

Meek (FL)	Reichert	Souder
Meeks (NY)	Renzi	Space
Melancon	Reyes	Speier
Mica	Reynolds	Spratt
Michaud	Rodriguez	Stark
Miller (FL)	Rogers (AL)	Stearns
Miller (MI)	Rogers (KY)	Stupak
Miller (NC)	Rogers (MI)	Sullivan
Miller, Gary	Rohrabacher	Sutton
Miller, George	Ros-Lehtinen	Tancred
Mitchell	Roskam	Tanner
Mollohan	Ross	Tauscher
Moore (KS)	Rothman	Taylor
Moore (WI)	Roybal-Allard	Terry
Moran (KS)	Royce	Thompson (CA)
Moran (VA)	Ruppersberger	Thornberry
Murphy (CT)	Rush	Tiahrt
Murphy, Patrick	Ryan (OH)	Tiberi
Murphy, Tim	Ryan (WI)	Towns
Murtha	Salazar	Tsongas
Musgrave	Sali	Turner
Myrick	Sánchez, Linda	Udall (CO)
Nadler	T.	Udall (NM)
Napolitano	Sanchez, Loretta	Upton
Neal (MA)	Sarbanes	Van Hollen
Neugebauer	Saxton	Velázquez
Nunes	Scalise	Visclosky
Oberstar	Schakowsky	Walberg
Obey	Schiff	Walden (OR)
Olver	Schmidt	Walsh (NY)
Ortiz	Schwartz	Walz (MN)
Pallone	Scott (GA)	Wamp
Pascarell	Scott (VA)	Wasserman
Pastor	Sensenbrenner	Schultz
Payne	Serrano	Watson
Pearce	Sessions	Watt
Perlmutter	Sestak	Waxman
Peterson (MN)	Shadegg	Weiner
Petri	Shays	Welch (VT)
Pitts	Shea-Porter	Weldon (FL)
Platts	Sherman	Westmoreland
Poe	Shimkus	Whitfield (KY)
Pomeroy	Shuler	Wilson (NM)
Porter	Shuster	Wilson (OH)
Price (GA)	Simpson	Wilson (SC)
Price (NC)	Sires	Wittman (VA)
Pryce (OH)	Skelton	Wolf
Putnam	Slaughter	Woolsey
Radanovich	Smith (NE)	Wu
Rahall	Smith (NJ)	Yarmuth
Ramstad	Smith (TX)	Young (AK)
Rangel	Smith (WA)	Young (FL)
Regula	Snyder	
Rehberg	Solis	

## NOT VOTING—15

Costa	Paul	Thompson (MS)
Cubin	Pence	Tierney
Emanuel	Peterson (PA)	Waters
Gingrey	Pickering	Weller
McCollum (MN)	Richardson	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 for 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 DELAUNO 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 con-

sider 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 gentleman 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 unconvinced 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 stim-

ulate 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 co-sponsors 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 bene-

fits 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 prac-

ticable), 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	Butterfield	Davis, Lincoln
Ackerman	Capps	DeGette
Allen	Capuano	Delahunt
Altmire	Cardoza	DeLauro
Andrews	Carnahan	Dicks
Arcuri	Carney	Dingell
Baca	Carson	Doggett
Baldwin	Castor	Donnelly
Barrow	Chandler	Doyle
Bean	Clarke	Edwards (MD)
Becerra	Clay	Edwards (TX)
Berkley	Cleaver	Ellison
Berman	Clyburn	Ellsworth
Berry	Cohen	Emanuel
Bishop (GA)	Conyers	Engel
Bishop (NY)	Cooper	Eshoo
Blumenauer	Costello	Etheridge
Boren	Courtney	Farr
Boswell	Cramer	Fattah
Boucher	Crowley	Filner
Boyd (FL)	Cuellar	Foster
Boyd (KS)	Cummings	Frank (MA)
Brady (PA)	Davis (AL)	Giffords
Braley (IA)	Davis (CA)	Gillibrand
Brown, Corrine	Davis (IL)	Gonzalez

Gordon	Markey	Ryan (OH)
Green, Al	Marshall	Salazar
Green, Gene	Matsui	Sánchez, Linda
Grijalva	McCarthy (NY)	T.
Gutierrez	McCollum (MN)	Sanchez, Loretta
Hall (NY)	McDermott	Sarbanes
Hare	McGovern	Schakowsky
Harman	McIntyre	Schiff
Hastings (FL)	McNerney	Schwartz
Herseth Sandlin	McNulty	Scott (GA)
Higgins	Meek (FL)	Scott (VA)
Hinchee	Meeks (NY)	Serrano
Hinojosa	Melancon	Sestak
Hirono	Michaud	Shea-Porter
Hodes	Miller (NC)	Sherman
Holden	Miller, George	Shuler
Holt	Mitchell	Sires
Honda	Mollohan	Skelton
Hoyer	Moore (KS)	Slaughter
Inslee	Moore (WI)	Smith (WA)
Israel	Moran (VA)	Snyder
Jackson (IL)	Murphy (CT)	Solis
Jackson-Lee	Murphy, Patrick	Space
(TX)	Murtha	Speier
Jefferson	Nadler	Spratt
Johnson (GA)	Napolitano	Stark
Johnson, E. B.	Neal (MA)	Stupak
Kagen	Oberstar	Sutton
Kanjorski	Obey	Tanner
Kaptur	Olver	Tauscher
Kennedy	Ortiz	Towns
Kildee	Pallone	Tsongas
Kilpatrick	Pascarell	Udall (NM)
Kind	Pastor	Van Hollen
Klein (FL)	Payne	Velázquez
Kucinich	Perlmutter	Vislosky
Langevin	Peterson (MN)	Walz (MN)
Larsen (WA)	Pomeroy	Wasserman
Larson (CT)	Price (NC)	Schultz
Lee	Rahall	Waters
Levin	Rangel	Watson
Lewis (GA)	Reyes	Watt
Lipinski	Richardson	Waxman
Loeb sack	Rodriguez	Weiner
Lofgren, Zoe	Ross	Welch (VT)
Lowey	Rothman	Wilson (OH)
Lynch	Roybal-Allard	Woolsey
Mahoney (FL)	Ruppersberger	Yarmuth
Maloney (NY)	Rush	

NAYS—204

Aderholt	Deal (GA)	Jones (NC)
Akin	DeFazio	Jordan
Alexander	Dent	Keller
Bachmann	Diaz-Balart, L.	King (IA)
Bachus	Diaz-Balart, M.	King (NY)
Baird	Doolittle	Kingston
Barrett (SC)	Drake	Kirk
Bartlett (MD)	Dreier	Kline (MN)
Barton (TX)	Duncan	Knollenberg
Biggert	Ehlers	Kuhl (NY)
Bilbray	Emerson	LaHood
Bilirakis	English (PA)	Lamborn
Bishop (UT)	Everett	Lampson
Blackburn	Fallin	Latham
Blunt	Feeney	LaTourette
Boehner	Ferguson	Latta
Bonner	Flake	Lewis (CA)
Bono Mack	Forbes	Lewis (KY)
Boozman	Fortenberry	Linder
Boustany	Fossella	LoBiondo
Brady (TX)	Fox	Lucas
Broun (GA)	Franks (AZ)	Lungren, Daniel
Brown (SC)	Frelinghuysen	E.
Brown-Waite,	Gallely	Mack
Ginny	Garrett (NJ)	Manzullo
Buchanan	Gerlach	Marchant
Burgess	Gilchrest	Matheson
Burton (IN)	Gohmert	McCarthy (CA)
Buyer	Goode	McCauley (TX)
Calvert	Goodlatte	McCotter
Camp (MI)	Granger	McHenry
Campbell (CA)	Graves	McHugh
Cannon	Hall (TX)	McKeon
Cantor	Hastings (WA)	McMorris
Capito	Hayes	Rodgers
Carter	Heller	Mica
Castle	Hensarling	Miller (FL)
Cazayoux	Herger	Miller (MI)
Chabot	Hill	Miller, Gary
Childers	Hobson	Moran (KS)
Coble	Hoekstra	Murphy, Tim
Cole (OK)	Hooley	Musgrave
Conaway	Hulshof	Myrick
Crenshaw	Hunter	Neugebauer
Culberson	Inglis (SC)	Nunes
Davis (KY)	Issa	Paul
Davis, David	Johnson (IL)	Pearce
Davis, Tom	Johnson, Sam	Pence

Petri	Royce	Terry
Pitts	Ryan (WI)	Thompson (CA)
Platts	Sali	Thornberry
Poe	Saxton	Tiahrt
Porter	Scalise	Tiberi
Price (GA)	Schmidt	Turner
Pryce (OH)	Sensenbrenner	Upton
Putnam	Sessions	Walberg
Radanovich	Shadegg	Walden (OR)
Ramstad	Shays	Walsh (NY)
Regula	Shimkus	Wamp
Rehberg	Shuster	Weldon (FL)
Reichert	Simpson	Westmoreland
Renzi	Smith (NE)	Whitfield (KY)
Reynolds	Smith (NJ)	Wilson (NM)
Rogers (AL)	Smith (TX)	Wilson (SC)
Rogers (KY)	Souder	Wittman (VA)
Rogers (MI)	Stearns	Wolf
Rohrabacher	Sullivan	Wu
Ros-Lehtinen	Tancredo	Young (AK)
Roskam	Taylor	Young (FL)

NOT VOTING—11

Costa	Peterson (PA)	Udall (CO)
Cubin	Pickering	Weller
Gingrey	Thompson (MS)	Wexler
McCrery	Tierney	

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

#### NAYS—208

Aderholt	Barton (TX)	Bonner
Akin	Biggart	Bono Mack
Alexander	Bilbray	Boozman
Bachmann	Bilirakis	Boustany
Bachus	Bishop (UT)	Boyd (FL)
Baird	Blackburn	Brady (TX)
Barrett (SC)	Blunt	Brown (GA)
Bartlett (MD)	Boehner	Brown (SC)

Brown-Waite,	Herger
Ginny	Herseth Sandlin
Buchanan	Hill
Burgess	Hobson
Burton (IN)	Hoekstra
Buyer	Hookey
Calvert	Hulshof
Camp (MI)	Hunter
Campbell (CA)	Inglis (SC)
Cantor	Issa
Capito	Johnson (IL)
Carter	Johnson, Sam
Castle	Jones (NC)
Cazayoux	Jordan
Chabot	Keller
Childers	King (IA)
Coble	King (NY)
Cole (OK)	Kingston
Conaway	Kirk
Cooper	Kline (MN)
Crenshaw	Knollenberg
Culberson	Kuhl (NY)
Davis (KY)	LaHood
Davis, David	Lamborn
Davis, Tom	Lampson
Deal (GA)	Latham
DeFazio	LaTourrette
Dent	Latta
Diaz-Balart, L.	Lewis (CA)
Diaz-Balart, M.	Lewis (KY)
Doolittle	Linder
Drake	LoBiondo
Dreier	Lucas
Duncan	Lungren, Daniel
Ehlers	E.
Emerson	Mack
English (PA)	Manzullo
Everett	Marchant
Fallin	McCarthy (CA)
Feeney	McCaul (TX)
Ferguson	McCotter
Flake	McHenry
Forbes	McHugh
Fortenberry	McKeon
Fossella	McMorris
Fox	Rodgers
Franks (AZ)	Mica
Frelinghuysen	Michaud
Gallegly	Miller (FL)
Garrett (NJ)	Miller (MI)
Gerlach	Miller, Gary
Gilchrest	Moran (KS)
Gillibrand	Murphy, Tim
Gohmert	Musgrave
Goode	Myrick
Goodlatte	Neugebauer
Granger	Nunes
Graves	Paul
Hall (TX)	Pearce
Hastings (WA)	Pence
Hayes	Petri
Heller	Pitts
Hensarling	Platts

Cannon	McCrery
Costa	Peterson (PA)
Cubin	Pickering
Gingrey	Thompson (MS)

#### NOT VOTING—12

#### 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	Carnahan	Everett
Ackerman	Carney	Fallin
Aderholt	Carson	Farr
Akin	Carter	Fattah
Alexander	Castle	Feeney
Allen	Castor	Ferguson
Altmire	Cazayoux	Filner
Andrews	Chabot	Flake
Arcuri	Chandler	Forbes
Baca	Childers	Fortenberry
Bachmann	Clarke	Fossella
Bachus	Clay	Foster
Baird	Cleaver	Fox
Baldwin	Clyburn	Frank (MA)
Barrett (SC)	Coble	Franks (AZ)
Barrow	Cohen	Frelinghuysen
Bartlett (MD)	Cole (OK)	Gallegly
Barton (TX)	Conaway	Garrett (NJ)
Bean	Conyers	Gerlach
Becerra	Cooper	Giffords
Berkley	Costello	Gilchrest
Berman	Courtney	Gillibrand
Berry	Cramer	Gohmert
Biggart	Crenshaw	Gonzalez
Bilbray	Crowley	Goode
Bilirakis	Cuellar	Goodlatte
Bishop (GA)	Culberson	Gordon
Bishop (NY)	Cummings	Granger
Bishop (UT)	Davis (AL)	Graves
Blackburn	Davis (CA)	Green, Al
Blumenauer	Davis (IL)	Green, Gene
Blunt	Davis (KY)	Grijalva
Boehner	Davis, David	Gutierrez
Bonner	Davis, Lincoln	Hall (NY)
Bono Mack	Davis, Tom	Hall (TX)
Boozman	Deal (GA)	Hare
Boren	DeFazio	Harman
Boswell	DeGette	Hastings (FL)
Boucher	Delahunt	Hastings (WA)
Boustany	DeLauro	Hayes
Boyd (FL)	Dent	Heller
Brady (PA)	Diaz-Balart, L.	Hensarling
Brady (TX)	Diaz-Balart, M.	Herger
Braley (IA)	Dicks	Herseth Sandlin
Brown (GA)	Dingell	Higgins
Brown (SC)	Doggett	Hill
Brown, Corrine	Donnelly	Hinchey
Brown-Waite,	Doolittle	Hinojosa
Ginny	Doyle	Hirono
Buchanan	Drake	Hobson
Burgess	Dreier	Hodes
Burton (IN)	Duncan	Hoekstra
Butterfield	Edwards (MD)	Holden
Buyer	Edwards (TX)	Holt
Calvert	Ehlers	Honda
Camp (MI)	Ellison	Hookey
Campbell (CA)	Ellsworth	Hoyer
Cannon	Emanuel	Hulshof
Cantor	Emerson	Hunter
Capito	Engel	Inglis (SC)
Capps	English (PA)	Inslee
Capuano	Eshoo	Israel
Cardoza	Etheridge	Issa