15596; AD 2008-14-01] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8780. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206L, L-1, L-3, L-4, and 407 Helicopters [Docket No. FAA-2008-0258; Directorate Identifier 2007-SW-22-AD; Amendment 39-15601; AD 2008-14-06] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8781. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Eek, AK [Docket No. FAA-2008-0447; Airspace Docket No. 08-AAL-8] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8782. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kake, AK [Docket No. FAA-2008-0451; Airspace Docket No. 08-AAL-10] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8783. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Gulkana, AK [Docket No. FAA-2008-0448; Airspace Docket No. 08-AAL-9] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8784. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Prospect Creek, AK [Docket No. FAA-2008-0456; Airspace Docket No. 08-AAL-15] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8785. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Red Dog, AK [Docket No. FAA-2008-0457; Airspace Docket No. 08-AAL-16] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8786. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Venetie, AK [Docket No. FAA-2008-0460; Airspace Docket No. 08-AAL-18] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8787. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Salyer Farms, CA [Docket No. FAA-2008-0330; Airspace Docket No. 08-AWP-4] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8788. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Staunton, VA [Docket No. FAA-2008-0170; Airspace Docket No. 08-AEA-16] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8789. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Restricted Area 5107A; White Sands Missile Range, NM [Docket No. FAA-2008-0628; Airspace Docket No. 07-ASW-15] (RIN: 2120-AA66) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8790. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Lexington, OK [Docket No. FAA-2008-0003; Airspace Docket No. 08-ASW-1] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8791. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Luke AFB, Phoenix, AZ [Docket No. FAA-2008-0204; Airspace Docket No. 08-AWP-5] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8792. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Carson City, NV [Docket No. FAA-2008-0068; Airspace Docket No. 08-AWP-1] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8793. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of the Federal Water Quality Standards Use Designations for Soda Creek and Portions of Canyon Creek, South Fork Coeur d'Alene River, and Blackfoot River in Idaho [EPA-HQ-OW-2008-0495; FRL-8706-7] received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8794. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Federal Antidegradation Policy for All Waters of the United States within the Commonwealth of Pennsylvania [EPA-HQ-OW-2007-93; FRL-8716-2] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8795. A letter from the Director, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department's final rule — Schedule for Rating Disabilities; Evaluation of Scars (RIN: 2900-AM55) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8796. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — State Parent Locator Service; Safeguarding Child Support Information (RIN: 0970-AC01) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8797. A letter from the Chief, Trade & Commercial Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — HAITIAN HEMISPHERIC OPPORTUNITY THROUGH PARNTERSHIP ENCOURAGEMENT ACTS OF 2006 AND 2008 [Docket No. USCBP-2007-0062 CBP Dec. 08-24] (RIN: 1505-AB82) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8798. A letter from the Commissioner, Social Security Administration, transmitting proposed legislation to make program and administrative improvements to the Old-Age, Survivors, and Disability (OASDI) program; to the Committee on Ways and Means.

8799. A letter from the Commissioner, Social Security Administration, transmitting proposed legislation to make amendments to the Old-Age, Survivors, and Disability Insurance program and the Supplemental Security Income (SSI) program; to the Committee on Ways and Means.

8800. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting commentary on H.R. 5924, the ''Emergency Nursing Supply Relief Act''; jointly to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 1507. Resolution providing for consideration of the bill (H.R. 7110) making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes (Rept. 110–891). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1224. Resolution commending the Tennessee Valley Authority on its 75th anniversary (Rept. 110–892). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6707. A bill to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes; with an amendment (Rept. 110–893). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 6126. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration (Rept. 110–894). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

H.R. 554. Referral to the Committee on Agriculture and the Judiciary extended for a period ending not later than September 28, 2008.

H.R. 948. Referral to the Commitee on Ways and Means extended for a period ending not late than September 28, 2008.

H.R. 1717. Referral to the Committee on Energy and Commerce extended for a period ending not later than September 28, 2008.

H.R. 1746. Referral to the Committee on Foreign Affairs, Oversight and Government Reform, and the Judiciary for a period ending not later than September 28, 2008.

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than September 28, 2008.

H.R. 6357. Referral to the Committee on Ways and Means extended for a period ending not later than September 28, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBEY:

H.R. 7110. A bill making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DRAKE (for herself and Mr. FORBES):

H.R. 7111. A bill to amend title 36, United States Code, to designate the Honor and Remember Flag created by Honor and Remember, Inc., as an official symbol to recognize and honor members of the Armed Forces who died in the line of duty, and for other purposes; to the Committee on the Judiciary.

By Mr. BERMAN (for himself, Mr. ACKERMAN, Mr. SHERMAN, Ms. SCHWARTZ, Mr. WEXLER, Mr. KLEIN of Florida, Ms. LORETTA SANCHEZ of California, Mr. LAMPSON, Ms. BERKLEY, Mr. COSTA, Mr. LOBIONDO, and Ms. WASSERMAN SCHULTZ):

H.R. 7112. A bill to impose sanctions with respect to Iran, to provide for the divestment of assets in Iran by State and local governments and other entities, and to identify locations of concern with respect to transshipment, reexportation, or diversion of certain sensitive items to Iran; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, Oversight and Government Reform, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER (for himself and Mr. GERLACH):

H.R. 7113. A bill to preserve neighborhoods by permitting units of local government to purchase from the Secretary of the Treasury certain mortgages secured by vacant and deteriorating real property held by persons who are not less than 120 days in default in repaying the mortgage debts; to the Committee on Financial Services.

By Mr. MARKEY:

H.R. 7114. A bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to Independence at Home services in lower cost treatment settings, such as their residences, under a plan of care developed by an Independence at Home physician or Independence at Home nurse practitioner; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mr. TOWNS, Mr. JEFFERSON, Mr. STARK, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, and Mr. PAYNE):

H.R. 7115. A bill to require the Attorney General, through the Office of Justice Programs of the Department of Justice, to establish a 5-year competitive grant program to establish pilot programs to reduce the rate of occurrence of gun-related crimes in high-crime communities; to the Committee on the Judiciary.

By Mr. BUYER:

H.R. 7116. A bill to amend the Elementary and Secondary Education Act of 1965 to require States to include certain students with disabilities in the calculation of graduation rates, and to assess limited English proficient students who have been in the United States for 5 or more consecutive years; to the Committee on Education and Labor.

By Mr. SMITH of Washington:

H.R. 7117. A bill to establish a program to improve freight mobility in the United States, to establish the National Freight Mobility Infrastructure Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington:

H.R. 7118. A bill to protect citizens and legal residents of the United States from unreasonable searches and seizures of electronic equipment at the border, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. CARNEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ENGLISH of Pennsylvania, and Mr. SHADEGG):

H.R. 7119. A bill to impose certain limits on the exercise by the Secretary of the Treasury of certain actions under any other Act which authorizes the Secretary to purchase troubled assets, and for other purposes; to the Committee on Financial Services.

By Mr. CANNON:

H.R. 7120. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning the distribution and citation of scientific research in connection with foods and dietary supplements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CANNON:

H.R. 7121. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, to make a prize payment to the first person who develops a cure for clear cell sarcoma of the tendons and aponeuroses; to the Committee on Energy and Commerce.

By Mr. OLVER (for himself, Mr. WAXMAN, Mr. BERRY, Mr. ROSS, Ms. DELAURO, Mr. ALLEN, Mr. MARKEY, Mr. MCGOVERN, Mrs. CAPPS, Mr. RUSH, Mr. CARNAHAN, Mr. HINCHEY, and Mr. BERMAN):

H.R. 7122. A bill to amend title XIX of the Social Security Act to require State Medicaid plans to continue to cover non-emergency transportation to medically necessary services; to the Committee on Energy and Commerce.

By Mr. KIRK:

H.R. 7123. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on the capital loss carryovers of individuals to $20,000; to the Committee on Ways and Means.

By Mr. SHADEGG (for himself, Mr. KINGSTON, Mr. CARTER, Mr. PENCE, Mrs. MCMORRIS RODGERS, Mr. WAMP, Mr. DANIEL E. LUNGREN of California, Mr. RADANOVICH, Mr. MILLER of Florida, Ms. FOXX, Mr. BARRETT of South Carolina, Mr. WALBERG, Mr. KUHL of New York, Mr. LATTA, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. HOEKSTRA, and Mr. BOOZMAN):

H.R. 7124. A bill to establish procedures for causes and claims relating to the leasing of Federal lands (including submerged lands) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, and for other purposes; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. STARK, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. HOLT, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Mr. CAPUANO, Mr. MCDERMOTT, Mr. SIRES, Ms. WOOLSEY, Ms. LEE, Ms. EDWARDS of Maryland, Mr. WU, Mr. KUCINICH, Ms. HIRONO, Mr. MELANCON, Mr. CHANDLER, Mr. WELCH of Vermont, Ms. KAPTUR, Mr. FILNER, Ms. WATSON, Mr. JOHNSON of Georgia, Ms. ROYBAL-ALLARD, Mr. COSTELLO, and Ms. WATERS):

H.R. 7125. A bill to amend the Internal Revenue Code of 1986 to impose a tax on securities transactions; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 7126. A bill to provide stability to the housing market in the United States by providing diligent notice and options to homeowners facing the risk of foreclosure, providing alternatives to the homeowner and mortgagee that can assist in the retention of the home while meeting the financial obligations to ensure that the mortgagee will be made whole, and providing protections to renters of properties subject to mortgages in foreclosure, and for other purposes; to the Committee on Financial Services.

By Mr. SHAYS:

H.R. 7127. A bill to authorize the Secretary of Education to make grants to implement the Total Learning curriculum; to the Committee on Education and Labor.

By Mr. STARK (for himself and Ms. SCHAKOWSKY):

H.R. 7128. A bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 7129. A bill to provide for innovation in health care through a demonstration program to expand coverage under the State Child Health Insurance Program through an employer buy-in, through access to health benefits through regional State arrangements, and through State initiatives that expand coverage and access, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, Rules, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. BROWN of South Carolina, and Mr. SPRATT):

H.R. 7130. A bill to amend title XIX of the Social Security Act to establish a State plan option under Medicaid to provide an all-inclusive program of care for children who are medically fragile or have one or more chronic conditions that impede their ability to function; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself, Mr. PORTER, and Mr. HELLER):

H.R. 7131. A bill to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes; to the Committee on Natural Resources.

By Ms. BERKLEY:

H.R. 7132. A bill to establish the Gold Butte National Conservation Area in Clark County, Nevada, to conserve, protect, and enhance the cultural, archaeological, natural, wilderness, scientific, geological, historical, biological, wildlife, educational, and scenic resources of the area, to designate wilderness areas in the county, and for other purposes; to the Committee on Natural Resources.

By Mr. BOREN:

H.R. 7133. A bill to authorize the Secretary of the Army to retain funds collected from recreation fees at Lake Texoma to repair flood-damaged recreation facilities; to the Committee on Transportation and Infrastructure.

By Mr. CALVERT:

H.R. 7134. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the gain from the sale or exchange of certain residences acquired before 2013; to the Committee on Ways and Means.

By Mr. CARSON (for himself, Mr. RYAN of Ohio, Ms. BEAN, Mr. RODRIGUEZ, Ms. SHEA-PORTER, Mr. WEINER, and Mrs. BOYDA of Kansas):

H.R. 7135. A bill to award grants to State educational agencies to support the provision of financial education to high school students; to the Committee on Education and Labor.

By Mr. CONYERS:

H.R. 7136. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Mr. CROWLEY:

H.R. 7137. A bill to authorize a loan forgiveness program for students of institutions of higher education who volunteer to serve as mentors; to the Committee on Education and Labor.

By Mr. DAVIS of Kentucky:

H.R. 7138. A bill to provide for the establishment and implementation of a National Security Career Development Program; to the Committee on Oversight and Government Reform.

By Mr. DAVID DAVIS of Tennessee (for himself, Mr. LATHAM, and Mr. JOHNSON of Illinois):

H.R. 7139. A bill to amend titles XVIII and XIX of the Social Security Act with respect to the qualification of the director of food services of a Medicare skilled nursing facility or a Medicaid nursing facility; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself and Mr. DOGGETT):

H.R. 7140. A bill to amend the Public Health Service Act with respect to the protection of human subjects in research; to the Committee on Energy and Commerce.

By Ms. DEGETTE (for herself and Mr. CASTLE):

H.R. 7141. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research, to direct the National Institutes of Health to issue guidelines for such stem cell research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DELAHUNT (for himself, Mr. MICHAUD, and Mr. MCGOVERN):

H.R. 7142. A bill to provide for assessment and identification of sites as appropriate for the location of offshore renewable electric energy generation facilities, to provide funding for offshore renewable electric energy generation projects, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO:

H.R. 7143. A bill to establish the Food Safety Administration within the Department of Health and Human Services to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN:

H.R. 7144. A bill to provide for a national biological data center, and for other purposes; to the Committee on Natural Resources.

By Mr. ENGLISH of Pennsylvania:

H.R. 7145. A bill to amend the Internal Revenue Code of 1986 to promote environmental protection and generate preservation efforts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself and Mr. DOYLE):

H.R. 7146. A bill to distribute emission allowances under a domestic climate policy to facilities in certain domestic energy-intensive industrial sectors to prevent an increase in greenhouse gas emissions by manufacturing facilities located in countries without commensurate greenhouse gas regulation,

and for other purposes; to the Committee on Energy and Commerce.

By Mr. JACKSON of Illinois (for himself, Mr. BRADY of Pennsylvania, Mr. SCOTT of Virginia, Mr. WATT, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. CAPUANO, Mr. GONZALEZ, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Ms. LEE, and Mr. NADLER):

H.R. 7147. A bill to amend the Help America Vote Act of 2002 to prohibit State election officials from accepting a challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office in a jurisdiction on the grounds that the individual resides in a household in the jurisdiction which is subject to foreclosure proceedings or that the jurisdiction was adversely affected by a hurricane or other major disaster, and for other purposes; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself, Mr. RYAN of Wisconsin, Mr. LINDER, Mr. BRADY of Texas, Mr. HERGER, Mr. CAMP of Michigan, Ms. GRANGER, Mr. THORNBERRY, Mr. CARTER, Mr. NEUGEBAUER, and Mr. PAUL):

H.R. 7148. A bill to amend title XVIII of the Social Security Act to clarify the use of private contracts by Medicare beneficiaries for professional services and to allow individuals to choose to opt out of the Medicare part A benefits; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Mr. HIGGINS, and Ms. SUTTON):

H.R. 7149. A bill to provide grants to establish veteran's treatment courts; to the Committee on the Judiciary.

By Mr. KIND (for himself and Mr. GILCHREST):

H.R. 7150. A bill to conserve the United States fish and aquatic communities through partnerships that foster fish habitat conservation and improve the quality of life for the people of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. KIND:

H.R. 7151. A bill to sustain wildlife on America's public lands; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. HULSHOF, Mr. KUHL of New York, Ms. LEE, Mr. SHAYS, and Mr. MURPHY of Connecticut):

H.R. 7152. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Financial Services.

By Ms. LEE:

H.R. 7153. A bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LOEBSACK:

H.R. 7154. A bill to amend title IV of the Elementary and Secondary Education Act of 1965 in order to authorize the Secretary of Education to award competitive grants to eligible entities to recruit, select, train, and support Expanded Learning and After-School Fellows that will strengthen expanded learning initiatives, 21st century community learning center programs, and after-school programs, and for other purposes; to the Committee on Education and Labor.

By Mrs. LOWEY:

H.R. 7155. A bill to amend the Internal Revenue Code of 1986 to protect the financial stability of activated members of the Ready-Reserve and National Guard while serving abroad; to the Committee on Ways and Means.

By Mr. MAHONEY of Florida:

H.R. 7156. A bill to amend title 49, United States Code, to provide for the restoration of air service to communities served by an airport that received scheduled air transportation as of December 31, 2007, but no longer receives such service; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself, Ms. LEE, Mr. WALDEN of Oregon, Mr. GONZALEZ, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, and Mr. SOUDER):

H.R. 7157. A bill to require that radios used in the satellite digital radio service be capable of receiving terrestrial digital radio signals; to the Committee on Energy and Commerce.

By Mr. MILLER of North Carolina:

H.R. 7158. A bill to provide for the establishment of a process for the management of biospecimen collections by Federal agencies; to the Committee on Science and Technology.

By Mr. MOORE of Kansas (for himself, Mr. MARIO DIAZ-BALART of Florida, Mr. HASTINGS of Florida, and Ms. ROS-LEHTINEN):

H.R. 7159. A bill to reauthorize the National Windstorm Impact Reduction Program, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE of Wisconsin (for herself, Mr. FRANK of Massachusetts, Mr. ISRAEL, and Mr. SHAYS):

H.R. 7160. A bill to authorize United States participation in, and appropriations for the United States contribution to, an international clean technology fund, and for other purposes; to the Committee on Financial Services.

By Mr. MURPHY of Connecticut:

H.R. 7161. A bill to transfer the currently terminated FERC licenses for Projects numbered 10822 and 10823 and reinstate them to the Town of Canton, Connecticut, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ORTIZ (for himself, Mr. RODRIGUEZ, and Mr. HINOJOSA):

H.R. 7162. A bill to establish certain standards for the adjudication of United States passport applications, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PALLONE:

H.R. 7163. A bill to amend the Solid Waste Disposal Act to require the Administrator of the Environmental Protection Agency to promulgate regulations on the management of medical waste; to the Committee on Energy and Commerce.

By Mr. PAYNE (for himself and Ms. JACKSON-LEE of Texas):

H.R. 7164. A bill to authorize the Southern Africa Enterprise Development Fund (SAEDF) to conduct public offerings or private placements for the purpose of soliciting and accepting venture capital, and for other purposes; to the Committee on Financial Services.

By Mr. PAYNE (for himself and Mr. CRENSHAW):

H.R. 7165. A bill to amend the Millennium Challenge Act of 2003 to authorize regional and concurrent compacts under that Act, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SALI:

H.R. 7166. A bill to improve access to health care and health insurance; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 7167. A bill to amend title 38, United States Code, to expand the availability of health care provided by the Secretary of Veterans Affairs by adjusting the income level for certain priority veterans; to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER:

H.R. 7168. A bill to amend title 10, United States Code, to require defense contractors to disclose certain information regarding former Department of Defense officials, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Mr. SALAZAR, Mr. MATHESON, Mrs. MUSGRAVE, Ms. DEGETTE, and Mrs. WILSON of New Mexico):

H.R. 7169. A bill to amend Public Law 106-392 to extend the authorizations for the Upper Colorado and San Juan River Basin endangered fish recovery programs, and for other purposes; to the Committee on Natural Resources.

By Mr. WEINER (for himself, Mr. RYAN of Ohio, and Ms. SHEA-PORTER):

H.R. 7170. A bill to amend the Internal Revenue Code of 1986 to provide commuter flexible spending arrangements; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 7171. A bill to amend the Marine Mammal Protection Act of 1972 to allow the importation of polar bear trophies taken in sport hunts in Canada; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 7172. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of its land entitlement under the Alaska Native Claims Settlement Act; to the Committee on Natural Resources.

By Mr. AKIN (for himself, Mr. WOLF, Mr. PITTS, Mr. MCGOVERN, and Mr. MCCOTTER):

H. Con. Res. 434. Concurrent resolution condemning the recent religious violence in India and calling on the Government of India to stop the violence and address its root causes; to the Committee on Foreign Affairs.

By Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS):

H. Con. Res. 435. Concurrent resolution authorizing the use of Emancipation Hall on December 2, 2008, for ceremonies and activities held in connection with the opening of the Capitol Visitor Center to the public; to the Committee on House Administration.

By Mr. ROSS:

H. Con. Res. 436. Concurrent resolution expressing support for designation of October

as ''National Protect Your Hearing Month''; to the Committee on Energy and Commerce.

By Ms. RICHARDSON:

H. Res. 1508. A resolution honoring the 40th anniversary of the incorporation of the city of Carson, California, and recognizing the city for its rich contributions to California history; to the Committee on Oversight and Government Reform.

By Ms. BALDWIN:

H. Res. 1509. A resolution expressing the sense of the House of Representatives that the next president of the United States should immediately work to reverse damaging and illegal actions taken by the Bush/Cheney Administration and collaborate with Congress to proactively prevent any further abuses of executive branch power; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER (for himself and Mr. BURTON of Indiana):

H. Res. 1510. A resolution considering the Russian military deployments in the Western Hemisphere as reckless, provocative, and in violation of the Monroe Doctrine; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI (for himself and Mr. MCCOTTER):

H. Res. 1511. A resolution expressing support for designation of the month of September as ''National Brain Aneurysm Awareness Month''; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mrs. NAPOLITANO introduced a bill (H.R. 7173) for the relief of Jayantibhai Desai and Indiraben Patel; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. CARNAHAN, Ms. EDWARDS of Maryland, and Mr. CASTLE.
H.R. 468: Mr. KUCINICH.
H.R. 882: Mr. PASCRELL.
H.R. 891: Mr. JACKSON of Illinois, Mr. RUPPERSBERGER, Mr. TOWNS, Mr. MCCAUL of Texas, Mr. HASTINGS of Florida, Ms. WASSERMAN SCHULTZ, Mr. MOORE of Kansas, and Mr. DELAHUNT.
H.R. 1023: Mr. FOSTER.
H.R. 1030: Ms. CLARKE.
H.R. 1110: Mrs. BIGGERT.
H.R. 1192: Ms. DELAURO.
H.R. 1264: Mr. CARNAHAN.
H.R. 1280: Ms. SCHWARTZ, Mr. TOWNS, Mr. TIERNEY, Mr. RUPPERSBERGER, Mrs. BONO MACK, Mr. REYES, Mr. HALL of New York, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mr. SIRES, Mr. ENGEL, and Ms. ROYBAL-ALLARD.
H.R. 1321: Mr. PASCRELL.
H.R. 1544: Mr. GORDON.
H.R. 1588: Mr. LATHAM.
H.R. 1665: Mr. LIPINSKI and Mr. LANGEVIN.
H.R. 1755: Ms. ESHOO.
H.R. 1801: Mr. SAXTON.
H.R. 1820: Mr. SESTAK.
H.R. 1881: Ms. DELAURO.
H.R. 1927: Ms. CASTOR.
H.R. 2164: Mr. DENT.
H.R. 2449: Mr. SHAYS.
H.R. 2567: Mr. LOBIONDO and Mr. COHEN.
H.R. 2606: Mr. CARNAHAN, Mr. COURTNEY, and Ms. GIFFORDS.
H.R. 2706: Mr. WITTMAN of Virginia.
H.R. 2802: Mr. CARNEY.
H.R. 2832: Mr. WAMP.
H.R. 2833: Mr. CARNAHAN.
H.R. 2842: Mr. CARNEY.
H.R. 2965: Ms. MOORE of Wisconsin.
H.R. 3008: Ms. BORDALLO.
H.R. 3175: Mr. HALL of New York.
H.R. 3186: Mr. UPTON, Mr. PERLMUTTER, and Mr. ROGERS of Michigan.
H.R. 3234: Mr. SALI.
H.R. 3282: Mr. PASCRELL.
H.R. 3283: Mr. CUELLAR.
H.R. 3326: Mr. SESTAK and Mr. LATHAM.
H.R. 3406: Mr. PRICE of North Carolina.
H.R. 3423: Ms. ZOE LOFGREN of California and Mr. Doggett.
H.R. 3652: Mr. LANGEVIN, Mr. MURPHY of Connecticut, and Ms. ROYBAL-ALLARD.
H.R. 3876: Mr. KUCINICH.
H.R. 4093: Mr. KUCINICH.
H.R. 4113: Mr. BAIRD.
H.R. 4135: Mr. HONDA.
H.R. 4221: Mr. CARNEY.
H.R. 4236: Mr. BARROW.
H.R. 4250: Mr. CARNAHAN.
H.R. 4545: Mr. KUCINICH.
H.R. 5268: Mr. YARMUTH, Ms. LORETTA SANCHEZ of California, and Mr. Rahall.
H.R. 5353: Mr. FILNER.
H.R. 5469: Mr. PASCRELL.
H.R. 5573: Mr. WITTMAN of Virginia.
H.R. 5629: Mr. FATTAH.
H.R. 5673: Mr. AKIN.
H.R. 5714: Mr. BUTTERFIELD, Ms. DEGETTE, Mr. Doyle, Mr. ELLISON, Mr. HIGGINS, Mr. HOLDEN, Mr. HOLT, Mr. INSLEE, Mr. KANJORSKI, Ms. KAPTUR, Mr. KIND, Mr. LARSON of Connecticut, Mr. LYNCH, Mr. MARKEY, Ms. MATSUI, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. PRICE of North Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. MICA, Ms. SCHWARTZ, Mr. SERRANO, Mr. SHERMAN, Mr. THOMPSON of Mississippi, Mr. VAN HOLLEN, Ms. Velázquez, Mr. VISCLOSKY, Ms. WATSON, Mr. WATT, Mr. WEINER, Mr. WELCH of Vermont, Ms. WOOLSEY, Mr. SULLIVAN, Mr. KELLER, Mr. FERGUSON, Mrs. WILSON of New Mexico, Mr. KIRK, Mr. HAYES, Mr. MARIO DIAZ-BALART of Florida, Mr. HERGER, Mr. CAMP of Michigan, Ms. FALLIN, Mr. KUCINICH, Mr. TIM MURPHY of Pennsylvania, Mr. BILIRAKIS, Mr. GILCHREST, Mr. GARY G. MILLER of California, Mr. SENSENBRENNER, Mr. THORNBERRY, Mr. LEWIS of California, Mr. BROUN of Georgia, Mr. DOOLITTLE, Mr. REICHERT, Mrs. BONO MACK, Mr. MACK, Mr. DUNCAN, Mr. WAMP, Mr. TANCREDO, Mr. RENZI, Mr. TIAHRT, Mr. JORDAN, Mrs. MUSGRAVE, Mr. MCHENRY, Mr. HOEKSTRA, Mr. UPTON, Mr. SHADEGG, Ms. PRYCE of Ohio, Mr. REGULA, Mr. LUCAS, Mr. PEARCE, Mr. CULBERSON, Mr. REYNOLDS, Mr. WALDEN of Oregon, Mr. SESSIONS, Mr. AKIN, Mr. HULSHOF, Mr. BILBRAY, Mr. BACHUS, Mr. ALEXANDER, Mr. WELDON of Florida, Mrs. MYRICK, and Mr. SOUDER.
H.R. 5734: Mr. ABERCROMBIE.
H.R. 5748: Mr. CARNAHAN.
H.R. 5762: Ms. WASSERMAN SCHULTZ and Ms. ROYBAL-ALLARD.
H.R. 5833: Mr. MCNERNEY.
H.R. 5868: Ms. GRANGER.
H.R. 5873: Ms. DELAURO and Ms. BALDWIN.
H.R. 5904: Mr. WITTMAN of Virginia.
H.R. 5927: Mr. POE.
H.R. 5989: Mr. PASCRELL.
H.R. 6045: Mr. SCALISE.
H.R. 6056: Mr. POE.
H.R. 6146: Mr. POE.
H.R. 6160: Mr. MCGOVERN.
H.R. 6202: Mr. DEFAZIO.
H.R. 6228: Mr. PRICE of North Carolina and Mrs. NAPOLITANO.
H.R. 6255: Ms. EDWARDS of Maryland.
H.R. 6258: Mr. POMEROY.
H.R. 6282: Mrs. BONO MACK.
H.R. 6310: Mrs. BACHMANN.
H.R. 6320: Mr. ISRAEL, Mr. MORAN of Virginia, Mr. CAPUANO, Mr. MCGOVERN, Mrs. MCCARTHY of New York, and Mr. PASCRELL.
H.R. 6375: Ms. SOLIS, MR. CARDOZA, AND MR. PASCRELL.
H.R. 6387: Ms. HARMAN.
H.R. 6567: Mr. WELCH of Vermont and Mr. WAXMAN.
H.R. 6594: Mr. DENT.
H.R. 6598: Mr. LANGEVIN, Ms. KILPATRICK, and Mr. PALLONE.
H.R. 6617: Ms. ROYBAL-ALLARD.
H.R. 6643: Mr. PRICE of North Carolina.
H.R. 6654: Mr. PASTOR, Mr. BERMAN, and Mr. REYES.
H.R. 6663: Mr. COBLE.
H.R. 6666: Mrs. BACHMANN.
H.R. 6675: Mr. CHABOT.
H.R. 6692: Mr. CARNAHAN.
H.R. 6702: Mr. STARK.
H.R. 6706: Mr. RAMSTAD.
H.R. 6725: Mr. ALTMIRE, Mr. KILDEE, Mr. MOORE of Kansas, Mrs. MCCARTHY of New and York, Mr. PASCRELL, Mr. BERRY, and Mr. ISRAEL.
H.R. 6771: Mr. GOODLATTE.
H.R. 6791: Mr. MCNERNEY and Mr. WU.
H.R. 6828: Mrs. BIGGERT and Mr. WELLER.
H.R. 6831: Mr. BAIRD.
H.R. 6836: Mr. WALBERG, Mr. STUPAK, and Mr. KNOLLENBERG.
H.R. 6838: Ms. LINDA T. SÁNCHEZ of California, Mr. COHEN, Ms. SCHAKOWSKY, and Mr. HOLT.
H.R. 6864: Mr. WITTMAN of Virginia.
H.R. 6867: Mr. WILSON of Ohio and Mr. BRADY of Pennsylvania.
H.R. 6873: Mr. ROTHMAN, Mr. WALZ of Minnesota, Mr. MURPHY of Connecticut, Mr. CARNAHAN, Mr. PASCRELL, Mr. PRICE of North Carolina, Mr. FEENEY, and Mrs. BONO MACK.
H.R. 6884: Mr. ENGEL.
H.R. 6892: Mr. PASTOR and Mr. CAPUANO.
H.R. 6912: Mr. ARCURI and Mr. BRALEY of Iowa.
H.R. 6930: Mr. PLATTS.
H.R. 6932: Mr. SHERMAN.
H.R. 6936: Mr. KING of Iowa.
H.R. 6937: Mrs. LOWEY and Ms. SUTTON.
H.R. 6941: Mr. HINCHEY and Mrs. MALONEY of New York.
H.R. 6949: Mr. PORTER.
H.R. 6951: Mr. KUCINICH.
H.R. 6962: Mr. HONDA, Mr. FILNER, and Mr. SERRANO
H.R. 6966: Mr. LATHAM and Mr. KING of Iowa.
H.R. 6968: Mr. COHEN, Mr. HOLT, and Mr. STARK.
H.R. 6970: Ms. BALDWIN.
H.R. 7013: Mr. KIND and Mr. COHEN.
H.R. 7019: Mrs. BOYDA of Kansas.
H.R. 7020: Mrs. BOYDA of Kansas.
H.R. 7021: Mr. KUCINICH.
H.R. 7032: Mr. ROGERS of Alabama, Mrs. MYRICK, and Mr. THORNBERRY.
H.R. 7039: Mr. PENCE and Mr. SHAYS.
H.R. 7050: Ms. LEE.
H.R. 7076: Ms. SUTTON.
H.R. 7081: Mr. ROYCE and Ms. ROS-LEHTINEN.
H.R. 7090: Ms. BALDWIN.
H. Con. Res. 70: Mr. HARE.
H. Con. Res. 411: Mrs. BACHMANN.
H. Con. Res. 416: Mr. MATHESON.
H. Con. Res. 417: Mrs. BIGGERT.
H. Con. Res. 419: Mr. CARNAHAN.

H. Con. Res. 424: Ms. ROYBAL-ALLARD, Ms. EDWARDS of Maryland, and Mr. PASCRELL.

H. Con. Res. 426: Mr. MCNULTY, Mr. CUMMINGS, Ms. MCCOLLUM of Minnesota, Mr. WAXMAN, Mr. RANGEL, Ms. MATSUI, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Mr. CONYERS, Mr. PASCRELL, Mr. STARK, Ms. KILPATRICK, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Ms. SUTTON, Mr. HONDA, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. MEEKS of New York, and Ms. MOORE of Wisconsin.

H. Con. Res. 427: Mr. TOWNS, Mr. LEWIS of Georgia, and Mr. HINCHEY.

H. Con. Res. 428: Mr. NADLER and Mr. WAMP.

H. Con. Res. 431: Mr. RAMSTAD.

H. Res. 227: Mr. STARK.

H. Res. 245: Mr. SHAYS, Mr. WEINER, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. MEEK of Florida, Mr. FERGUSON, Mr. ISSA, Mr. FOSTER, Mr. PORTER, Mr. MILLER of Florida, Mr. SHUSTER, Mr. KIRK, Mr. LEWIS of Kentucky, Mr. MICA, Mr. KELLER, Mr. PRICE of North Carolina, and Ms. MCCOLLUM of Minnesota.

H. Res. 672: Mr. KIRK.

H. Res. 758: Mr. LANGEVIN, Mr. MCCAUL of Texas, and Mrs. BACHMANN.

H. Res. 906: Mr. WITTMAN of Virginia.

H. Res. 1328: Mr. MOORE of Kansas.

H. Res. 1338: Mrs. LOWEY.

H. Res. 1379: Mr. KUCINICH.

H. Res. 1387: Mr. HAYES, Mr. ROSKAM, Mr. WALBERG, Mr. JORDAN, Mr. DAVID DAVIS of Tennessee, and Ms. ROS-LEHTINEN.

H. Res. 1397: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 1405: Ms. LORETTA SANCHEZ of California, Ms. WATERS, Mr. PITTS, Mr. SMITH of New Jersey, Mr. THOMPSON of California, and Mr. CALVERT.

H. Res. 1410: Mr. JACKSON of Illinois and Mr. RAHALL.

H. Res. 1411: Mr. HOLT and Mr. HONDA.

H. Res. 1429: Mr. BILIRAKIS.

H. Res. 1437: Mr. DOGGETT, Mr. MCHUGH, Mr. FRANK of Massachusetts, and Mrs. MYRICK.

H. Res. 1440: Mr. BRADY of Pennsylvania and Ms. ROYBAL-ALLARD.

H. Res. 1442: Mr. FORTUÑO.

H. Res. 1443: Ms. LEE.

H. Res. 1452: Mr. GRIJALVA and Mr. KUCINICH.

H. Res. 1462: Mr. SHAYS, Mr. VAN HOLLEN, and Ms. WATERS.

H. Res. 1472: Mr. LANGEVIN.

H. Res. 1474: Mr. YOUNG of Alaska.

H. Res. 1478: Mr. MORAN of Virginia, Mr. SESSIONS, Mr. MOLLOHAN, Ms. ROYBAL-ALLARD, and Mr. RAHALL.

H. Res. 1479: Mr. WAXMAN.

H. Res. 1482: Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mrs. SCHMIDT, Mr. PITTS, Mr. LAMBORN, Mr. TERRY, Mr. ADERHOLT, M. MCHENRY, Mr. BARTLETT of Maryland, Mr. JORDAN, and Mr. SALI.

H. Res. 1483: Mr. MACK, Mr. MCCOTTER, Mr. SIRES, and Mr. FORTUÑO.

H. Res. 1494: Mr. MCHENRY and Mr. MCGOVERN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. OBEY

The provisions that warranted a referral to the Committee on Appropriations in H.R. 7110; the Job Creation and Unemployment Relief Act of 2008, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6233: Mr. GALLEGLY, Mr. KLINE of Minnesota, Mr. BRADY of Pennsylvania, Mr. SMITH of Washington, and Mr. ORTIZ.