

Attorneys General and public utility commissions.

Finally, the bill mandates that the FTC conduct a rulemaking to ensure that all stakeholders—the calling card and telecommunications industry, States, and consumer groups—have a say in the final details of the uniform disclosure requirements that this legislation promotes.

Madam Speaker, H.R. 3402 is thoughtful and balanced legislation that is critical to protect some of our most vulnerable consumers. This bill has strong bipartisan support. I want to commend the author of this bill, the gentleman from New York, ELIOT ENGEL, for his fine leadership, and I urge Members to vote yes.

Mr. TERRY. Madam Speaker, I yield back the balance of my time.

Mr. RUSH. Madam Speaker, I have no other speakers, and we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 3402, as amended.

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

A motion to reconsider was laid on the table.

#### PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. ENGEL. Madam Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Tuesday, September 23, 2008:

House Resolution 1461, House Concurrent Resolution 393, House Resolution 988, and H.R. 3018.

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

There was no objection.

The SPEAKER pro tempore. Without objection, respective motions to reconsider are laid on the table.

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that on rollcall number 641 the following correction will be made:

The gentleman from Arkansas (Mr. ROSS) to be recorded as voting “aye,” bringing the number of “aye” votes to 415.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 29 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1858

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BOYDA of Kansas) at 6 o'clock and 58 minutes p.m.

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

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110-887) on the resolution (H. Res. 1502) providing for consideration of the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110-888) on the resolution (H. Res. 1503) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

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

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 1502

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

SEC. 2. During consideration of H.R. 7060 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolutions 1489 and 1501 are laid on the table.

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

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

#### GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, House Resolution 1502 provides for consideration of H.R. 7060, the Renewable Energy and Job Creation Tax Act. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

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

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

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I thank the gentleman, my friend from New York, for coming back down to redo this rule.

Madam Speaker, we are here because earlier in the day, just a few hours ago, it was discovered that the 64th closed rule, which set a brand new record for a United States Congress, contained several errors. And so we debated this issue already on the floor.

Here we are for the 65th now closed rule, a brand new record for the United States Congress—one which I'm not proud of—and from a Speaker who says that this Congress would be the most open, honest, and ethical Congress ever, a brand new closed rule record has occurred today.

Madam Speaker, we went back up to the Rules Committee just a few minutes ago. The gentleman from Oregon (Mr. WALDEN) came back and was present to hear the Rules Committee slam dunk his request again, which was an opportunity based upon a colloquy that took place this afternoon just a few minutes ago between the majority leader, Mr. HOYER, and myself, about

consideration of Mr. WALDEN's amendment. The amendment is of grave nature not only to 41 States but thousands of communities.

And at this time I would like to yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN) to explain where we are in this process and what we're going to do on moving forward.

Mr. WALDEN of Oregon. I want to thank my colleague and friend from Texas for yielding the time to me at this time.

I'm bitterly disappointed, frankly, that we find ourselves back here on this floor once again without an opportunity even to offer up an alternative. And to put it in perspective for my colleagues who may not frequent the Rules Committee, "closed rule" means that the minority has no opportunity to offer up an alternative. Period. No opportunity to come to this floor in this great democratic institution, the finest in the world, and have a chance to have a vote on an alternative to this measure. That's what a closed rule is. You shut it down, you shut out everybody else. You got your way. You run the train, and you ran right over the top of literally half the people in America, nearly, who are represented on this side of the aisle.

So what does that mean? It means the amendment that I hoped would be allowed to at least be debated and considered here will not be.

I appreciate my colleague from Washington's Fourth District, Doc HASTINGS, the gentleman from Pasco, Washington, who offered the amendment. And it was defeated on a strict party-line partisan vote that precludes our opportunity here on the floor when it went down to defeat to even have a discussion about what it means to the 20 counties I represent and the many that he does and the 4,400 school districts and multi-hundred counties in 42 States that have had their revenue sharing cut off because this Congress, this Congress has failed to reauthorize county payments program.

So why are we here?

The Senate had a similar bill to this. It passed 93-2. Huge bipartisan effort trying to get the problem solved for this country. That would have extended these extenders that help on renewable energy, which I'm a big fan of. It also took care of this enormously important issue to the West because it is principally a western issue because, frankly, that's where the Federal lands are in the West.

Now I know that other counties and other school districts around the country are affected, certainly, and this legislation could have helped them had it been allowed to be offered, but it's not being offered. But nobody is affected more than my colleague from the Fourth District in Oregon and myself, our constituents, some of whom now are out of work.

The largest county in my district had to close all of its public libraries. Most

of the road departments in my district have been cut in half, perhaps more. Now in some counties there's one road person for every 100 miles of road. Many of the roads will be turned back to gravel, back to gravel. That's not progress in America.

And the Rules Committee had the jurisdiction, has the authority to prevent that from happening by at least allowing us to have a vote. Not once, not twice, but multiple times they denied that vote.

Now the gentleman from New York raised in the discussion of the Rules Committee about a bill that was brought to the floor that would have reauthorized county schools and roads for 4 years. I was cosponsor of that bill originally under the premise and promise that when it came to the floor it would have a different pay-for because that's what was promised in the Resources Committee, and that payment in lieu of taxes would be included in that bill when it came to the floor—that was the promise, and it was broken. It came to the floor differently.

The gentleman will say, Well, you're in the pocket of Big Oil because we wanted to raise the fees on oil companies to pay for it. Well, please. Under the conservation of resource fee that is allowable under the contract at issue here, the leases, you can add that fee but you can't use it to pay for county payments. The courts have looked at this issue. You can use it to do resource work around the shorelines and all, but you violate contracts when you do it the way you all brought it to the floor.

So, we can argue about that. I happen to believe I'm right. I'm right, I know, in that the promises were broken when it came to the floor.

In addition to that, I also believe that you all have the power to decide how bills come to the floor. You made the decision to bring it under suspension of the rules, had to suspend the rules of the House, requiring a two-thirds majority for that to be passed in this House. And it failed.

And the reason you brought it to the floor under suspension was so that the Republicans could offer no alternative, because that's the issue, isn't it? When you bring a bill under suspension, you and I both know, all of us know the minority has no chance to offer an alternative; it's an up-or-down vote. So we had the up-or-down vote, and it failed.

So then the bill went away, except we also know that you in the majority are most powerful and in the Rules Committee have a 2-to-1 plus one vote. You could craft a rule tonight, just as you have done here, and you could bring that bill back to the floor tomorrow, couldn't you, because you have got 218 votes for it. You didn't get the two-thirds. You got 218. So any day since that bill failed on the floor on suspension, you could have brought it back.

And you could have sent it to the Senate. If you'd had the same pay-for,

it would still violate contracts. The Senate's repeatedly refused to accept that pay-for, oh, by the way, I was told repeatedly it was nothing but a placeholder, anyway, and it was never going to be used to fund the bill. So it was never really going to get the job done.

This bill that the Senate sent to us would get the job done. It's honest. It's direct. It would pay for 4 years of county payments in PILT. It would put our people back to work. It would help people deal with the problems in our Nation's forests that are so, so at risk of fire and destruction. It would allow the funding to go back to the communities, to our schools, so that teachers could be hired rather than fired; so we could maintain the roads that lead to our national forests; so that we could pay for search and rescue; so we could actually have collaborative efforts again under title II to go out and bring people together and do what needs to be done in our forests.

You have that power in the majority. We had it when we were in the majority, and those who criticized us for not getting this reauthorized when it just went to expiration, you're right. I was frustrated with our own majority that we couldn't get it done. I take that criticism. I leveled that criticism because I am so passionate about the need to maintain this partnership that's now been broken not for 1 year but for 2.

And this is today. Today is when you make the decision to move forward or not. This is today. It's actually tonight. And we've had two shots today where you could have given us this alternative to at least have a vote on the floor.

So my colleague from Texas, I apologize for my time. I do not apologize for my passion on the need to get a chance to at least have a real vote on a real measure that the President would sign and that the Senate's approved.

So I am bitterly disappointed tonight that for the second time in one day we have been denied on a party-line vote the opportunity to even have this amendment be considered on the floor of this great democratic institution.

Mr. ARCURI. I do appreciate the passion of the gentleman from Oregon.

This is an important issue. It's so important that when this bill came to the floor back in June when Congressman DeFAZIO offered it, I supported it. I guess it's about priorities, Madam Speaker. And the priorities are what do you do to pay for it.

Now, first off, this bill is about energy, it's about tax extenders.

First off, the proposal, the amendment that the gentleman is talking about, is not germane to this bill, first and foremost.

Secondarily, there is no pay-for-it in it.

Now 2, 3 months ago when there was a pay-for in it, we couldn't get it passed because not enough people on the other side of the aisle would support it. And the fact of the matter is,

you know, we did pay for it with royalty payments from oil companies.

And for me it's very easy. Let's look at what our priority is. Let's see: the priorities of large oil companies or the priorities of rural school districts.

Mr. WALDEN of Oregon. Would the gentleman yield?

Mr. ARCURI. No. You had your time, and I was courteous to you, and I would appreciate if you would allow me to finish my thoughts.

It's pretty easy for me when you look at oil companies and you look at school districts, that's a no-brainer. Yet people on that side of the aisle voted against it because it had a pay-for in it.

Well, Madam Speaker, I just think, one, this is not germane; two, it's not paid for. Clearly I will support it with the pay-for that was in it last month, but I think clearly without any question it's unfair for the gentleman to characterize it the way he has.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I thought we were going to get done real quickly here. We're not.

The gentleman is right. It's a simple matter. Republicans are upset, also, about the high price of oil. We do not want to pass on higher taxes. The Democrat majority seeks something every single day to have Big Oil pay more and more and more money in taxes. Well, all that does is raise the price of oil. And you're right. You're darn right. The Republican Party is not for that.

I would also remind the gentleman that it takes a two-thirds vote, not a simple majority. And so it failed on a higher standard.

I would yield at this time 3 minutes to the gentleman from Oregon.

Mr. WALDEN of Oregon. I thank the gentleman. I wonder if the gentleman from New York would yield to a question or be willing to accept a question.

And the question is why, given the status of the majority, did you not bring that bill back under a rule or allow it to come to the floor under a rule to begin with? You're on the Rules Committee.

□ 1915

Mr. ARCURI. Is the gentleman asking me a question?

Mr. WALDEN of Oregon. Yes.

Mr. ARCURI. I guess I would return and ask you the question. Why wasn't it passed when we brought it? Why didn't you get more people on your side of the aisle to support it? I mean, it's a legitimate question. I voted for it. I think it was a good idea.

Mr. WALDEN of Oregon. Reclaiming my time, but answer me this question. Why did the majority decide it had to come under suspension of the rules, denying the minority to have an alternative?

Mr. ARCURI. Nor did you answer my question. I think it's a legitimate question I asked. Why wasn't it supported?

Mr. WALDEN of Oregon. I'll answer your question very clearly, because of

two reasons. One, the majority did not include payment in lieu of taxes in the bill, which they promised when it left the Resources Committee they would do. Two, they also promised that pay-for was nothing but a placeholder that would be removed before it came to the floor. So that wasn't done correctly. And three, you violate contracts, which I didn't come to Congress to violate contracts. I never did it in 21 years in private business. I wasn't going to do it here.

And it's not a royalty fee, by the way, that you had. It was a fee on conservation and resource, which the courts have looked at and said you can assess but you have to spend it for that purpose and that purpose only, and county payments doesn't fit that category. And you have used it multiple times and the Senate has rejected it. So it wasn't going to work.

So now I've answered your question. You answer mine. Why don't you bring it tomorrow to the floor under a rule?

Mr. ARCURI. Because there's not a pay-for for it.

Mr. WALDEN of Oregon. You told me there was a pay-for.

Mr. ARCURI. No, there's not a pay-for in this—do you want to ask me the question?

Mr. WALDEN of Oregon. I do.

Mr. ARCURI. There's not a pay-for in the amendment you are offering.

Mr. WALDEN of Oregon. I'm talking about the bill that came up in June that was defeated on a suspension vote. You could have turned around the next day if you felt so passionately—you're on the Rules Committee—and brought it to the floor under a rule, couldn't you?

Mr. ARCURI. No, we could not have done that in the Rules Committee.

Mr. WALDEN of Oregon. Why?

Mr. ARCURI. We could not have just brought it up in the Rules Committee.

Mr. WALDEN of Oregon. Why? Of course you could. You do it all the time. A bill goes down on suspension—we did it, you do it—you bring it back under a rule the next day or a week later. You had 218 votes on the floor.

Mr. ARCURI. I think the question is what is your priority—

Mr. WALDEN of Oregon. Reclaiming my time, you refuse to answer why your majority doesn't bring it back up under a rule. It only takes 218 to pass it under a rule, a majority of those present. You had 218 that day.

You see the point is, you wouldn't bring it up under a rule because you wanted no debate on a real alternative or any other amendment that would be allowed under a rule. You could have passed it the next day and sent it on to the Senate. You chose not to. I don't control the Rules Committee. You all dominate it two-to-one plus one.

So if you care about school kids, you bring it up in a way that doesn't violate contracts, that actually could pay for it, or you allow us to bring it up under this bill or you put it in the continuing resolution or when the Senate sent it over as a 1-year extension—

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

Mr. SESSIONS. I yield the gentleman an additional 2 minutes.

Mr. WALDEN of Oregon. Or when the Senate sent over a 1-year funding package in the emergency supplemental, why did the House leadership strike it there?

There have been multiple opportunities this year to deal with this issue in multiple ways, and we are told that Sunday night we're going to be done and out of here for the session.

And every time somebody says to me, well, gee, I'm all for it but we've got to do it later on or this bill or that bill or not this bill or that bill. We're out of time. The layoffs have already occurred. The jobs are gone. The communities are suffering. The law enforcement officials have been let go.

I don't know where to go from here. I'm bitterly disappointed that we have these silly arguments when we ought to be passing legislation that actually helps real people in real places.

Mr. ARCURI. I continue to reserve my time.

Mr. SESSIONS. Madam Speaker, at this time, I'd like to yield 3 minutes to the gentleman from Idaho (Mr. SALI).

Mr. SALI. Madam Speaker, continuing on the line of the previous speaker on this side, the bill that was before us last month, that did provide for secure rural schools funding, I did vote for it in committee because we were promised that it would have a different pay-for by the time it got to the floor and that PILT funding would be in at 100 percent. And I did vote against it when it got to the floor here because it didn't have a pay-for. What it had was a bunch of baloney in it.

Now, the money that's supposed to come from Big Oil, as has been referred to by the other side, there's a Supreme Court case that is a 9-0 ruling that says that that money will never, ever, ever be used in Idaho.

Madam Speaker, my district is over 62 percent federally administered land. I have counties that are over 80 percent federally administered land. Imagine what that does to the tax base for your schools. And that is the real problem that we're trying to address here.

Well, the gentleman controlling time on the other side said, well, you know, we just can't include it this time and we included it last time, a month ago in the last bill and you wouldn't support it. Madam Speaker, these are real life people we're talking about. These are school kids whose teachers get laid off because the local school district can't afford to pay them.

These are local road districts who are trying to figure out how to make roads so that when you come to Idaho to enjoy those public lands we can actually get to them. These are real people trying to deal with real problems.

Madam Speaker, if this country wants to have federally administered land in the State of Idaho, I can tell you, I understand why. It is a beautiful, beautiful State. The recreation

opportunities are great. There are places in Idaho that offer world-class recreation. But when are we going to take care of the people of Idaho?

You want to blame it on a baloney pay-for that will never get money to Idaho? If we'd have voted for this and passed it last month and it had become law, you know what we would have given the people of the State of Idaho? An empty bag. They would never have gotten a penny of that money.

So how will they pay for those teachers? How will they pay for those roads that you might want to drive on to come see the beauty of the State of Idaho?

Madam Speaker, the idea that this comes down under a closed rule, that we can't even talk about it in this bill, we can't even offer another pay-for that would get real money on the ground in Idaho I think is a shame to this body.

Mr. ARCURI. Madam Speaker, I have no doubt that the gentleman is very concerned with the real people on the ground. There's absolutely no doubt. It is the gravest concern to all of us.

The fact of the matter is, when you weigh the needs of the individuals against the needs of oil companies, how can you call that a bunch of baloney? If the royalties, the taxes that we're placing on oil companies are going to be there to help people in rural schools, that's nothing? That's not baloney. That's the real thing. That's what we're doing to help children, and yet they forget about that.

Yet he doesn't even mention it. He talks as if that doesn't exist, that it's just a bunch of baloney. It's not baloney. It's the real thing. That's what we came to Congress to do. And yet they want us to put the needs of oil companies ahead of the needs of individuals. It's just not the right thing to do.

This bill's not about that. This bill is about renewable tax credits so that we can become energy independent, so that we could stop being reliant on the big oil companies and on foreign oil so that we can develop renewable energy. That's what this bill is about. That's what this rule is about.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield 2 minutes to the gentleman from Idaho.

Mr. SALI. Madam Speaker, I'm going to urge everyone to just listen closely to what I have to say here.

There are two reasons why the pay-for doesn't work that was in the bill last month. And these are a matter of court cases, and I want to remind everybody again, the one that went to the Supreme Court was a 9-0 ruling. There are very few of those that come along.

The first reason is because the courts have said you cannot go back and change a contract that has been made. You just can't do it, except in some very, very narrow areas that were recognized by the court.

The other reason is because, in those narrow areas, you can't use that money

in the State of Idaho. I don't care if you tax the oil companies to kingdom come. There is not a penny that was in that pay-for in that bill last month that would ever end up in Idaho. And that's the reason why I voted against that bill, because it would have left the State of Idaho—had we passed it, had it become law, it would have left the State of Idaho holding an empty bag.

And let me tell you something, Madam Speaker, an empty bag will not pay a teacher's salary. It will not pave a road in the State of Idaho so that you can come visit Idaho and come visit the natural beauty there, which is amazing.

Madam Speaker, this not about whether we're going to prefer Big Oil. It's not about priority. It's a matter of responsibility of the Congress of the United States. If you're going to come to my State, if you're going to come to my district and you're going to impose Federal administration on the lands that are in my district, then step up to the plate and have the responsibility so that you don't leave us holding an empty bag, so that you don't leave us without a tax base so that we can pay our teachers and pave our roads.

It is the responsibility of this Congress, and the idea that we would come here with this bill under a closed rule and shut us out is a shame on this body.

Mr. ARCURI. Well, if what the gentleman says is true—and I have no reason to doubt that—that means that he voted against it despite the fact it would have helped all the other rural school districts in the country because it didn't do anything for his State.

And I certainly can sympathize with the fact that he would be upset that it didn't do anything for his State, but the bill would have done a great deal for the rural school districts throughout the rest of the country at the expense of large oil companies.

So again from my way of thinking, when you weigh the overall good of rural school districts versus oil companies, the rural school districts win every time.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I'd like to inquire, if I could, from the gentleman from New York if he has any additional speakers?

Mr. ARCURI. No, I do not.

Mr. SESSIONS. I thank the gentleman.

Madam Speaker, I think unfortunately this whole argument today has boiled down to a desire from the Democrat majority to simply tax Big Oil, and it's used over and over and over and over and over and over and over again as the reason we ought to have pay-fors to get taxes paid for, to get schools paid for, stick it to Big Oil. There's almost no germaneness. There's no reason to do that.

The opportunity that we have in this country, the Republican Party stands here day after day saying we need oil companies to be able to deliver Amer-

ican resources in this country. And every time you just go and raise their taxes, all you do is do what we're very effectively doing, and that is, we have to buy our resources from somewhere offshore. That's why we've almost doubled the amount of payment now overseas. I mean, it's gone to \$800 billion our foreign payments, and it's double. That's how they keep building Dubai, that's how they build big cities, big countries, because the Democratic Party wants that. They want America to come to its knees, to have to pay higher and higher taxes.

They don't like oil. They want oil to have to dwindle to nothing, and I think it's a sad day. I think it's a sad day that we have to do it in this bill.

We already know where they are. We know where the Democrat Party is. They do not like oil companies. They do not want to drill. They do not want the price of energy to come down.

If this election is held, the American people will have a chance to decide what the answer is. We already know what that answer is, but once again, on a simple bill, stick it to Big Oil. Well, that's how you stick it to consumers, and I think it's pretty sad.

Madam Speaker, we've been through this all day. The bottom line is that the gentleman from Oregon is going to get a vote on the amendment that we talked about. The Rules Committee did not make it in order, not once but twice did not make it in order.

□ 1930

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, of which I'm going to ask that the opportunity for the amendment offered by myself for Mr. WALDEN be a part of what the previous question, when it's defeated, we will do.

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

There was no objection.

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

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

You know, I used to be an attorney. And when I used to practice, I tried a lot of cases. And when we would start our cases and we would make our opening arguments and we would proceed through the closing arguments, I always knew how good the case was on the part of the other side, especially during openings, because when the other side talked about the facts in the case, you knew they had a very good case. But when they talked about everything else except the facts, you knew they didn't have a very good case. Such is what we are seeing here tonight. They're talking about everything but what this rule is about. This rule is about creating a rule so that we can have tax extenders, so that we can promote alternative energy in this country, something that everyone says

that we need to do, and we are doing it in a responsible way with a pay-for.

Now, it's great they talk about things that they would like to do, other proposals, other amendments, but no one says where the pay-for is going to come from. So where is that pay-for going to come from? Are we going to just borrow and spend our way to it? I mean, we're borrowing \$700 billion now, what's a little bit more? We had a pay-for in it when the bill was offered 2 weeks ago, yet it wasn't voted for. But what are they talking about? Everything but what we're here for today.

Now they want to bring up oil again, as if the Democrats don't care about oil prices, as if the Democrats hadn't just passed a bill that did a number of things to bring energy prices down in the short term, in the middle term, in the long term; but that's not enough. They don't want to talk about what we're here for today because then the American people might look at it and say the Democrats have the right idea; they want to create tax incentives so we can have real alternative energy in this country and not be dependent on foreign oil, not be dependent on our big oil companies.

No, Madam Speaker, we do not have anything against the big oil companies, we just think our priorities should be here on this particular bill with a pay-for and with creating tax incentives so that we can produce renewable, green-collar jobs right here in this country, jobs that cannot be outsourced or shipped overseas. That's what this rule is about.

Supporting this rule and the tax relief legislation we will consider is simply common sense. We can provide tax relief and incentives for middle class families, spur innovation, create tens of thousands of new jobs, reduce our dependence on oil from hostile nations, and reduce greenhouse gases at the same time. And we can do it all in a fiscally responsible manner, pay for it today, not spread it out on our children and grandchildren.

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

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

AMENDMENT TO H. RES. 1502 OFFERED BY REP.  
SESSIONS OF TEXAS

Strike all after the resolved clause and insert the following:

That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 10 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill, 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 4 of this resolution, if offered by Representative Walden of Oregon or his designee, which shall be in order without intervention of any point of order, shall 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. 7060 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolutions 1489 and 1501 are laid on the table.

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

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

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

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

**"SECTION 1. SHORT TITLE.**

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

**"SEC. 2. PURPOSES.**

"The purposes of this Act are—

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

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

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

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

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

"(B) enjoy broad-based support; and

"(C) have objectives that may include—

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

"(ii) soil productivity improvement;

"(iii) improvements in forest ecosystem health;

"(iv) watershed restoration and maintenance;

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

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

"(vii) the reestablishment of native species; and

"(3) to improve cooperative relationships among—

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

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

**"SEC. 3. DEFINITIONS.**

"In this Act:

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

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

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

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

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

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

"(A) the quotient obtained by dividing—

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

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

"(B) the quotient obtained by dividing—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(A) the quotient obtained by dividing—

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

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

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the amounts calculated under clause (i) and

paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

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

“(11) FULL FUNDING AMOUNT.—The term ‘full funding amount’ means—

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

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

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

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

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

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

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

“(15) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

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

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

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

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

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

#### “SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

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

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

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

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

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

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

#### “SEC. 102. PAYMENTS TO STATES AND COUNTIES.

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

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

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

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

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

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

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

“(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

“(1) ELECTION; SUBMISSION OF RESULTS.—

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

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

“(2) DURATION OF ELECTION.—

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

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

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

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

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

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

“(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

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

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

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

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

“(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

“(1) ALLOCATIONS.—

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

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

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

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

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

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

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

“(I) carrying out projects under title II;

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

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

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

“(2) DISTRIBUTION OF FUNDS.—

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

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

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

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

“(3) ELECTION.—

“(A) NOTIFICATION.—

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

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

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

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

“(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than \$100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.



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

**“SEC. 103. TRANSITION PAYMENTS TO STATES.**

“(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**“TITLE II—SPECIAL PROJECTS ON FEDERAL LAND**

**“SEC. 201. DEFINITIONS.**

“In this title:

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

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

“(3) RESOURCE ADVISORY COMMITTEE.—The term ‘resource advisory committee’ means—

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

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

“(4) RESOURCE MANAGEMENT PLAN.—The term ‘resource management plan’ means—

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

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

**“SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.**

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

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

**“SEC. 203. SUBMISSION OF PROJECT PROPOSALS.**

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

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

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

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

“(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a re-

source 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) the ecological objectives of the project; and

“(III) 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 sec-

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. The Chair would announce that the Chair's earlier announcement regarding roll-call number 641 was mistaken.

Thus, the correct number of "aye" votes is 414.

**MAKE AMERICA'S R&D TAX CREDIT PERMANENT**

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

Mr. SALI. Madam Speaker, it has come to my attention that France, long regarded as a bastion of protectionism, actually features some of the world's most inviting research and development tax credits. These credits are open to any company, whether they are American or French, and cover half of research costs up to 100 million euros.

It is a sad state of affairs when American companies can't budget for long-term research costs because Congress has failed to make the R&D tax credit permanent, yet France offers impressive tax credits across the Atlantic to do the same work.

Let's act now to make America's R&D tax credit permanent here in the United States so we will not lose our cutting edge to the Old World.

**SPECIAL ORDERS**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.