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House of Representatives

The House met at 10 a.m.

Rev. Fred Lucci, Director, All Saints Catholic Newman Center, Arizona State University, offered the following prayer:

Gracious and loving God, creator and source of everything that is good, You have blessed us in ways beyond anything we could have imagined for ourselves. Please always keep us mindful that every good thing we have, every possession, every talent, every relationship, our health and very life itself is a gift from You. Mindful of these blessings, make us always-generous people in Your own image.

Look now upon this assembly and fill them with the spirit of Your wisdom. May every decision they make reflect Your goodness, promote and protect the dignity of every member of our society, especially the weakest and most vulnerable among us, and be for the peace and well-being of all.

Finally, loving God, we place into Your healing hands our brother, Senator EDWARD KENNEDY. Please give him strength and comfort him, his family, and all who love him.

We ask You this in hope, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. WALZ) come forward and lead the House in the Pledge of Allegiance.

Mr. WALZ of Minnesota led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 2517. An act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

H. Con. Res. 354. Concurrent resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 431. An act to require convicted sex offenders to register online identifiers, and for other purposes.

S. Con Res. 79. Concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States.

WELCOMING FATHER FRED LUCCI

The SPEAKER. Without objection, the gentleman from Arizona (Mr. MITCHELL) is recognized for 1 minute.

There was no objection.

Mr. MITCHELL. Madam Speaker, my guest today, Father Fred Lucci, is the Director of the All Saints Catholic Newman Center in Tempe, which I have attended for more than 40 years.

I am proud Father Fred, as those of us in Tempe call him, could join us today because he is my pastor and my friend. In fact, he is a friend and mentor to the thousands of parishioners at the Newman Center.

Father Fred has a good heart and a special gift. While it may be easy to provide guidance to long-time parishioners like myself, Father Fred continues to have a positive influence on the lives of thousands of students at Arizona State.

In the 1980s, freshman Fred Lucci arrived at Arizona State University's campus with a music scholarship and his clarinet. His ability to connect with students has endured today. Today, Father Fred is a fixture on campus, easily recognized, eager to listen, and always faithful and helpful in guiding students to strengthen their own spiritual relationships. He has led humanitarian missions and pilgrimages that have lifted the souls of all who participate.

Throughout his years in the priesthood, Father Fred has helped students who need it most find their strength within. In the process, he has made Arizona State a more compassionate campus one student at a time. And he has built a parish that has helped shape Tempe into a more decent and caring community.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

POLITICALLY AND RELIGIOUSLY CORRECT SPEECH—IN EUROPE

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

Mr. POE. Mr. Speaker, freedom of speech is one of the most basic of all human rights. However, more and more European countries are arresting individuals for insult speech. Speech to be free must allow individuals to criticize religion and government.

The first amendment protecting speech and press is first because it's the most important. But in Europe, speech must be politically and religiously correct. Criticize or insult another person's religion and you're likely to be hauled off to prison thanks to

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the speech police. After all, heaven forbid, offensive or insult speech may hurt somebody's feelings.

In Germany, an insult to a religion can be a crime worthy of imprisonment. Recently, a 61-year-old German businessman was convicted and sent to jail for offending Islam. The same thing happened in Britain where Nick Griffin was prosecuted for describing Islam as a ''vicious and wicked faith.''

Free speech must be universal. If controversial issues like religion and politics cannot be debated in countries, the people are not free, even in Europe.

Teddy Roosevelt once said, ''Free speech, exercised both individually and through a free press, is a necessity in any country where people are themselves free.''

And that's just the way it is.

THE DOLLAR IS WEAKENING

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

Mr. KUCINICH. The great amount of borrowing this country is doing from nations like China, Japan and Korea is weakening our dollar. Many of us know that we're borrowing money from China to prosecute a war in Iraq.

So with a weakened dollar, we're seeing a contribution here to the increased cost of crude oil. The weaker the dollar, the higher the price of crude oil. Today, the price of crude oil is about $130 a barrel. We're looking at gasoline this summer perhaps as much as $5 a gallon.

We need to change our economic direction. We need to strengthen our dollar. We need to change our monetary policy and stop borrowing. We need to go after these oil companies, not only in international courts with antitrust action, but we need a windfall profits tax. And if that fails, we need to have an honest discussion in this country about why we let the oil companies control the economy anyway.

Why don't we start looking at ways to take back the power of the people so that we can have control of our own destiny?

COUNTY PAYMENTS: HOOD RIVER COUNTY, OREGON

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

Mr. WALDEN of Oregon. Mr. Speaker, by refusing to renew the county payments program, Congress has broken its promise to rural, timbered America.

I've told you in the past about Harney County, a county that has 78 percent of its land mass, the size of New Jersey, all Federally controlled, 70 percent of its road budget affected by this law that has not been reauthorized.

Let me tell you today about Hood River County, where Congress' failure to act to renew the county timber payments program has forced this county to develop multiple county budgets because we don't know what's going to happen in my home county. One thing is for sure, though, the county annually uses up to $130,000 of Federal forest payments to fund search and rescue operations in the Mount Hood National Forest and Mount Hood itself. You see, Hood River County is responsible for most of the search and rescue operations on that great mountain, and now those costs will be borne by the county because the Federal Government is shirking its responsibility.

That could change. We could pass H.R. 3058, a bill to reauthorize county timber payments. It has been on the Union Calendar for 127 days, held hostage by this leadership. The Democratic leadership refuses to bring it up for a vote.

Make good on the Federal promise. Let us vote on H.R. 3058.

THE HOUSING CRISIS

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

Mr. HODES. Mr. Speaker, with nearly 8,000 foreclosures being filed daily, there is no question that Americans continue to fear losing their homes. In my home State of New Hampshire, it is predicted that nearly 4,300 families will lose their home by 2009.

This month, the House passed landmark housing legislation that will address the housing crisis directly, stabilize the housing market, and make a real difference for families at risk of losing their home. The bill will also help revitalize communities that have become vacant because of high housing foreclosure rates.

We are also working to provide relief to families struggling under the burden of higher gas prices and soaring costs for food and health care.

Mr. Speaker, we cannot fix our struggling economy until we address the housing crisis, but the Bush administration has ignored this growing problem for far too long.

I hope that President Bush and his allies will reconsider their opposition to our commonsense housing package so we can provide hope to the millions of Americans struggling in President Bush's recession.

□ 1015

IN MEMORY OF SERGEANT FIRST CLASS GEORGE KOON

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

Mr. WILSON of South Carolina. Mr. Speaker, last Saturday I had the honor of attending a memorial service celebrating the life of Sergeant First Class George Walter Koon. Sergeant Koon was a soldier of the United States Army Infantry during the Korean War. He was a POW murdered while in captivity in 1951, but his body remained unrecovered for over half a century. It was not until recently that the hard work of his family and the Department of Defense helped positively identify Sergeant Koon and return him from North Korea to his family in Leesville, South Carolina.

The life and story of Sergeant Koon is an example of tremendous courage and commitment. His brother Reverend Carl Koon correctly stated that ''freedom isn't cheap and it isn't free.'' His sacrifice and that of his fellow American soldiers will never be forgotten to liberate dozens of countries so that more people today live in free market democracy than ever in the history of the world.

The memorial service was conducted by Reverend John McKeown and Reverend George A. Koon, nephew namesake of the deceased hero, at the Old Lexington Baptist Church of Leesville. He received full military honors.

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

IN HONOR OF B'NAI ISRAEL AND THE TOWN OF SOUTHBURY, CONNECTICUT, FOR THEIR OUTSTANDING COMMITMENT TO HUMAN RIGHTS

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

Mr. MURPHY of Connecticut. Mr. Speaker, in 1937 the residents of Southbury, a small town in Connecticut, came together to prevent the German American Bund, a group of pro-Nazi German Americans, from establishing a paramilitary training facility in their town.

Led by Rev. Felix Manley of the Southbury Federated Church and Rev. M.E.N. Lindsay of the South Britain Congressional Church, the town of Southbury passed its first zoning law to ban the use of land in Southbury for paramilitary training.

As a great Jewish writer once said, ''The opposite of love is not hate, it is indifference.'' Mr. Speaker, it gives me a great sense of pride to represent the town of Southbury, where this May 31, 2008, the congregation of B'nai Israel will host the Human Rights Festival, honoring the courageous acts of those citizens some 71 years ago and renewing the town's commitment to justice. The proud legacy of the religious community in Southbury and the work of B'nai Israel to recognize that legacy serve as a reminder to all of us that change and progress must come from the bottom up.

NBC SHOWS BIAS

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

Mr. SMITH of Texas. Mr. Speaker, this week NBC News aired an interview with President Bush in which it removed key statements from the President's response to a question about diplomatic relations with Iran.

While some editing is to be expected, in this case NBC misrepresented the President's response so that it appeared he agreed with the premise of the question when, in fact, he explicitly disputed it.

The White House says NBC's ''deceitful editing'' was intended to perpetuate a ''media-manufactured storyline'' about Iran.

The American people deserve to know the President's complete statements on major foreign policy issues. We rely on journalists to provide this information through fair and impartial reporting. The American people rightfully expect the media to give them all the facts, not just a slanted version.

THE GI BILL

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

Mrs. BOYDA of Kansas. Mr. Speaker, without the 1944 GI Bill, I would not be standing here today.

The GI Bill educated my dad after he came home from World War II. And today is his 86th birthday; so happy birthday, Dad.

The GI Bill paid for his tuition, his room, his books, some living expenses. It paid for his college degree. It helped him lift our family from the Depression into the middle class, and it offered my two brothers and me a brighter future.

Millions of Americans have stories that are just like mine. In all of the many ways that America shows gratitude to our veterans, the GI Bill has to be one of the greatest.

I was honored last week to vote to extend and to renew the GI Bill to the new generation of veterans that are coming home. The GI Bill was always meant to be a permanent promise, a contract with our soldiers, a bill of rights for our veterans. And I certainly urge the Senate and the President to pass this bill into law as soon as possible.

Happy birthday, Dad.

TRIBUTE TO ARMY SPECIALIST JEREMY R. GULLETT

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

Mr. DAVIS of Kentucky. Mr. Speaker, today I rise to pay tribute to Army Specialist Jeremy R. Gullett from Greenup, Kentucky, a dedicated soldier who lost his life on May 7, 2008, in the Sabari District of Afghanistan. He was assigned to the 4th Battalion, 320th Field Artillery Regiment of the 101st Airborne Division based out of Fort Campbell, Kentucky.

According to his mother, Cheryl, Jeremy had dreamed of joining the service since he was 6 years old. While attending Greenup County High School, Specialist Gullett was a member of the school's Junior ROTC program. He joined the Army in 2003, shortly after graduating from high school. Jeremy was a model citizen. Not only did he serve our country abroad, he was also a volunteer fireman; a loving father to his two young daughters, Kaye and Katie; and a dedicated husband to his wife, Janeth.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Jeremy Gullett's family and friends. We are all deeply indebted to Specialist Gullett for his service and sacrifice.

DEMOCRATS CONTINUE FIGHT TO LOWER GAS PRICES

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

Mr. ALTMIRE. Mr. Speaker, with gas prices reaching a new record high every day, Congress took strong action last week to bring down the price at the pump by passing legislation to suspend filling the Strategic Petroleum Reserve through the end of this year.

After initially opposing the proposal, President Bush signed the bill into law yesterday. He had the power all along to stop filling the SPR, but it took an act of Congress to push him to take this commonsense step, a step that could lower gas prices by up to 24 cents a gallon.

While the Bush administration has allowed crude oil to rise from $25 a gallon when he first took office to $130 a gallon today, the Democratic Congress is fighting to reduce our dependence on foreign oil, bring down record gas prices, and launch a cleaner, smarter energy future for America.

Today this House will consider legislation that will retain and create hundreds of thousands of green energy jobs and encourage the use of production of renewable energy. While President Bush continues to call for more of the same policies that have failed for the past 7 years, this Democratic Congress is working for an energy independence plan for America.

MAIN STREET USA ENERGY INDEPENDENCE SECURITY ACT

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, I am tired of the majority party talking about introducing a commonsense plan for our growing energy crisis. Common sense or not, I'd be happy to look at their plan if they had one. But they don't. They have demonstrated to families who are wasting their money on the price of gasoline that they have failed to come up with a plan.

I don't want to let those families down, Mr. Speaker, and I don't want them to think that Members of Congress are sitting on their hands doing nothing that's affecting their cost of living. So last week I helped Congressman BUYER announce the Main Street USA Energy Independence Security Act of 2008.

This plan will help solve our national security problem and guide us away from being reliant on international energy sources. It will also open up domestic exploration on our own soil to find energy sources here at home.

The best thing about the Main Street Energy Act is that it is a plan. And let's put the plan to work now.

GAS PRICES

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the phones in my office have been ringing off the hook. Constituents are hopping mad about the skyrocketing price of gasoline.

In Dallas in just the last month, the price for a gallon of gas has jumped 30 cents. And that's in Texas, where we drill and explore on land and along the coast.

It's about time for the Congress to take action. In fact, it's past time.

Two-thirds of the oil we use comes from foreign countries. We have oil and gas in the United States, but we have to be willing to move forward with exploration. Congress should allow exploration in Alaska, along the eastern seaboard, the west coast, and allow more refineries to be built.

The answer to rising gas prices is right here in America. We have the technology. We have the resources. The time is now. Democrats in Congress need to step aside and let the ingenuity of Americans solve this problem today.

IN SUPPORT OF THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

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

Mr. YARMUTH. Mr. Speaker, I rise in strong support of the Low Income Home Energy Assistance Program.

LIHEAP, which provides crucial heating and cooling assistance to millions of hardworking, low-income families all across America, grows more important as fuel prices continue to skyrocket and we head toward another hot summer. Already families who qualify for LIHEAP spend, on average, a fifth of their income on energy costs. For hundreds of thousands of Americans, that figure will continue to rise until the electricity is simply shut off.

Still, rather than rising to the occasion, this government has backed away from our responsibilities to those families. Even as prices soar and LIHEAP applicants have increased by 20 percent, the average LIHEAP grant has

dropped by 20 percent, leaving millions without the full assistance to which they are entitled and millions more without any help at all.

In my hometown of Louisville, I hear from people who work hard every day with less to show for it. Seniors, who deserve to live out their golden years comfortably, now face the choice of paying for medicine, food, or energy.

I urge my colleagues to join me in supporting full funding for this crucial program so that millions of LIHEAP-qualifying Americans won't be left alone to face potentially life-threatening heat this summer.

ARMENIAN REMEMBRANCE DAY

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

Mr. LAMBORN. Mr. Speaker, I rise to commemorate Armenian Remembrance Day and remember the 1.5 million Armenians annihilated during the final years of the Ottoman Empire, to recognize the 60th anniversary of the Universal Declaration of Human Rights, and to reflect on the continuing violence in places like Darfur, Kenya, and Zimbabwe.

In addition to the genocide of Armenians, the 20th Century bore witness to the loss of 6 million Jews and 400,000 other persons deemed ''nondesirable'' by the Nazis and the modern-day horrors in Cambodia and Rwanda. Unfortunately, and all too often, we have not learned from past genocides. A vicious circle of noninvolvement and noninterference continues.

Today I wish to recall the past in order to bring about hope for a brighter, more peaceful future and reconciliation of the people of Armenia and Turkey. Only through a thorough examination of history and open acknowledgment of the past will the plight of the Armenians be fully understood.

And as we continue confronting atrocities taking place today and seek to prevent them from occurring in the future, we must also be resolute in acknowledging genocides of the past.

THANKING REPUBLICANS FOR SUPPORTING THE NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008

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

Mr. KAGEN. Mr. Speaker, I rise today to thank my colleagues on the Republican side of the aisle and in particular Representatives RYAN, SENSENBRENNER, and PETRI from Wisconsin for joining me in passing this bill yesterday. It's called the ''No Oil Producing and Exporting Cartels Act of 2008.''

For 7 years the Cheney and Bush administration has done nothing, nothing at all to break up the oil cartels overseas. They have done nothing to reduce the cost of our gasoline at the pump. And wherever I have been in Wisconsin, from Green Bay to Appleton, from Marinette to Minocqua, and everywhere I go in northeast Wisconsin, people are saying, ''Kagen, there are two things you can do to put more money in my pocket: Cut the cost of gasoline and reduce our health care costs.'' And this bill, voted on and supported by 103 Republicans in a bipartisan manner, will help to do just that. It will make it illegal for anyone to conspire to raise our price of gasoline.

Thank you, thank you, my Republicans, for supporting me in this act.

□ 1030

EXPAND OIL PRODUCTION

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

Mr. MCCRERY. Mr. Speaker, I was driving my 14-year-old son to school this morning, listening to the radio, and it mentioned that the price of oil had increased to over $130 a barrel. My son said, Dad, why don't we just tell OPEC to produce more oil? I thought about it and I said, Well, son, as a matter of fact, President Bush was over in Saudi Arabia the other day and asked if Saudi Arabia would increase its output.

But I suspect that the leaders of OPEC might turn that question around on the United States and say, Why doesn't the United States increase its output of oil?

The answer is Democrats have blocked every commonsense effort to expand production in this country for years now, and it's time for that opposition to stop and face reality. We need a balanced energy program in this country, one that recognizes that for the immediate future we are going to need oil and gas, and, yes, we need to develop alternative fuel sources as well. But you can't do just one. You have to do both.

CYBERBULLYING

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to address a growing national trend, cyberbullying.

Many of us know of the dangers our kids already face online: predators, fraud, and sexually explicit material. Now children are also facing online bullying. When a young person is ridiculed or threatened online, it can have severe and even tragic effects.

A perfect case in point is Megan Meier, a St. Louis teenager who made friends with a young man named Josh online. The friendship soon deteriorated, with Josh telling Megan, ''The world would be better off without you.'' Megan Meier committed suicide.

Six weeks after Megan's death came the horrifying news that Josh was actually just an alias created by the mother of one of Megan's former friends. At the time of Megan's death, cyberbullying was not considered a crime. The adult responsible for the hoax went unpunished. Recently, Federal charges were filed, but the prosecutor had to be creative because Federal law is inadequate. That is wrong.

Congress must act soon to send a clear message: Online actions have offline consequences.

WAR FUNDING BILLS SHOULD BE ABOUT WAR FUNDING

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

Mr. PENCE. I think war funding bills ought to be about war funding. Last week, the Democrat Congress tried and failed to pass an Iraq funding bill by piling billions of dollars in unrelated domestic spending and higher taxes on the backs of our soldiers. But because House Republicans took a stand, the American people could plainly see that the majority of the majority is willing to cut off funding to our soldiers, even when they are in harm's way.

With Memorial Day just around the corner, this Congress should stop playing politics with funding for our troops. We should pass a clean Iraq funding bill, legislation authored by Representative JERRY LEWIS of California, and we should pass it this week. As we prepare to remember the heroes of conflicts past, let's make sure that today's heroes have the resources they need to get the job done and come home safe.

DEMOCRATS PUT TROOPS AND VETERANS FIRST WITH NEW GI BILL

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

Mr. ARCURI. Mr. Speaker, last week, Congress, with strong Democratic support, passed the new GI Bill, which provides all veterans of the Iraq and Afghanistan wars the promise of a full 4-year college scholarship. The bill makes veterans a part of the American economic recovery.

The original GI Bill in 1944 allowed millions of families to achieve the American Dream. It also set our economy on the right course after World War II. For every dollar spent on the GI Bill, $7 were returned to the economy. A similar economic spark is needed today. You would think that the new GI Bill would gain the support of President Bush. But he opposes it. Unfortunately, the vast majority of House Republicans opposed the bill when it was on the floor last week. We must make sure that the brave men and women that we are sending off to battle have everything they need and deserve when they return home.

Mr. Speaker, House Democrats vow to never leave a veteran behind after returning from war by ensuring that they receive the quality care and benefits they have earned. That includes living up to the promise of providing them access to quality higher education.

PIONEER MIDDLE SCHOOL

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

Mr. KUHL of New York. Mr. Speaker, I rise today to recognize Pioneer Middle School located in Yorkshire, New York. Last month, Pioneer Middle School was recognized as one of two Essential Elementary Schools to Watch in New York State. Pioneer is the first middle school in western New York to achieve this prestigious honor. Presently, only 10 middle schools in all of New York State have achieved this recognition over the past 4 years.

This award exemplifies the talent and dedication that these educators and parents demonstrate every day. The school has shown tremendous progress since being named a School in Need of Improvement by the Department of Education in 2004.

As these teachers, students, and parents gather to celebrate this wonderful accomplishment, I want to offer my sincere congratulations. Let the Pioneer Middle School serve as a beacon for schools around the Nation to see that excellence and success comes from devoted teachers and parents.

NATIONAL TEACHERS DAY

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

Mr. PERLMUTTER. Mr. Speaker, last week, we celebrated National Teachers Day. That day represents one small token of our Nation's gratitude for the long hours and hard work our teachers endure to prepare our students for future endeavors. As a product of the Jefferson County, Colorado public schools, I can attest to the wonderful influence educators have had on my life, as well as on the lives of my three daughters.

I believe we as a Nation cannot thank enough our men and women currently serving in our public education system, such as my sister Cassie, for all that they do. I particularly want to take a moment to recognize the teachers in Adams, Arapahoe, and Jefferson County, Colorado, who enrich the education of our children and have a positive impact on our communities.

We must continue to invest in our public schools and colleges and ensure our educators have the tools and resources they need to give our children the high quality education to succeed in this increasingly competitive economy. Our teachers are dedicated, valuable public servants whom we owe a sincere debt of gratitude.

WAITING FOR AN ENERGY PLAN

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

Mr. MICA. Mr. Speaker and my colleagues, the Democrats have had control of the Congress now for a year and a half. We are still waiting for an energy plan. We are going to celebrate Memorial Day this weekend. We are still waiting for an energy plan. What have the Democrats done so far as an energy plan? Well, let's just take a look at it.

This is a spoon from the House cafeteria. They bought this spoon at great expense to the taxpayers, and it is a green spoon. In fact, it melts in your coffee. This is Exhibit 1. What have the Democrats done when gas is $4? Well, go down to the gift store and you will see these Green the Capitol bags. So now we have, at greater expense to the taxpayer, printed these little Green the Capitol bags.

Now what is the centerpiece of their energy policy when you're going to pay $4 a gallon and more around the country for gasoline? They are going to change the light and green the light on the top of the Capitol. Just the study, I'm told, is going to be $800,000, and then millions of dollars. And $4 gas.

DEMOCRATS HELP AMERICANS WHO HAVE BEEN HURT DURING ECONOMIC RECESSION

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

Mr. PALLONE. Mr. Speaker, the economic recession has been particularly hard on lower- and middle-income families. But over the last month, this House has passed important legislation that will make a real difference in their lives. These families were already having trouble squeezing enough money out of their monthly paychecks to pay for the basic necessities. Now imagine how much more difficult that is with the dramatic increases in the cost of foods like bread, milk and eggs.

Last week, in strong bipartisan fashion, this House passed a final farm bill that invests an additional $10.4 billion in nutrition programs so that 38 million American families do not have to go hungry. Our constituents are also rightfully concerned about their jobs. Over the last 4 months alone, 260,000 jobs have been lost. Finding a new job is not necessarily easy in today's economy. That is why this House passed an extension of unemployment benefits last week, giving unemployed workers an additional 13 weeks to find a job.

Mr. Speaker, this Democratic House is delivering results that will benefit families that have been forgotten for far too long.

ROADMAP FOR AMERICA'S FUTURE

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

Mr. RYAN of Wisconsin. Mr. Speaker, today I am introducing a roadmap for America's future, legislation to transform our Federal Government, to reform the Nation's health care entitlements, Social Security, and the Federal Tax Code. My legislation does three things: It fulfills the mission of health and retirement security for all Americans by making Medicare, Social Security, Medicaid permanently solvent. Second, it lifts the massive debt burden off of future generations. Third, it promotes solid, sustained economic growth and job creation, and puts the U.S. in a position to lead, not merely to survive in the global marketplace.

This is a real plan, with real proposals, with real numbers to back them up, and real legislation to implement it. I recognize that this is an ambitious proposal. Not everyone's going to agree with every part of it. That is fine. These problems are not Democratic problems and they are not Republican problems, and neither are the solutions.

We need to build bipartisan support for action in Congress. If nothing else, it is my sincere hope that this will spur Congress to move beyond simply rehashing the problem, to debating and implementing actual solutions for the American people.

SUPPLY AND DEMAND

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

Mr. CONAWAY. Mr. Speaker, the New York Times today has got an article predicting $200 a barrel for crude oil in the not-too-distant-future. The laws of supply and demand, the economic law of supply and demand works. This House, led by this majority, has passed bill after bill after bill whose intent and whose implication is to increase the costs to generate energy, whether its electricity or gasoline. Those policies specifically demand higher prices. If there was a cheaper way to generate electricity or drive our cars, we would already be using those cheaper methods.

So the policies are to raise the prices, and the twisted logic is they then come down here and speaker after speaker gripes and complains about those exact high prices, which is the direct result of what their policies are putting in place.

Yesterday, in a staggering twist of illogic, is to pass, as a part of that bill that was passed yesterday, to unleash our Department of Justice on the very producers that we are trying to incent to produce more crude oil and natural gas on an unfettered witch hunt that will cost millions and millions of dollars and result in absolutely zero.

It's wrong policy. The American people need to speak up.

FREE OUR RESOURCES

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

Mr. TERRY. Madam Speaker, free our resources. Our families have to pay $4, almost $4 a gallon to fill up. They are spending $70 just to fill up mid-size cars. We can't take this anymore, but yet we have the resources right here within the United States, whether it's offshore, Alaska, oil shale in Colorado that has been taken off and we can't drill in it. Today, we are going to do tax credits, 1 year of tax credits, that are going to be meaningless to develop biofuels and cellulosic ethanol.

So we have the resources here, my friends, to decrease the price at the pumps by adding more supply, and it's being blocked. It's being blocked by the leadership here. Free up our resources, Madam Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR). Members are reminded to direct their remarks to the Chair.

PROVIDING FOR CONSIDERATION OF H.R. 6049, RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1212 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1212

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6049) 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 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, 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 with or without instructions.

SEC. 2. During consideration of H.R. 6049 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.

□ 1045

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

Mr. ARCURI. 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 this rule is for debate purposes only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1212.

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

There was no objection.

Mr. ARCURI. Mr. Speaker, House Resolution 1212 provides for consideration of H.R. 6049, the Energy and Job Creation Act of 2008. The rule provides for 1 hour of debate controlled by the Committee on Ways and Means and waives all points of order against consideration of the bill, except clauses 9 and 10 of rule XXI. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and H.R. 6049, the Energy and Job Creation Act of 2008, which will not only bring this country into a new alternative energy future, but strengthen our economy by directing fiscally responsible tax relief to middle class families, creating jobs at small businesses in the very towns and rural communities where we need it the most.

The legislation this rule provides for consideration of will extend a number of critical tax relief measures targeted at middle class families and small businesses, including deductions for State and local sales tax, tuition education expenses, and expanding the child tax credit and research and development tax credit.

During these uncertain economic times, it is also absolutely critical that we pass legislation to invest in jobs for today and long-term development for tomorrow, including alternative energy like wind and biomass that will reduce our Nation's dependence on foreign oil and bring the price of gas at the pump to a level families and businesses can afford. The best way to encourage growth and development of new technology is to let businesses invest their own money in ways that expand our economic horizons. Tax credits for alternative energy production have the power to truly jump-start our economy and create good paying, highly skilled jobs that can't be sent overseas.

In my upstate New York district, our location, natural resources, renowned colleges and universities and world class scientific and technological companies perfectly poise our community to seize this opportunity to create a new green economy, complete with green jobs.

I have spoken numerous times throughout the debate over how to extend these renewable tax credits and about the new businesses in my district that are utilizing the national investment in alternative energy to create good paying jobs in upstate New York. Those businesses are to be commended, and that is why I am proud to support nearly $20 billion in long-term clean renewable energy tax incentives and investment included in the Energy and Job Creation Act. I hope that doing so will encourage other companies to follow suit, both in our region and across this great Nation.

The underlying legislation extends and modifies critical tax credits for the production of electricity from renewable sources ranging from wind, solar and geothermal energy to closed-loop and open-loop biomass. It would also extend clean renewable energy bonds, efficient commercial building tax incentives, investment tax credit for solar and fuel cell systems, tax credit for energy efficiency upgrades to existing homes, tax credits for production of efficient home appliances and tax incentives for consumer purchases of energy efficient products. Most of these incentives either expired at the end of last year or are set to expire at the end of this year. It is vitally important to sustaining the development of clean energy technology industries that these incentives are extended.

H.R. 6049 also includes an extension of the research and development tax credit that allows companies a tax credit for a portion of their research and development expenditures. Extending the R&D credit is vital to ensuring that America remains on the cutting edge of innovation that keeps our companies competitive and working here, not offshore. This credit is of particular interest to the area that I represent because its extension will further the expansion of the microchip fabrication and nanotechnology industries which are beginning to blossom in our region.

American companies rely on this credit and upon its continuity to adequately plan their long-term research projects. I support this 1-year extension to provide that continuity and I will continue to work with leaders on the committee and in this body to seek a permanent extension that would eliminate concerns over expirations and lapses.

The bill also extends important tax credits for individuals, as well as creating new and expanded credits. It extends for 1 year the personal income tax deductions for tuition and education expenses, the State and local sales taxes, and teachers' out-of-pocket expenses for classroom supplies. The bill creates a new standard deduction for up to $700 for couples to cover State and local property taxes, and expands the eligibility for the refundable child tax credit. Under the child tax credit, certain low-income taxpayers can claim a refundable tax credit equal to 15 percent of their earned income above an inflation-adjusted threshold. In 2008, this threshold is set to be $12,050, but under H.R. 6049 that threshold will be reduced to $8,500, providing increased

relief to more than 12 million families with children nationwide.

Supporting H.R. 6049 comes down to simple common sense. We can create tens of thousands of new jobs, reduce our dependence on oil from hostile regimes, reduce greenhouse gases, spur innovation and provide tax relief to middle class families, and we can do it all—and let me emphasize this—all of those things, without adding to the national deficit.

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. HASTINGS of Washington. Mr. Speaker, I want to thank my colleague and friend from New York (Mr. ARCURI) 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 rule marks the 60th time that the leaders of this Congress have totally closed down the House floor by refusing to allow any Member of this House to offer an amendment to a bill pending and have it debated and voted upon. This is more closed rules than any Congress in the history of our country, which is exactly the opposite of the promise that the Democrat leaders made to the American people when they promised to run the most open and honest House ever.

The House is not open when no amendments are allowed to be offered and when a Republican alternative is blocked from even a minute of debate and denied a vote on the House floor. And it is not in the most honest House when the Rules Committee Democrats block the Republican plan to prevent tax increases from being considered, using the excuse that it doesn't meet House PAYGO rules, especially, Mr. Speaker, when it was just one week ago that the same Democrats were blatantly violating PAYGO rules by billions of dollars in the farm bill. Under this liberal Congress, it is only okay to break the House rules, apparently, when you are increasing spending by billions of dollars, but not by preventing tax increases on the American people.

The Republican plan that was denied, that the Democrats refused to allow the House to vote upon, would provide the following: 1 year of relief from the Alternative Minimum Tax, or the AMT; a 2-year extension of the State and local sales tax deduction for those States that do not have a State income tax; 2 more years for the research and development tax credit; 2 years for the tuition tax credit; and extensions for more expiring tax provisions.

This Democrat bill, for example, does absolutely nothing, nothing at all, to fix the AMT tax for 2008. Twenty-one million middle class individuals will pay an additional $61.5 billion in higher taxes next April if the AMT is not fixed and addressed. That is an average of over $2,800 per affected taxpayer, Mr. Speaker. The Republican plan fully fixes it, but today that fix is not even allowed to be considered on the House floor. Instead, the House is given one choice, and that is a fool's choice bargain to raise taxes by $54 billion in order to simply extend existing tax policies that are due to expire.

Mr. Speaker, current provisions in tax law are expiring, and Congress needs to act to keep these taxes from going up. But, Mr. Speaker, we all know that is no excuse to raise other taxes by billions of dollars.

I and many of my Republican colleagues support a great number of the tax relief extensions included in this bill, including the State and local sales tax deduction, the research and development tax credit, education and tuition tax credits, tax credits for teachers, and several renewable income tax credits. These low tax policies have been law for many years, Mr. Speaker, and they have been extended multiple times, multiple times, and always without raising taxes.

My Democrat colleagues will try to defend their tax-raising ways by invoking the PAYGO rules they ignored just last week. They will claim that this is just being responsible and it is not about increasing the national debt, that it is about government living within its means.

If only that were true, Mr. Speaker. But it is not. All you have to do is to read the final budget plan for next year that this House will vote on later today. Their budget reveals this Congress as what they truly are, and what they truly are, Mr. Speaker, is old time tax-and-spend liberals. In their budget, spending increases by $250 billion over the next 5 years. They increase the debt limit in 2008 by $654 billion, which is the largest increase in history, and they raise taxes by $683 billion, which is the largest amount in American history. More spending, higher debt, record tax increases. That is obviously the plan of this liberal Congress.

Now, my Democrat colleagues will also try to claim the tax increases that are in this bill aren't really that bad. But the facts are the facts, and the facts are that this bill unnecessarily increases taxes by over $50 billion. And that is just the beginning. Remember that their budget would increase taxes by over two-thirds of a trillion dollars. If they aren't raising your taxes this time in this bill, I can assure you, your time is coming. They will get you the next time.

When this liberal Congress imposes the largest tax increase in American history to pay for more government spending, don't think that you can escape permanently their tax-and-spend ways. Their tax increase plans include cutting the child tax credit, cutting that in half; reinstating the marriage penalty and the death tax; and a tax increase for every single American taxpayer. It would even levy taxes on low-income workers who currently pay none.

But if there is a ray of sunshine, and there always is a ray of sunshine in bills, there is a newly created tax break, one that will put a big smile on the faces of some in this country, and it is worth over $1.5 billion.

□ 1100

The only problem, Mr. Speaker, is that this new tax break is only for trial lawyers. So the only people who will be smiling are the trial lawyers and presumably the Democrats that they give tens of millions of dollars in campaign contributions to each year.

Under this bill, the American taxpayers will be subsidizing speculative lawsuits by trial lawyers to the tune of $1.5 billion. This special interest tax break will allow trial lawyers to make special arrangements that essentially allow them to gamble on lawsuits where they get paid on contingency fees if they win. Meanwhile, taxpayers will be footing the bill for trial lawyers writing off the expenses of conducting these ''sue them and see what we can win'' lawsuits. Count me among those, Mr. Speaker, who believe we already have too many lawsuits in this country and that we shouldn't be inventing new special tax breaks that may and probably will encourage more lawsuits. Our justice system can operate fairly, as it has done so for many years, without having to give special tax treatment to trial lawyers.

Finally, Mr. Speaker, I want to specifically mention the extension of the State and local sales tax deduction that is included in this bill. For nearly 20 years, Americans who paid State income taxes could deduct those taxes from their Federal tax bill, while Americans who paid State sales taxes but had no State income tax were not allowed to do so.

In 2006, the Republican Congress restored the sales tax deduction after years of bipartisan effort from the congressional delegations of the affected States, including my home State of Washington. The initial reinstatement of the deduction was for 2 years, 2004 and 2005. In 2006, the Republican Congress extended the sales tax deduction for 2 more years, 2006 and 2007. That deduction has now expired, and this deduction does not exist for this year, 2008.

Efforts last year to extend this deduction and ensure it didn't expire were unfortunately blocked by the Democrat leaders. I regret that the extension provided for the sales tax deduction in this bill is for 1 year only.

Mr. Speaker, this is a step backwards. This deduction has been extended 2 years each time in the past, and it should be extended 2 years now. Otherwise, we face expiring in about 6 months from now because, as I mentioned, there is no sales tax deduction for the calendar year 2008. So if we are to pass this and it were to be signed into law, we would have 6 months on it

from right now. The bipartisan Senate bill introduced last month by the chairman and ranking member of the Finance Committee includes a 2-year extension of this sales tax deduction.

The Republican plan that House leaders and the Rules Committee last night blocked from being considered and debated on the floor today provided for a 2-year extension. An amendment was filed with the Rules Committee by Mr. BRADY of Texas which also would have extended the deduction for 2 years, but that too was blocked by the Rules Committee from being debated on this floor.

It is very unfortunate that this bill moves sales tax deduction fairness backwards, not forwards. Taxpayers in income tax States have a permanent tax deduction, and taxpayers in sales tax States that have no State income tax deserve, in my view, equal treatment. The sales tax deduction should be made into permanent law. Even though I think a 2-year extension is better than 1, it should be made permanent. At the very least, they deserve at least a 2-year extension.

What really is more upsetting, Mr. Speaker, is that this bill could have provided very easily under existing PAYGO rules a 2-year extension. The over $1.5 billion cost of the tax deduction given to trial lawyers could instead have been used to give a 1-year extension of the sales tax deduction for those States.

So this bill chooses to create a new billion-plus-dollar tax cut for trial lawyers over tax fairness for the millions of residents in the State of Washington, my State, the State of Florida, the States of Texas, Tennessee, Nevada, South Dakota, and Wyoming.

Mr. Speaker, I have supported every bill that has passed this House to reinstate and extend the State sales tax deduction, but none of these bills, none of these bills that extended that was being held hostage for another tax cut for another special interest.

Restoring and continuing the State sales tax deduction is a matter of fairness. The residents of sales tax States shouldn't have their fair treatment conditioned upon passing huge tax increases.

The rule that is currently before the House and the underlying bill reveal this Congress for what it really is. The rule is totally closed and does not allow debate or a vote on any amendments or an alternative Republican plan. It violates Speaker PELOSI's promise to the American people to run an open and honest House. The bill itself is just the opening act of a move to impose the largest tax increase in history on the American people. Mr. Speaker, under this liberal Congress the only tax bill allowed on the floor of the House is one that will raise taxes. Under this liberal Congress, tax relief is a myth and tax increases are a certainty. Mr. Speaker, under this liberal Congress, Americans will be sending more and more of their hard-earned dollars to Washington, DC so this Congress can increase spending and the size of the Federal Government.

My colleagues should oppose this closed rule and this tax increase bill. We should demand a clean tax relief extension bill that doesn't include new tax breaks for trial lawyers and over $50 billion in tax increases. This bill we know will never pass the Senate, and it will never be signed into law, if on the slim chance that it should pass both Houses and be sent to the President. Raising taxes right now on the American economy is simply the wrong thing to do, Mr. Speaker.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I would just like to make one point. Some people in this institution tend to talk about trial lawyers and seem to want to point out the things that they do that they think aren't good. But no one talks about the fact that trial lawyers are out there representing people who have been injured. They are protecting people's civil rights. They are defending people on a contingency fee basis who don't have the money to come forward and sue people that have hurt them. That is critically important. And this bill does not give a windfall tax rebate to lawyers. All it does is allow them to claim expenditures that they have put out in the year that they have made that expenditure, no different than any other business in this country can do.

So I think it is unfair to criticize trial attorneys who are out there doing the kind of things that people hire them to do; and that is protecting people's civil rights and ensuring that people who are injured are able to get what they need so that they are not victimized even further.

I yield 2 minutes to the gentlewoman from California, my friend and colleague from the Rules Committee, Ms. MATSUI.

Ms. MATSUI. I thank the gentleman from New York for yielding me time.

Mr. Speaker, I rise today in support of the rule and the underlying legislation. This bill is a good example of Congress taking action to address the needs of America's businesses and consumers.

Mr. Speaker, our economy is in a downturn. More and more Americans are feeling insecure about their future, and they are looking to this Congress for relief. The tax extenders package that is before us today will help millions of working families cope with everyday expenses of life from tuition to the cost of caring for their children. It will also move our Nation forward to meet the many energy challenges we face.

Investing in renewable resources is the best long-term strategy to reduce dependence on foreign oil and lower energy costs. Clean energy is also a major economic engine that will power the economy of the future.

In my hometown of Sacramento, clean energy investments made years ago are now sustaining over 90 local businesses, from solar and wind companies, to cellulosic fuel and green building enterprises. Clean energy has changed my district's business climate forever. Sacramento's clean energy economy can be replicated across this country, but Congress needs to provide the right incentives to make this vision a successful reality. This bill will help current and future generations live in a country with a healthier economy, a cleaner environment, and a more sustainable policy.

Mr. Speaker, I urge my colleagues to support the rule and the underlying legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Speaker, I thank the gentleman from Washington for yielding.

I was surprised, Mr. Speaker, that the Rules Committee chose to reject an amendment that I offered that was an attempt to bring some clarity and light to this debate, particularly as it relates to energy needs.

I represent a district, Mr. Speaker, in the Chicago area which the Chicago Tribune this week has reported has the highest gas prices in the Nation. So in an attempt to try to take that on, I offered an amendment that I thought was a very straightforward thing, not meant to be controversial, not meant to be overly partisan, just a good commonsense idea that unfortunately the majority on the Rules Committee rejected. That was a simple thing, and that would create a tax credit, Mr. Speaker, a tax credit for biofuel vehicles.

Right now we have got a tax credit for alternative fuel vehicles, and that is great. But you have got a lot of municipalities in my district that are really suffering under the weight of these high gas prices, and they are looking for alternatives and a biofuel vehicle is just one of those things. So, in other words, oftentimes these vehicles can start up using gasoline, and then it can be transferred and powered on compressed natural gas, liquefied natural gas, liquefied propane, or hydrogen, all things that if municipalities are using will take pressure off gas prices.

Now think about it. This is an opportunity for Congress to do something to help to create a market for other vehicles. Right now sometimes the private marketplace isn't able to come up as quickly as we want it, so we have got local units of government that are saying we want to use these types of vehicles; and this Rules Committee, Mr. Speaker, has denied the tax credit that would empower that kind of thing. It makes no sense to me. I am just deeply disappointed that folks on the Rules Committee who are in the majority just rejected this idea. It is not a partisan idea. It is what is called a good idea that we need to move forward.

In 1968, Richard Nixon campaigned for the Presidency claiming he had a secret plan to end the war. He went all over the country and said: I have got a secret plan to end the war. If you elect me President of the United States, my secret plan to end the war will win it all and will bring it all home.

Well, we all know there was no secret plan. His Secretary of Defense said so, everyone has declared so, and history shows it. But there are eerie similarities between that declaration of Richard Nixon in 1968 and the words of now Speaker PELOSI when she was the minority leader: She had a plan to bring gas prices down.

Well, if what the majority is doing on the Rules Committee is rejecting commonsense ideas like tax credits for biofuel vehicles that help suburban communities in my district, I am very interested for when this secret plan that the Speaker has alluded to is going to be coming forward. I don't think there is a secret plan, Mr. Speaker.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

Mr. ROSKAM. I think the Speaker in the last campaign was using the type of campaign rhetoric that is now unfortunately coming home to roost.

I am deeply disappointed that the Rules Committee didn't see fit to let a commonsense idea that helps the suburban municipalities that I represent cope with outrageous gas prices.

I thank the gentleman for yielding.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont, my colleague from the Rules Committee, Mr. WELCH.

Mr. WELCH of Vermont. I thank the gentleman from New York.

This bill has many good features, and I want to speak about two. One is energy and two is children.

If we are going to take on the challenge of energy independence, then we have to start providing incentives, as we do in this bill, for wind, for solar, for biomass, for alternative energy and efficiencies. It is a confident Nation that takes on that challenge. It is a submissive Nation where the leader of our country goes hat in hand to a country that is not our friend and asks him to solve our problem by pumping more oil. This moves us in a confident direction of independence, self-sufficiency, and self-reliance.

The second is children. It is troubling I think to many of us in this country, and many of us in this body, that the gap between the wealthy and the poor has never been wider. The top five hedge fund managers last year earned $12.6 billion. The 9 million lowest income families, that was their equal income, $12.5 billion.

This bill finally increases the earned income tax credit for low-income families, bringing down the floor to $8,500, and 15 percent above that is going to be eligible. Do you know what that is going to mean just in the State of Vermont? 21,000 kids are going to get help. 21,000 kids. It also means 77 low-income kids from military families are going to get some assistance. This is money in their pocket where they too can be self-reliant.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Georgia (Mr. GINGREY), a former member of the Rules Committee.

□ 1115

Mr. GINGREY. Mr. Speaker, I rise in opposition to this closed rule and the underlying bill which the Democratic majority refers to as the Energy and Job Creation Act of 2008. I don't know how anyone can call this an energy creation act when it does nothing, absolutely nothing, to lower the price of gasoline.

With a week-long recess ahead, I am sure the majority wants to pass something with the word ''energy'' in it so they can pay lip service, while the American people are paying more at the pump.

Well, Mr. Speaker, the American people are demanding real change and real solutions. They want Congress to end this energy crisis which is eating into the budgets of American families and harming their quality of life.

This bill will not solve their problems. While this bill does extend temporarily some important tax provisions, it does absolutely nothing to address the looming alternative minimum tax which will hit millions of Americans, in fact, 22 million of them, if this Congress fails to act. And there's nothing in this bill concerning the alternative minimum tax.

Shortly we will begin debate on another rule for the budget conference report. I have often heard my colleagues on the other side refer to the Federal budget as a moral document. Mr. Speaker, I agree with them. I agree with them.

However, when I look at the details of this budget, I can't help but ask, how is it moral to impose the largest tax increase in the history of this country on working Americans, almost $683 billion over the next 5 years?

Mr. Speaker, how is it moral to raise the marginal tax rate on lower income workers and impose tax burdens on marriage, children, and family businesses?

Mr. Speaker, how is it moral to provide more than $1 trillion in discretionary spending, while doing absolutely nothing to reform entitlement spending and to ensure the solvency of Social Security and Medicare for our future generations, indeed, our children and our grandchildren?

The majority can refer to its budget as a moral document all they want to, but the devil is in the detail, Mr. Speaker. Apparently the majority believes it's moral to rack up debt and raise taxes to pay for it.

Mr. Speaker, we need to cut government spending, and we need to reform uncontrolled entitlement growth by eliminating waste, fraud and abuse, so that we can provide tax relief to hard-working Americans and to prevent the tax increases of the Democratic budget, $683 billion.

I urge my colleagues, vote against this rule, the underlying bill and the Democratic budget.

Mr. ARCURI. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, in a weak economy it's important for us to take steps to help small businesses create jobs and provide targeted tax relief to middle class American taxpayers.

Today's tax relief package will encourage investment in renewable energy and energy efficient technologies. We help small businesses by extending the R&D tax credit and the State and local sales tax deductions.

Also included are extensions of three tax cuts that I introduced last year, including extending the $250 tax credit to help teachers pay for out-of-pocket expenses for classroom supplies, encouraging companies to donate computers to schools, and investing in the clean-up and development of former industrial sites, commonly referred to as brownfields.

This bill cuts taxes for small businesses, promotes energy independence, and provides targeted tax relief for middle class American families.

I urge my colleagues to support this tax relief package.

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

Mr. ARCURI. Mr. Speaker, I would like to yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, I rise today in support of passage of H.R. 6049, the Energy and Tax Extenders Act.

Back home in Arizona, each and every day practically, we have free energy that radiates from the sky. An Arizona utility company recently proposed a plan to take advantage of that sunshine by building one of the world's largest solar power plants, 280 megawatts. This project will inject millions of dollars into the State and regional economy, and once it's complete, will produce enough electricity to power 77,000 homes.

This exciting announcement comes with a caveat. If Congress fails to extend the 30 percent solar tax investment tax credit, this plant will not be constructed. The same stipulation has been given for a variety of solar projects across the Southwest.

H.R. 6049 provides those vital extensions for renewable energy tax credits which include solar energy, and it will be the fourth time that the United States of House of Representatives has acted on this issue.

I have repeatedly pushed for passage of these extensions because I know

that they're essential for the solar industry in our country. They will spur innovation, decrease our emission, and improve our energy independence.

With technology improving, many solar industry leaders furthermore believe that solar energy is on track to be cost competitive with fossil fuels by 2015, if not sooner. But to achieve the goal, we have to act today before the current energy tax incentive expires.

I urge my colleagues to vote ''yes'' on the Energy and Tax Extenders Act. This is an important piece of legislation.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Washington has 10 minutes. The gentleman from New York has 17 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I will reserve my time.

Mr. ARCURI. Mr. Speaker, I would like to yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, over the next few years the renewable energy industry in the United States is poised to create hundreds of thousands of family wage jobs. But none of it will happen, and in fact we will lose jobs if we don't extend the investment and production tax credits for new energy technologies.

As someone who spent my entire career in the wind industry, I know firsthand how critical these credits are to increasing renewable energy use and production. These incentives helped to turn wind power into a viable and growing energy option.

Just last week, the Department of Energy released a report estimating that wind could provide 20 percent of our Nation's energy by 2030. Renewable energy is now competitive with conventional power.

I recently hosted a meeting in my district with the heads of solar and wind energy companies to discuss the potential for employment in the renewable sector. It's clear, with the right Federal incentives, the industry will flourish, and we could see the creation of half a million new energy technology jobs in just the next few years.

There's also a flip side. When the production and investment tax credits lapse, there's a devastating consequence for the renewable energy industry. For instance, the last time we didn't extend the production tax credit, the wind industry lost thousands of good paying, green energy jobs all across our country.

That's why today's legislation is so important. If we are serious about weaning ourselves off foreign oil, we need to pass the production and investment tax credits today.

I urge my colleagues to support this bill.

Mr. HASTINGS of Washington. I continue to reserve my time.

Mr. ARCURI. Mr. Speaker, I would like to yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, first of all I think my friend from Georgia needs some responding to in terms of the issue of the price of gas today. I just want to point out that what is false is Republicans, not Democrats, advocated and tried to pass legislation to increase the gas tax on Americans, offering legislation that would cost American drivers $800 million. That was a GOP motion to recommit on H.R. 2776 on August 4, 2007. And that data comes from the Joint Committee on Taxation.

The fact is not a single member of the Democratic Caucus supported the Republican effort to increase the gas tax on American families. That comes from rollcall vote 834.

The fact is that the Democratic leadership has not brought forward a bill to increase the gas tax on drivers, only your side of the aisle.

Another point dealing with the pay-fors in this legislation. I just want to point out one of the pay-fors, the worldwide interest allocation, would bring in $24 billion raised to help pay for what we're attempting to do here.

I know my friend, Mr. HASTINGS, was making reference to this, that these are simply tax increases. The provision that we're talking about specifically in worldwide interest allocation, $29 billion, if so, if this is a tax increase, I just want to remind the gentleman that in H.R. 3221, the Ways and Means amendment to the Democratic homeownership rescue bill, that the same provision was included in that bill in which 95 members of your party supported it, including Mr. HAYES, Mr. PORTER, Mr. RAMSTAD, Mr. HULSHOF, Mr. REICHERT, Mr. BUCHANAN, Mr. CAMP, Mrs. CAPITO, Mr. CHABOT, Mr. DIAZ-BALART, Mr. JOHNSON, Mr. KELLER, Mr. KNOLLENBERG, Mr. SHAYS, Mr. LEWIS, Mr. LINDER, Mr. WALBERG, Mrs. DRAKE, Mr. ENGLISH, Mr. FOSSELLA, Mr. GERLACH, Mr. MURPHY——

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

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

Mr. CROWLEY. Mr. WELLER, Mr. WILSON and Mr. YOUNG.

If these are tax increases, I just want you to know, for the record, that in the previous bill that was passed by this House, 95 members of your caucus supported the identical provision that is in this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

In response to my good friend from New York's response, let's set the record straight. We are talking about tax extenders. By definition, tax extenders mean we are extending existing tax relief for people. These are in law already. They have been extended many, many times in the past and always been extended without raising taxes on the other end.

Now the gentleman says that the provision they have in this bill may or may not have bipartisan support. I'm not going to argue with that point. It probably should be looked at on its merits.

But my point in this and the whole part of this debate is that these are extending existing tax relief for the American people, and you don't have to start setting the principle of raising taxes in other areas to continue tax extensions that are already in law. That's the point that I was making.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I rise in support of this energy and jobs bill and, in particular, want to talk about two provisions that are very important to my constituents and I think very important to the country.

The first are provisions that would extend tax credits for the solar energy industry. In my district alone, there are hundreds of jobs at stake. These are hundreds of good, well-paying, clean jobs that not only are good for the citizens in my district, but also are good for the country. We need an Apollo project like effort to wean ourselves off fossil fuels.

We want the ability to be able to tell the oil producing nations of the world that they can take their oil and they can keep it, that we don't need it.

We want to be able to address global warming. We want to be able to make sure that we have a sound energy policy based on this Nation's future. And solar energy is a big part of the solution.

So this tax credit alone, I've had business people in my district tell me if this tax credit goes away, those jobs will go away. It's as simple as that. Homeowners won't be able to meet the financial burden of putting solar power panels on their roofs. Those that produce those panels will have to lay off the people in that industry. People will become more reliant on fossil fuels, not less.

There's a second provision, very important to my constituents and also very important to an industry that has a positive balance of trade with every other country on earth, and that is the entertainment industry. We have tax incentives to try to keep production in this country of small and medium sized films. We're losing a lot of that production to Canada. We'll lose even more if the tax credits that incentivize those small productions go away. I'm very proud that we're taking action to deal with the problem of runaway production. Again, good, well-paying jobs that we want to keep in this country. This legislation will help keep them there.

Many of my constituents are losing those jobs to Canada, Australia and other countries because those other countries are offering incentives to keep and move production there.

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

Mr. ARCURI. I yield the gentleman an additional 30 seconds.

□ 1130

This good bill will help us wean ourselves off fossil fuels. It will help us keep good-paying jobs in the energy industry, in the entertainment industry, and a great many other industries, and I urge support.

Mr. HASTINGS of Washington. Mr. Speaker, once again, can I inquire of the time on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 9 minutes. The gentleman from New York has 10 minutes.

Mr. HASTINGS of Washington. I would inquire of my friend from New York how many speakers he has.

Mr. ARCURI. We have no additional speakers, so I am prepared to close.

Mr. HASTINGS of Washington. In that case, Mr. Speaker, I will yield myself the balance of my time.

Mr. Speaker, I'm going to ask my colleagues to vote against the previous question so we can address the issue of high gasoline prices. But before I make my motion and explain what my motion would be if we defeat the previous question, I want to quote several parts of an editorial that was written by Tracy Warner who is the editorial writer for the Wenatchee World newspaper in Wenatchee, Washington, in my district. He kind of hits some of the issues of what we are doing, or probably I should say not doing, on the head.

[From the Wenatchee World, May 14, 2008]

IRRATIONAL POLICY PART OF THE SHOW

(By Tracy Warner)

The Keystone Cops of Congress wave their truncheons, circle and bump and wriggle their mustaches, then rush to the paddy wagon in search of greedy oil companies. In this time of hardship, this will have to suffice for energy policy.

The goal of the troupe is to somehow make the price of gasoline lower. High gasoline prices are extremely unpopular. If they could be forced downward, this would please Americans at an advantageous time on the political calendar. If that is not possible, and likely it is not, then complaining loudly will do. Or, for a real show of statesmanship, you can dole out financial punishment to the companies that make the product you want more of.

The most recent gesture was a vote Tuesday to have the government cease stockpiling oil in the strategic petroleum reserve, where some 700 million barrels are kept for national emergencies. This halt, passed by the Senate 97–1 and the House 385–25, will reduce federal petroleum purchases by 70,000 barrels a day. The hope is this will affect world oil markets, which are based on global production of 87 million barrels a day. Congress has increased supplies by 0.08 percent. We should be grateful.

In a very small way this shows our representatives have some understanding of economics. Oil markets are mainly a supply-and-demand issue. Raise supply and the price should drop, if demand is steady. Raise supplies by 0.08 percent and the price will drop, maybe by a like amount. We will watch with great anticipation.

The other legs of the constantly evolving federal oil policy are not so easily explained. Congress remains adamant that we will not attempt to affect supplies by drilling on a few thousand acres of the vast Arctic National Wildlife Refuge, where production could exceed 1 million barrels a day. The reason given is this is part of an ''oil friendly policy'' and we cannot ''drill our way'' to ''energy independence'' because the effect of a million barrels is so small. So we deny ourselves a million barrels a day because it is so little, and then demand the federal government cease purchasing 70,000 barrels a day, because that is too much.

Some propose sending the Justice Department to file an antitrust case against OPEC, because its members scheme to limit the supply of oil and thus drive up the price. So, we do not wish to drill ourselves, because that would be wrong, but we demand OPEC sell us more, and if they don't we will send lawyers. And oh, we want ''energy independence.''

And with lawyers after OPEC, the cops will still be after the oil companies. The line is oil companies get ''tax subsidies'' they do not deserve. So the House has voted to rescind a tax break for the five largest oil companies. The ''subsidy'' to which these congressmen refer was no special deal. It was a two-point corporate tax cut given to all manufacturers in 2004. In the meantime, oil companies pay taxes. According to the Tax Foundation, based on data from the Energy Information Agency, it is only in the last three years that after-tax profits of the oil industry have exceeded its taxes paid to federal and state governments. In the last 25 years, oil company taxes were nearly double oil company profits—government makes twice off oil what oil companies make off oil.

On we go. Newly popular in Congress is a windfall profits tax, to collect for government the oil profits government considers ''obscene.'' Oil company profit margins are less than many other industries, but setting that aside, what would be the effect of confiscating them? When this was tried in 1980, oil companies stopped selling the product from which only government would profit, and we went from expensive gas to no gas.'

And, we can make price gouging a crime, even though it already is a crime in most states. Make it a crime to sell fuel when prices are high. Won't that increase supplies?

The sum of all this policymaking is astonishing incompetence. Playing for the crowd usually leads this way.

Let me just make a few points here that he raised that I thought were rather interesting.

He talks about what Congress is doing or not doing, and he says then, and I will quote verbatim, Mr. Speaker, from his editorial, ''The most recent gesture was a vote Tuesday to have the government cease stockpiling oil in the Strategic Petroleum Reserve, where some 700 million barrels are kept for national emergencies. This halt, passed by the Senate 97–1 and the House 385–25, will reduce Federal petroleum purchases by 70,000 barrels a day. The hope is this will affect world oil prices or oil markets which are based on global production of 87 million barrels a day. Congress has increased supplies by 0.08 percent.''

He then goes on to say, after I quote there, he goes on to talk then about things that we probably are not doing and should be doing otherwise. He goes on to compliment Congress by saying that ''at least they have some understanding of economics.'' If you're going to not put oil in a reserve, you presumably have more supply.

He then goes on to talk about what we haven't been doing, which of course is looking at more known reserves we have in our country to be energy independent. Again I would like to quote, then, verbatim as he makes, I think, a very good point:

''Congress remains adamant that we will not attempt to affect supplies by drilling on a few thousand acres of the vast Arctic National Wildlife Refuge, where the production could exceed 1 million barrels a day. The reason given is this is part of an 'oil friendly policy' and we cannot 'drill our way' to 'energy independence' because the effect of a million barrels is so small. So we deny ourselves a million barrels a day because it is so little, and then demand the Federal Government cease purchasing 70,000 barrels a day, because that is too much.''

Mr. Speaker, he goes on to talk about other things here, but they make a very good point. The bottom line is our energy policy is not looking at the supply side of it. We import so much of our crude oil and we aren't energy independent in that sense.

Mr. Speaker, I am going to ask my colleagues to vote ''no'' on the previous question so I have an opportunity to amend the rule.

Since the Democrats took control of Congress in January of 2007, the cost of gasoline has risen to record-setting prices. According to a report from just 2 days ago by the AAA in my State of Washington, the price of gasoline is at a record $3.86 per gallon. That's 24 cents higher than just last month. The average price of a gallon of diesel is $4.69, which is $1.61 higher than a year ago. In the Tri-Cities where I live, a gallon of gas is $3.83. In Yakima, in the central part of my district, it's $3.84.

[From the Seattle Times, May 19, 2008]

AAA: AVERAGE GALLON OF GAS IN WASHINGTON HITS $3.86

The AAA auto club says the average price of a gallon of gasoline in Washington continues to climb into record territory at $3.86.

That's up 24 cents in the past month and 42 cents in the past year. It's seven cents higher than the national average.

The AAA survey for today found that the average price of a gallon of diesel in the state is $4.69. That's up 29 cents in the past month and $1.61 in the past year.

The AAA says the highest gas prices in the state are at Bellingham at $3.93 and the lowest in Spokane at $3.70.

Prices in some other cities, according to the AAA: Olympia $3.89, Seattle $3.88, Tacoma $3.87, Vancouver $3.84, Tri-Cities $3.83, Yakima $3.84.

This increase in prices is causing real strain on family budgets, farmers, and for small businesses. This Congress needs to act, and we can't afford to sit and do nothing while prices continue to climb. The American people deserve action.

Speaker PELOSI made a promise that the Democrats had a ''commonsense plan'' to ''lower the price at the pump.'' But this Democrat Congress has done nothing but see fuel prices rise.

One of the most important things that this House can do is recognize a

basic economic principle of supply and demand. Mr. Speaker, the laws of supply and demand cannot be changed by wishful thinking. At times, I get the distinct impression that my colleagues on the other side of the aisle believe that wishful thinking will actually lower gas prices.

I support proposals to invent and to develop new sources of energy. I think we should have a diverse portfolio of energy, and I believe a vast majority of my colleagues do as well. But gas, diesel, and oil are absolutely vital to our economy and our way of life and our future.

The problem we are facing at the gas pump is one of high demand and limited supply, and it's part of a global economy and a global product. With India and China suddenly consuming enormous amounts of oil, the price of it is being bid up around the world. The way to combat rising prices due to high demand is to increase supply. And yet proposals to increase oil and gas production and exploration in our country have faced years and years in opposition. Mr. Tracy, in his article, points that out as it relates to ANWR.

We've been stymied by Democrats in the House, blocked by Democrat Senators, and vetoed by a Democrat Senator specifically with ANWR. This liberal Congress is continuing to say ''no'' to developing energy in our country, to block any bill from being considered or voted upon that would allow for oil and natural gas exploration in Alaska or in the oceans on the Outer Continental Shelf, while at the same time they pass bills threatening to sue foreign countries to produce more oil. That doesn't increase supply, Mr. Speaker.

We are now paying the price for so many years of repeated refusal to make use of our country's own natural resources. Not only are we seeing gas prices going up and up, but our country is even more dependent on foreign sources of oil. Often the response to this argument from the other side of the aisle is that even if we approve production in ANWR or coastal reserves today, it wouldn't come on line for years and wouldn't really help much.

The hollowness of this argument in my mind, Mr. Speaker, is astonishing. We are paying the price today for their years of opposition to real solutions, and they want to keep saying ''no'' and blaming somebody else.

America can't afford to keep sticking its head in the sand when it comes to building more refineries and developing our own oil and gas reserves. It's time for the House to act. It's time for the House to debate ideas for lowering prices, and it's time for the majority to reveal their promised plan.

By defeating the previous question, Mr. Speaker, this House can finally consider solutions to rising energy costs. When the previous question is defeated, I will move to add a section to the rule, not rewrite the rule, that would lower the gas prices of unleaded gasoline.

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, I urge my colleagues to defeat the previous question so that we can consider this vitally important issue for America.

I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague and friend from Washington. It's always a pleasure managing a rule on the floor with you.

I would like to thank him for making a point which I think is a very good point in his closing, and that is we can't drill our way to oil independence. I think that is abundantly clear, especially to Americans. I think they know that.

The fact of the matter is, is that oil is a finite resource. That as much as we want to dream and that as much as we want to wish, it is a finite resource. And while there may be reserves that may last us 5 years or 10 years, the fact of the matter is if we don't deal with the fact that it is a finite resource, then our children and our grandchildren will have to deal with the fact that there is no more oil left.

That's what today's bill does. That's what this rule does. It attempts to take real steps to promote alternative energy because that is the future of our children and our grandchildren.

H.R. 6049, if it passes the House today, it will be the fourth time the House has voted to extend many of these energy tax provisions. In each of the previous three times, the legislation has come under heavy fire because of the revenue-raising provisions that were included to ensure that the extensions were compliant with House pay-as-you-go rules. That is the new Democratic majority's commitment to lowering the national debt by bringing fiscal responsibility back to the House of Representatives.

The debate has not fallen on deaf ears. I applaud the Ways and Means Committee and Chairman RANGEL for its tireless commitment to finding less controversial means for paying for this vital tax relief and alternative energy development incentives. Their efforts have been successful judging by the list of organizations and businesses that are supporting H.R. 6049, including the League of Conservation Voters, the National Retail Federation, the National Wildlife Federation, Dow Chemical Company, The Sierra Club, The American Farm Bureau, and the list goes on and on.

Providing tax relief to middle class families and small businesses, providing incentives to promote alternative energy development, and adhering to fiscal responsibility should never, never be a partisan issue.

Too often in this Chamber we hear countless reasons why not to do something, but the fact of the matter is, we cannot afford to allow the vital tax relief and renewable energy incentives in H.R. 6049 to fall victim to Washington politics.

Just to set the record straight, by voting ''yes'' on the previous question and voting ''yes'' on the rule and bringing this legislation to the floor, it will allow 11 million families to deduct State and local sales taxes; it will allow 3½ million teachers to deduct classroom expenses so they can better educate the children they teach; it will allow 4 million families the ability to deduct education expenses and help put their children through college; it will allow 13 million families to claim the child tax credit and make it a little easier to put food on their table; and it will allow 27,000 domestic businesses to remain competitive in the global marketplace by investing in vital research and development.

Clearly we in the majority are working to advance the interests of the American people. I am hopeful we can come together later today, Republicans and Democrats, pass this rule, pass the underlying legislation, and move our country forward.

I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1212 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the substitute which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI.

(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 ayes appeared to have it.

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

The yeas and nays were ordered.

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

□ 1145

PROVIDING FOR CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1213 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1213

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

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

Mr. HASTINGS of Florida. For the purpose of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentleman from Washington, my good friend, Mr. HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1213 provides for consideration of general debate for H.R. 5658. This debate will come under a structured rule.

The rule provides 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against the bill's consideration except those arising under clause 9 or 10 of rule XXI.

As the chairwoman of the Rules Committee announced yesterday evening, the committee intends to meet later today to report out an additional rule which will provide for the remaining consideration of the bill, including amendments and final passage.

This two-part process has been used over the years to ensure that the Rules Committee has ample time to consider the amendments submitted to the committee, and there were a substantial number of amendments offered.

Mr. Speaker, the National Defense Authorization Act is one of the most comprehensive and important pieces of legislation that the House considers each year. The overwhelmingly bipartisan support for this bill is proof that we understand our obligation as legislators to support our military and ensure our national security by coming together and producing quality measures.

I am proud that the chairman and ranking Republican of the Armed Services Committee introduced the underlying legislation together. Chairman SKELTON and Representative HUNTER are to be congratulated for a job well done. Without their work, the unanimous support for the bill with a vote of 61–0 in the Armed Services Committee would not have been possible.

Mr. Speaker, for too long, President Bush's administration has neglected the needs of our military. I was just in Baghdad 2 days ago, and I saw evidence of this neglect. While the President has shown little hesitation to send troops into harm's way, his refusal to take care of them and their families when they return is downright despicable.

The underlying National Defense Authorization Act gives our servicemen and -women and their families the resources that they need and deserve. That includes providing a 3.9 percent pay raise for all servicemembers and expands the authority of the Defense Department to offer bonuses.

This bill takes care of our soldiers and their families by increasing access to financial aid for education, expanding survivor benefits, and enhancing health care services. And it rejects President Bush's proposal to inflict $1.9 billion in TRICARE fee and premium increases and other increases in health care costs for soldiers.

The bill also strengthens our national security by providing our troops with state-of-the-art equipment and authorizes the expansion of the military.

It includes fiscally responsible provisions that are designed to increase efficiency and accountability in the military.

The bill cracks down on the Blackwaters of the world and requires the Department of Defense to put into place policies and systems under which contractors are held accountable for their actions.

The underlying legislation also addresses the issue of readiness. Our Armed Forces are hurting today because we continue to ask them to do more with less.

Under this bill, Congress is making it clear that at least one of the three branches of government will not allow rhetorical and ideological policies to stand in the way of doing the right thing by our troops.

We continue to send our brave young men and women into battle without proper equipment or protection. The National Defense Authorization Act authorizes nearly $800 million for personal body armor, as well as $2.6 billion for mine resistant ambush-protected vehicles for our troops in the Middle East.

Finally, the bill prohibits the establishment of permanent bases in Iraq, requires the Iraqis to invest in the reconstruction of their own country, and I, for one, have emphasized this repeatedly since the beginning of this adventure in Iraq. And this bill provides funds to help train both Iraqi and Afghani security forces.

Mr. Speaker, no one political party holds a monopoly on national security. The underlying legislation is clear evidence that, under new leadership, Congress is addressing the needs of our armed services.

America cannot afford to continue to make the same mistakes we have made in the past. The stakes are too great, and the world is too dangerous.

I urge my colleagues to support this rule and the underlying legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake from Florida (Mr. HASTINGS) for yielding me the customary 30 minutes to discuss part one of the proposed rule for the consideration of the Duncan Hunter National Defense Authorization Act of 2009, and I yield myself as much 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 legislation, which was approved by the Armed Services Committee by a unanimous vote of 61–0, as my friend from Florida mentioned, would make a number of very positive improvements to our armed services, and I think this entire House should be particularly proud of the committee's bipartisan efforts to improve the quality of life and safety of those serving our country in the armed services and their families.

This legislation would authorize $600 billion in spending for our Nation's Armed Forces, including $530 billion in spending for defense programs at the Pentagon and Energy Departments and $70 billion to bolster the success of ongoing military operations in Iraq and Afghanistan for part of 2009.

It would authorize $783 million for continued procurement and enhancement of current body armor systems; $1 billion for the training and support of the Iraqi security forces; and nearly $2 billion for unfunded readiness initiatives as requested by the services.

It increases Active Duty Army personnel, Mr. Speaker, by 7,000 and Active Duty Marine Corps personnel by 5,000, while also providing our uniformed servicemembers with a much-deserved pay raise of 3.9 percent.

And for our active duty troops and veterans who have already done so much to serve our country, it prohibits increased copayments and premiums for TRICARE recipients, and expands suicide prevention efforts.

Finally, Mr. Speaker, this legislation also requires the Secretary of Defense to provide an annual report on Iran's nuclear capabilities so that this Congress can take a proactive role on recognizing the potential of this threat and be made aware of the threat that these capabilities pose to America and our allies.

While this legislation does a great deal to improve our armed services and to provide them with the resources that they need—and it accomplishes much of this in a cooperative, bipartisan fashion—there are a few areas that I think could still be greatly improved.

While the Rules Committee has not yet reported out a rule governing amendment debate on this legislation—we will do that this afternoon—I want to take this opportunity to make clear that there are a number of areas that I and a number of my Republican colleagues believe can be used to improve this bill through the amendment process.

First, it is my hope that the amendment process for this year's authorization bill, while it will be a structured rule, will still be as open as it has been under Republican majority, when between 30 and 40 amendments were regularly allowed to be debated and decided by the entire House of Representatives.

Of particular concern is the reduction in funds and focus that the Armed Services Committee chose to provide in this bill for protecting America from the threat posed by ballistic missiles.

In the Armed Services Committee, my colleague TERRY EVERETT from Alabama offered amendments to both authorize the President's request fully for missile defense and allow procurement to go forward and to restore half of the $10 million that the committee eliminated from the request for the study of a space test bed.

Congressman TRENT FRANKS of Arizona, a fellow cochairman of the Missile Defense Caucus, offered his own amendment to add $100 million to a program to launch multiple interceptor missiles at once to defeat multiple incoming missiles or decoys in the event of an attack.

While these amendments, Mr. Speaker, were defeated in committee, I believe that the entire House should have the opportunity to hear their arguments and make their own decisions on these issues, as well as the amendment by my Rules Committee colleague, Mr. SESSIONS of Texas, to state the sense of Congress that we need to support the development, testing, and fielding of the capability to intercept ballistic missiles in their boost phase to protect America's interests.

Again, Mr. Speaker, while this rule provides for 2 hours of general debate on the bill, there are areas that this House needs and deserves to address through the amendment process. That will be addressed in the second rule that we will discuss in the Rules Committee tonight and will presumably be on the floor tomorrow. I certainly hope that the House is given a full and fair chance to consider these issues that I've highlighted, as well as others.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield to the chairman of our Armed Services Committee, my good friend, Representative SKELTON, 4 minutes.

Mr. SKELTON. I thank the gentleman from Florida for yielding.

I appreciate the fact that we will be again having a rule taken up in the Rules Committee. I look forward to the second rule for tomorrow.

I rise, Mr. Speaker, in favor of the rule. This is an excellent bill. It is, of course, the annual defense authorization bill, bipartisan I should say, very bipartisan in nature because the vote on final passage out of our committee was 61 Members to none. And I cannot be more pleased with the work that our committee has done, the ranking members, the subcommittee chairmen who really did yeoman's work, and I want to thank them for all their excellent and successful efforts.

□ 1200

I might mention at the outset that this defense authorization bill, which is for 2009, is named in honor of former chairman, now ranking member, who will not be returning to us next year, the gentleman from California, DUNCAN HUNTER. That is certainly fitting and proper that we do so to recognize his efforts on national security through the many years he served on the committee, as well as the leadership positions.

This bill authorizes $531 billion in spending for the defense and national security functions of the Department of Energy. It also authorizes a $70 billion bridge fund, which will be considered shortly.

The pay raise to the troops, 3.9 percent, is five-tenths of a percent more than the administration recommended. And it rolls back the administration's proposed fee increases on health care as well as pharmacy costs. It increases the size of the military, something I have been urging since 1995. It increases the size of the Army by 7,000 and the Marines by 5,000. They're overburdened and they're strained, and this is one step towards relieving that strain.

A major problem today is that of readiness, or a lack of readiness. We restore a great deal of readiness to the military in this bill in various manners, essentially in training and equipment.

There is $800 million in National Guard and Reserve equipment; $650 million to upgrade military barracks for those trainees that are coming through. It improves our efforts in Afghanistan. It bans permanent bases in Iraq. It requires Iraq to do more for itself in the reconstruction area, establishing a formula by which they, with their oil surplus, will have to contribute toward that end.

There are additional steps regarding contractor oversight.

Regarding nuclear nonproliferation, we increase the funding by $245 million. That's a very major step. The European missile defense effort was cut by $370 million. It does a great deal toward national security.

I want to take this opportunity to support the rule, and of course when the time comes, to support the bill itself. Hopefully we will have some excellent amendments that will be considered tomorrow. And we will send this on to the Senate and hopefully have an excellent bill at the end of the day.

The young people in uniform, of whom we're so very, very proud, deserve the best. This is one way we in Congress can make sure they get the very best through this defense authorization bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California, a person in whose name this defense bill is named after. I would join my friend from Missouri, the chairman of the committee, suggesting and acknowledging that it is an honor that is well, well deserved.

I had an opportunity to serve on the committee for 2 years, my first 2 years in Congress. There are probably few, if any, that are more knowledgeable on these issues surrounding defending our country than the namesake of this defense authorization bill.

I now yield 3 minutes to my friend from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman. And I do want to say there is a gentleman here who's got more knowledge than I have on this defense bill, and he just spoke. I want to give my thanks to Chairman SKELTON for doing a great job of putting together an excellent bill which passed unanimously out of the Armed Services Committee.

He followed very strongly what I call the two tracks that we're on. The first track is to provide for the warfighters in the theaters that are currently in progress in Afghanistan and Iraq and around the world, where we're fighting the global war against terror. We do so very well in this bill in terms of putting in lots of extra money for MRAPs, for force protection, for defense against mortars, against roadside bombs, and all the other things that are important aspects and dimensions of force protection.

Then we also provide for what I call over the horizon. That means that we've provided, with the very able chairmen of the subcommittees and the ranking members, for continued equipment buys in critical areas and put in extra money for submarines, which we will have low numbers in the next 5 to 10 years, but are a very important part of American leverage in foreign policy and a very important component of warfighting. Putting in extra money for C–17s, for that airlift that is so critical, for giving a good solid buy on F–22s this year and Joint Strike Fighter.

Also the report that I've received back from the Marines is that the first V–22s are now in theater in Iraq and that they're working very well. The Marines like that doubling of speeds that they now have over the CH–46 helicopters. That's accruing to their benefit in lots and lots of operations.

The chairman and the chairmen of the subcommittees and the ranking members I think have done a great job of filling out both tracks of both the near term and the long term in this bill.

I thank Mr. SKELTON for his kind words. Let me tell you, one of the real blessings in serving in this body is to be able to serve with a great partner, whether you're the chairman or the ranking member. The chairman has done a wonderful job in putting this bill together. The man from Missouri is an outstanding leader in national security, and I applaud him for his great career.

I know we also have two members retiring, Mr. SAXTON, who for many years chaired the Special Operations Subcommittee, very important subcommittee, is now ranking on Air Land. And Mr. EVERETT, who is ranking on Strategic. JIM SAXTON, I have watched him go around the world visiting with our special operators, ensuring that they had what they needed.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman's time has expired.

Mr. HASTINGS of Washington. I yield the gentleman 2 additional minutes.

Mr. HUNTER. I thank the gentleman for yielding, and I thank him for his great service on the Armed Services Committee. You can trade up anytime you want to and come back off that old Rules Committee and come back to Armed Services.

But Mr. SAXTON has done yeomen's work in providing for special operations, for operations that aren't given ticker-tape parades in which a number of people know about and are briefed on, but which are crucial to our Nation's security. Those men and women who serve in those very important positions in special operations can be thankful they had JIM SAXTON over these years to be supportive of them. And he is still supportive of them in his job as ranking member to Mr. ABERCROMBIE on Air Land.

Similarly, Mr. EVERETT has an insight and understanding of matters relating to space and missile defense that I think are matched by very few people in this country. And TERRY EVERETT is the master of the closed briefing. He makes very few speeches. TERRY EVERETT is not a guy you look to for long speeches, he's a guy you look to for hard work, for thoughtful analysis, and for doing the right thing when it comes to making sure that as we move into the next 5 to 10 years, we have what it takes in missile defense and in space to ensure America's security.

I want to applaud those retiring members of the committee and once again thank my chairman and all the members of the Armed Services Committee who make this such a great bipartisan committee.

I think we need to support this rule and move this great package down the road.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Speaker, I rise today in strong support of the rule for the National Defense Authorization Act and the underlying legislation.

As Congress authorizes this critical funding for the defense of our Nation and its interests abroad, we also have an opportunity to make sure that the current nationwide mortgage housing situation does not adversely affect our veterans.

Current law provides some protections from bankruptcy and foreclosure for the men and women in uniform while serving in harm's way. But it does not provide for debt forgiveness or other relief from contractual obligations of servicemembers who have been called to active duty.

Given the frequency with which military homeowners are forced to move to different bases throughout the country and overseas, our brave service men and women should not have to worry about forestalling or even preventing mortgage foreclosure.

I commend Chairman SKELTON and Mr. HASTINGS and ranking members for including provisions of a bill that I authored that calls upon the Secretary of Defense to establish a mortgage foreclosure and credit counseling program for members of the armed services and those who are returning from overseas.

Credit counseling is available from many sources, including State and local governmental agencies, but not all counseling services are the same or even legitimate. Providing veterans with credible information through the Department of Defense will enhance their ability to make sound financial decisions during difficult times and to provide assistance before a potential problem or crisis arises.

Therefore, I urge my colleagues to support passage of the National Defense Authorization Act.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas, a member of the Armed Services Committee, Mr. CONAWAY.

Mr. CONAWAY. Mr. Speaker, I thank my colleague from Washington for yielding some time.

I did vote for the underlying bill that this rule is associated with and intend to vote for it on the floor as it is currently drafted. But I'm going to speak against the rule and intend to vote against the rule, should we get that vote.

While the Defense Authorization Act doesn't have much public policy in relation to energy in it, it is a beneficiary of good, sound national energy policy.

DOD is the single largest department purchaser of energy of any of the Federal agencies that this Congress oversees. It would benefit dramatically by decreases in costs of energy, as would every consumer, every American home would as well. And conversely, its budgets are dramatically negatively impacted with rampant run-up in costs. We fly jets, we drive tanks and Humvees and other vehicles, and we have to buy that fuel to get that done. These increased costs as a result of an unsound national policy on energy are a detriment to the Department of Defense.

A sound national policy on energy should promote additional supplies of domestically produced sources, both fossil fuel sources as well as unconventional sources. It's not an either/or, it ought to be both. And this Democratically led House has consistently, over the last 16 months, had a very negative bias against fossil fuel sources.

Every rational projection of energy usage over the next 20 to 30 years shows that we will continue to be reliant on crude oil and natural gas for that entire time frame. The larger the domestic supply of crude oil and natural gas we have, the less dependent we are on foreign sources and the cheaper it will be. There is an action in economic law for supply and demand that says if you restrict the supply, then your costs are going up. And increased costs of energy and fuel to the Department of Defense is a negative that we ought to address.

If you punish the producers of crude oil and natural gas, you're going to get less of it. The bill we passed yesterday, which unleashes the Department of Justice on an unwarranted witch hunt against the oil and gas industry, will increase costs and will, therefore, have a negative impact on the operations of the Defense Department, which this authorization bill governs. Those increased costs are not in the best interests of Americans and not in the best interests of the Department of Defense.

So while this bill and this rule do not specifically address our national energy policy, a policy that is sound and promotes domestic production of both crude oil and natural gas as well as unconventional sources of energy to supply our Department of Defense with the energy it needs to fly those airplanes, drive those tanks, drive those Humvees, and light the offices at the Pentagon, as well as the housing associated with the Department of Defense, is in all of our best interests. I would urge our colleagues to look at that as we approach these issues.

I urge a ''no'' vote on this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado, my friend, a member of the Armed Services Committee, Mr. UDALL.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. I thank the gentleman from Florida for yielding.

Mr. Speaker, I rise in strong support of this rule and this bill. I want to start by applauding Chairman SKELTON for his leadership and also Ranking Member HUNTER. They have done a tremendous job as have their expert staff.

I am particularly grateful to Chairman SKELTON and Chairman SMITH for working with me to provide an important provision for Colorado. The bill prohibits the Department of Defense from transporting away from the Pueblo chemical depot in the 2009 fiscal year the hazardous wastes left after the chemical treatment of mustard agent.

This language is necessary because the DOD continues to look at treating these secondary wastes offsite despite studies showing that shipping these wastes will not yield benefits and despite the clear preferences expressed by the community of Pueblo to treat these wastes onsite.

Last year, Congress mandated that the DOD complete all chemical weapons destruction activities, including the destruction of 2,600 tons of liquid mustard agent housed at the Pueblo depot by 2017. The Department of Defense should get on with this approved plan to treat the secondary wastes at the depot and not delay this program any further.

□ 1215

More broadly, our bill focuses on our military's readiness needs. After more than 5 years at war, both the Active Duty and Reserve forces are stretched to their limits. Our bill will provide what's needed to respond, including funds to address equipment shortages for Active Duty and Reserve forces, improve the quality of our military barracks, ammunition maintenance, and expand training opportunities, among other important readiness needs. It increases Army end strength, consistent with the Tauscher-Udall Army expansion bill in the last Congress. And, importantly, it will provide for a 3.9 percent across-the-board pay raise for servicemembers, boost funding for the defense health program, and prohibit increasing TRICARE and pharmacy user fee increases.

Mr. Speaker, this is an excellent bill, carefully drafted and bipartisan, and I urge its passage.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Once again I am going to ask my colleagues to defeat the previous question so that, with the high price of gasoline that all Americans have experienced, by defeating the previous question, this House can finally consider solutions to rising energy costs. When the previous question is defeated, I will move to add a section to the rule, not rewrite the entire rule, that would allow the House to consider H.R. 5984, the Clean Energy Tax Stimulus Act of 2008, introduced by my colleague from Maryland (Mr. BARTLETT), as well as ''any amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Outer Continental Shelf.''

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, I urge my colleagues to defeat the previous question once again so that we can consider this vitally important issue for America's families, workers, truckers, small businesses, and, for that matter, the entire economy.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, when Democrats were elected to the majority in 2006, we promised America that we would govern responsibly, with conviction and in a bipartisan fashion.

The Duncan Hunter Defense Authorization Act for Fiscal Year 2009, named appropriately after our colleague from California, is a bill that is a perfect example of all three of these things. It is further proof of how things have changed here in the House in a very short period of time.

The bill continues the necessary cleaning up of the mess created by the Bush administration by modernizing our forces and restoring readiness to our military. It gives our Armed Forces the tools they need to get the job done abroad while taking care of our soldiers and their families here at home.

This is a good rule for a great bill. I urge my colleagues to support both.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1213 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. That upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5984) to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result form a lapse in the tax law. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All

points of order against provisions in the bill are waived. No amendment to the bill shall be in order except any amendment which the proponent asserts. if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Outer Continental Shelf. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall he considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(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 form 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. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1214 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1214

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

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

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume, and I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1214.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 1214 provides for consideration of the conference report to accompany S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009.

House resolution 1214 is a traditional conference report rule. It waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on the Budget.

Mr. Speaker, budgets are moral documents. They are more than just an accounting of expenditures and revenue. They are statements of our national values and priorities. For too long Congress passed budgets with the wrong priorities. For too long the budget put the interests of the powerful before the needs of working families and those going through hard times. And for too long the budgets of the past pretended that people who were struggling didn't even exist, let alone matter.

That has changed now. This Congress, the New Direction Congress, is saying that we value our families and their economic future. This Congress will fight to make sure that their hard work is rewarded and that the American Dream is renewed.

This 5-year budget conference agreement charts a new way forward for the country. It makes investments in energy, education, and infrastructure. It provides tax relief for the middle class. It returns the budget to surplus in 2012 and 2013. And it remembers those whose service and sacrifice here at home and abroad provide the rest of us with security and peace of mind. Mr. Speaker, this is a budget with a conscience.

Today, as we move to pass this conference agreement on the budget, our country faces major challenges: an economic recession, a crisis in the credit markets, a plunging housing market, rising unemployment, declining family income, skyrocketing costs in health care, aging infrastructure, and a safety net struggling to keep up with the growing number of Americans unable to meet their most basic needs.

Faced with these challenges, President Bush and his Republican colleagues proposed the same tired, failed economic and fiscal policies. After 7 years the Bush legacy is the highest deficits in our Nation's history. The Bush legacy is the greatest national debt in our Nation's history. Future generations, our children and our grandchildren, will be forced to pay the

price for this unprecedented rise in debt, a legacy of President George Bush and the Republicans' reckless and irresponsible policies.

With this budget resolution, Mr. Speaker, the Democrats are ready to take the necessary steps, as difficult as they may be, to regain our economic health and reclaim our children's future. It is a balanced budget with balanced priorities.

It returns the budget to balance with projected surpluses in 2012 and 2013 by adhering to fiscally responsible policies. It strengthens the U.S. economy over the long term while calling for funds to help Americans struggling in the current economic downturn. It rejects, and I repeat, it rejects the Republicans' harmful cuts to Medicare and Medicaid, the Community Development Block Grant program, and LIHEAP. And it protects priorities like SCHIP, infrastructure needs, homeland security, innovation, energy, education, health care, veterans, and the environment.

This budget agreement does not include any tax increases, despite the overheated claims of the other side. Quite the contrary, it supports significant tax relief, including extension of marriage penalty relief, the child tax credit, the 10 percent bracket, and allowing for estate tax reform. It includes an additional year of relief for the alternative minimum tax that is fully paid for, Mr. Speaker. And it provides for property tax relief, energy and education tax relief, and extenders.

Finally, this budget remembers those who serve at home and abroad. It provides strong and substantial funding for national defense, including quality of life for our troops and their families. It provides more funding for homeland security programs, including first responders, more than the President would. It provides for the care and treatment of all of our veterans but most especially our newest generation of veterans, those returning from Iraq and Afghanistan, many of whom are grievously wounded and thousands who will require treatment for posttraumatic stress and serious depression. Finally, Mr. Speaker, it rejects President Bush's cynical new fees for veterans health care.

In short, Mr. Speaker, this budget charts a new direction for a stronger, safer, more compassionate America.

Mr. Speaker, there are two significant differences between the House- and Senate-passed budgets which this conference report resolves. First were the reconciliation revisions to the alternative minimum tax. And the second is the level of nondefense discretionary funding.

On reconciliation, the conference agreement drops the House-passed reconciliation instructions. Instead, it provides for 1 year of AMT relief that is fully paid for. The House will continue to work with the Senate to identify how to pay for permanent relief of the AMT. In the House such a solution is subject to our PAYGO rules of order and must be fully offset. With the passage of this conference report, any AMT fix offered in the Senate that increases the deficit by $10 billion in a year will also be subject to a Senate point of order.

On nondefense discretionary spending, the difference between the House and Senate budgets was $3.6 billion, and the conference agreement splits the difference. By holding most nonsecurity spending to a modest 1 percent above inflation, we are able to move the budget out of deficit and into surplus by the year 2012 while still providing substantially greater investment in education, income security, veterans, and natural resources.

I urge my colleagues, Mr. Speaker, to adopt this rule and to approve the conference agreement on the fiscal year 2009 budget resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, there are only two ways to balance the budget: You can either spend less or you can increase the amount of money coming in.

The majority, as reflected in their budget, have rejected the first option and instead have chosen higher spending, higher taxes, and a bigger Federal Government.

Republicans have chosen a more responsible approach by committing to spending less and letting workers, families, and small businesses keep more of their hard-earned income to save, invest, and spend as they see fit.

While Republicans have faith in the ability of workers and families to decide how best to use their paychecks, the majority budget reflects the majority's belief that the Federal Government can make better choices at spending money than individual Americans.

□ 1230

That is a fundamental difference between Democrats and Republicans. In order for the majority to fund their government spending, their budget raises taxes by two-thirds of a trillion dollars over the next 5 years. That is almost $700 billion. I want to repeat that, Mr. Speaker. Two-thirds of a trillion dollars.

At a time of an economic slowdown and increased cost of living, American families everywhere are tightening their belts and carefully budgeting their hard-earned money. This is not the time for the majority to be forcing American families to send more of their hard-earned money to Washington. Instead, we should be passing pro-growth policies to help create jobs and economic prosperity. Mr. Speaker, tax increases are not a pro-growth policy. They are anti-growth, anti-small business, anti-job creation, and we should reject them.

Now you can call this a tax increase or you can call it letting tax cuts expire, but the reality is that under the majority's budget, every American will pay more of their paycheck to the Federal Government. That includes many middle class families, small business owners, and entrepreneurs.

Although Democrats try to claim otherwise, the numbers in their own budget document show that taxes will increase nearly three times more than when the largest enacted tax hike to date was passed, making this the largest tax increase in American history. While the majority claims their budget will protect middle class families, their budget numbers tell a different story.

Under the massive tax increases in the majority's budget, the average taxpayer in the State of Florida, for example, will see his or her annual bill increase by over $3,000. The majority's budget lets the current tax cuts expire, and some of those tax cuts are very important to Americans, to our economy.

For example, seniors could see taxes on their investments and savings income double. Forty-eight million married couples could once again face a marriage tax penalty, costing them $3,000 per year. Young families could see a reduction in the child tax credit. States such as Florida may not get an extension of the State sales tax deduction.

The majority's budget may even manage to resurrect the death tax. This will particularly hurt the small businesses in the district that I'm honored to represent, which provide the majority of the community's jobs. It may even hit 26 million additional middle class taxpayers with the alternative minimum tax. Their budget also assumes that 6 million Americans who currently do not pay any taxes, will once again have to pay taxes.

Mr. Speaker, in order to boost our economy, increase investment in the United States, create jobs, Congress should not be raising taxes by the largest amount in history.

At this time, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to insert in the RECORD a statement by Robert Greenstein, the Executive Director of the Center on Budget and Policy Priorities. The statement calls the claims by my friends on the Republican side that somehow this is a tax increase in this bill, he exposes it as being inaccurate.

CENTER ON BUDGET
AND POLICY PRIORITIES,
Washington, DC, May 20, 2008.

STATEMENT BY ROBERT GREENSTEIN, EXECUTIVE DIRECTOR, ON MISLEADING CLAIMS THAT CONGRESSIONAL BUDGET PLAN CALLS FOR ''LARGEST TAX INCREASE IN HISTORY''

Some claim that the budget plan of the conferees—which the House and Senate are

scheduled to consider this week—would constitute ''the largest tax increase in history.'' This claim is inaccurate, just as the same claim was inaccurate with regard to the budget resolution that Congress adopted last year. This year's budget plan does not include a tax increase. It actually calls for a $340 billion reduction in revenues, reflecting its assumption that Congress will extend some parts of the 2001 and 2003 tax cuts without offsetting the costs.

The charge that the conferees' plan includes a large tax increase arises not from any policy changes that the plan proposes, but instead from policies enacted in 2001 and 2003. Those policies put in place tax cuts that President Bush proposed, but also provided for those tax cuts to expire at the end of 2010. The budget plan assumes that Congress will amend current law to extend some of the expiring tax cuts (especially those affecting middle-class families) and make other changes in tax policy, but it also assumes Congress will partly offset the cost of such changes. The plan does not assume that Congress will increase total revenues above what the federal government expects to collect under current policies—to the contrary, it assumes Congress will reduce total revenues below what is expected under current policies.

The President's tax cuts expire in 2010 because their supporters deliberately designed them that way, in order to fit the tax cuts within the cost constraints imposed by the budget resolutions that Congress adopted in 2001 and 2003. While acknowledging that their real goal was to make the tax cuts permanent, supporters of those measures opted to ''sunset'' the tax cuts before the end of the ten-year budget window, partly to avoid recognizing the cost of permanent tax cuts. Now, a few years from the tax cuts' expiration, some of these same supporters are acting as though the tax cuts are already permanent and that any proposal to offset any portion of the cost of extending them is a ''tax increase.''

To extend the tax cuts without paying for them—and to attack those who simply seek to require that Congress at least partially pay for any extension of the tax cuts—further heightens the irresponsible fiscal nature of the original actions.

Mr. Speaker, the fact of the matter is that George Bush and the previous Republican Congresses have created a mess. We are faced with the largest deficits and debt in the history of our country, thanks to their fiscally irresponsible policies. We have more people in this country who are in poverty because of their policies of neglect. We have more people in this country who are hungry because of their policies of neglect. Our veterans are finally, at long last, because of Democratic policies, getting the benefits and the funding that they have earned. But for years, because of Republican policies and because of the misplaced priorities of this White House, they have been short-changed.

We have more people without jobs today because of their neglectful policies. Our infrastructure is falling apart. I come from Massachusetts. We have an aging infrastructure. We have bridges in my State that are older than some of the other States in this country, and the Federal response has been to provide less and less and less funding. The infrastructure is crumbling. It's a danger to people. But those burdens, the cost burden has fallen on the States and our local communities.

So I can go on and on about their policies, which have literally created a mess, including these high gas and oil prices that we are paying right now because they didn't think it was important to invest in alternative renewable clean energy sources. So here we are, and thankfully, Mr. Speaker, thankfully, the American people get it, as we have seen in the recent elections where, in traditional hard-core Republican areas of this country, voters have said, Enough. We have had enough. And they have voted for Democrats.

Mr. Speaker, one of the things about this budget that we are talking about here today is that it rejects the President's harmful cuts in a number of programs that people in this country think are valuable. This conference agreement on the budget rejects the President's deep cuts affecting a wide range of services and constituencies, including $479 billion of Medicare cuts and $94 billion to cuts in Medicaid over 10 years. That was the Presidents' priorities. That was the Republican's priorities. This budget, the Democratic budget, rejects those cuts.

It also rejects more than $18 billion over 5 years in new fees for veterans and military retirees. How in good conscience could anybody propose that, given the fact that our men and women are serving with such great distinction in Afghanistan and Iraq. They deserve better than more fees.

This budget also rejects cuts to services that help our communities, including the community development block grant and the low-income home energy assistance program, which is so important in the Northeast and in other parts of this country.

This budget, the Democratic budget, rejects the President's call for the elimination of several State and local law enforcement programs, including the State criminal alien assistance program, Byrne Grants, and the COPS program. This Democratic budget also says no to the President's cuts to EPA grants that help protect public health and maintain environmental quality.

So we have different priorities as Democrats than the Republicans have put forward over the years. The budget that we are proposing strengthens our economy. It provides crucial funding for the Democratic Innovation Agenda and the America Competes Act to enhance our competitive edge. It increases funding for math and science education and research.

We understand, Mr. Speaker, that it is important to invest in our educational institutions. It is important to invest in math, science, and engineering now so that we can be competitive in this global economy, so that we can be the place where the jobs of tomorrow locate.

This budget that we are proposing, Mr. Speaker, increases funding for efficient and renewable energy programs. It rejects the President's cuts to research, as well as his proposed cuts to weatherization assistance for lower income families, and it invests in renewable clean energy alternatives. This budget invests in education, as I mentioned. It provides significantly more than the President proposed. And it invests in infrastructure, in our highways, water, and other infrastructure by providing sufficient funding in a reserve fund to facilitate new initiatives in a deficit-neutral manner.

On a whole range of issues, Democrats have decided to chart a very different course than what the Republicans have proposed for the previous years. I am proud of the fact that we are moving this country in a different direction, and the sad part is that we have to dig ourselves out of this mess that they created.

This is a budget that I think we can be proud of, and I would urge all my colleagues to support it.

I reserve my time at this point.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong, strong opposition to this budget.

Mr. Speaker, this budget conference report calls for record tax increases and it increases discretionary spending by $241 billion above the President's budget over the next 5 years. It does nothing to reform entitlement or earmarks. Even worse, the Democrats have already signaled their intent to put off the appropriations until next January, at the earliest, making this budget an exercise in futility.

Mr. Speaker, I wanted also to say something about the energy crisis that we are in today. On April 24, 2006, Mr. Speaker, that is almost 2 years ago, then-minority leader NANCY PELOSI stated in a press conference that, and I quote, ''Democrats have a commonsense plan to help bring down skyrocketing gas prices.'' Not only have House Democrats failed to offer any meaningful solutions to address gas prices, they have actually put forward policies that will have exactly the opposite effect. She made this statement April 24, 2006, 6 months before the November elections, when the Democrats did gain the majority.

Since taking control of Congress, Mr. Speaker, gasoline prices have skyrocketed by more than $1.60 a gallon in my home State of Georgia. In fact, in Georgia's 11th District, my congressional district, northwest Georgia, working families are now paying as much as $3.78 for a gallon of regular gasoline.

Every dollar counts, Mr. Speaker, and families should not have to spend them on this ''Pelosi premium.'' They need to buy school equipment, they need to put shoes on their children's feet, they need to buy clothes this fall. Every dollar indeed counts, Mr. Speaker. Working families and their budgets

need relief. They do not need more broken promises. Energy prices are rising, cost of living expenses are up, and the Democrats do-nothing leadership has proven that it's content to just sit on the sidelines and do little, other than raise taxes and increase spending.

With gasoline prices skyrocketing, our dependence on foreign oil increasing, and the American peoples' anxiety growing, it is long past time to increase the supply of American-made energy to help lower these prices here at home.

Mr. Speaker, I am not holding my breath for a commonsense plan. Maybe there was a plan, but it sure wasn't common sense, and it definitely didn't lower gas prices. That is what Speaker PELOSI promised the American people 2 years ago. I hope the Democrats will begin working with the Republicans and let's do lower energy prices. Let's have a meaningful energy bill that makes sense.

With that, Mr. Speaker, again, I oppose this rule on the budget resolution, and I ask my colleagues on the other side of the aisle, let's do something meaningful about gas prices.

Mr. MCGOVERN. Mr. Speaker, I would just simply respond to the gentleman by saying we have proposed many meaningful measures to try to deal with not only the current energy prices but also to come up with a long-term plan so that we are not so reliant on foreign oil. Unfortunately, it's difficult to get things done with Republican obstructionism and a President who vetoes everything. Any good idea to invest more in renewable clean alternative energy sources, to further develop second or third generation biofuels, this President objects to. The only thing he likes is if we give more to the oil companies.

We had the DICK CHENEY ''secret energy task force,'' which we don't know all the details because the public was denied access to this information. But we do know this, that the outcome of that was more of the same. More drilling, more drilling, more reliance on oil, more reliance on oil. The same old, same old. We are done with that. We are done with that.

I should remind everybody that when George Bush became President, a gallon of gasoline was $1.47. Now it's in excess of $3.79. In some places, over $4. So that is what has resulted from their policies and their obstructionism. As I said before, and I will say it again, the good news is the American people get it. They are tired of it. That is why we are seeing in hard-core Republican congressional districts Democratic victories. Things are changing.

I reserve my time, Mr. Speaker.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished ranking member of the Appropriations Committee, Mr. LEWIS of California.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. I thank my colleague from Florida.

Mr. Speaker, I have only one good thing to say about the Democrat majority's budget resolution. Unlike the only other budget-related legislation considered by the House this year, at least this resolution, the budget resolution, follows regular order, not like the Appropriations Committee process this year.

□ 1245

Having looked at this budget in some detail, my advice to working families is simple: Hold on to your wallet. For the first time in history, the proposed discretionary budget will exceed $1 trillion. Think about that. $1 trillion. This bloated budget blueprint is a clear demonstration that the Democrat majority in Congress is keenly focused on dipping into your pockets to take more and more of your hard-earned money.

This budget shows that the Democrat majority will raise taxes without hesitation to support its addiction to spending. And it shows that Democrats in Congress are not interested in making difficult choices, setting priorities or rooting out waste in government spending. While our constituents struggle to keep up with their budgets, to fill their automobiles with gasoline, to buy groceries, for example, Democrats want to spend and tax to continue their dance in the majority.

Mr. MCGOVERN. Mr. Speaker, before yielding to the next speaker, I would just respond by saying to my friends on the other side of the aisle, you have had your chance. You were in control of this institution for many years and you had a Republican President, and what you did was create a situation, the one we are in right now, where we have the largest debt in the history of the United States of America.

The American people have rejected very clearly your policies and they are looking for a new direction, and that is what Democrats are going to offer.

Mr. Speaker, I would like to yield 2 minutes to the gentlewoman from Pennsylvania, a member of the Budget Committee, Ms. SCHWARTZ.

Ms. SCHWARTZ. Mr. Speaker, as a member of the Budget Committee, I believe that Congress has an obligation to move our country forward with sound fiscal policy and smart, forward-thinking investments to make America stronger, safer and more secure. I want to thank Chairman SPRATT and the Democratic leadership for their steadfast commitment to a spending blueprint that is fiscally sound and reflects Americans' priorities.

This budget reflects the priorities of Americans while balancing the budget by 2012 without adding to our national debt. It ensures tax relief for middle class American families by committing to an immediate and long-term fix to the alternative minimum tax. And it reflects our commitment to quality health care for all Americans by sustaining and strengthening health benefits for our veterans, our seniors, our children, the disabled, promoting innovation and medical research, and responsibly addressing growing costs, inefficiencies and abuses in the system.

This budget is a first step towards making our economy stronger, our country safer, and guiding us towards a new direction, the right direction for building success for American businesses and for American families, building this country's future.

I urge my colleagues to support passage of this sound and fiscally responsible budget for America.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time.

It has been an interesting debate. Basically I have heard two contradictory arguments. One is that when the Republicans were in the majority, we didn't spend enough on social programs. I remember every year of our majority, for example, increasing veterans spending. As a matter of fact, there has been significant criticism of Republicans when we were in the majority for too much spending globally and in general. I have heard basically two different theories. So I wish that our friends on the other side the aisle would kind of choose which of the two scripts to read. Either we spent too much, or we spent too little.

The reality is that in the Democrats' budget, basically it is a blindfold budget, Mr. Speaker, because the minefields that are laying before the future of this Nation, the needs that we do have to look at and see how we are going to address, the major problems facing this Nation, for example, entitlement reform, all the objective, nonpartisan economists and other experts will tell us that we need to look at such matters in the future of this Nation. But they are not even touched upon, not even mentioned, by the majority in its budget.

Obviously they have a tremendous amount of increased spending. It is evident. They don't call them tax increases, they call them the end of tax cuts. But there are massive tax increases that will be required to fund the Democrats' budget, and then the great problems facing this Nation are simply in blindfold fashion ignored. So it is a very shortsighted budget, it is fiscally irresponsible, and certainly we hope that all Members will oppose it.

Mr. Speaker, this rule provides obviously for consideration of the budget conference report. Budgets inevitably are a very important issue, and especially to many Americans who are taking nowadays a deeper, more careful look into their own budgets, because every day the rising cost of gasoline is taking more and more of their hard-earned income. Part of the reason that we are seeing increasing gas prices is because we have become more and more dependent on foreign oil while avoiding development of domestic energy sources.

I learned the other day how more than 80 percent of the electricity generated in France, for example, is from nuclear power. There is a very strong environmental movement in France, and yet in consensus fashion there they have moved forward with nuclear energy.

Imagine if we had built nuclear power plants. We haven't in about 30 years, nor any refineries. Imagine the amount of oil that we would be saving, how consumption would be reduced, if we also had had the vision and the determination to build nuclear power plants, safe, new nuclear plants in this country to substitute for oil. Well, we haven't. So part of the reason that we are seeing increasing gas prices is because we have become more and more dependent on foreign oil, while avoiding developing domestic energy sources.

Now, one important source of domestic energy is the Arctic National Wildlife Refuge in Alaska. However, efforts to develop just a tiny portion of ANWR have been fought and blocked to the detriment of America's energy independence, even though the people of Alaska, Mr. Speaker, are overwhelmingly in favor of searching for energy there. With the price of gasoline reaching records every day, we should be looking to do all we can to lower the price of gasoline, and that includes domestic exploration, when the people of a State wish to search for energy.

Today I will be asking each of my colleagues to vote ''no'' on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider an amendment that would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil, by permitting the extraction of oil in the Arctic National Wildlife Refuge, as the people of that great State and their Senators and Representative here in Congress wish to do.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting ''no'' on the previous question, Members can take a stand against high fuel prices and our reliance on foreign energy sources.

I ask for a ''no'' vote on the previous question.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I am going to urge my colleagues to support this rule and to support the budget. It is amusing to hear my friends on the Republican side try to offer solutions on how to deal with the energy crisis, when they created it. This is their responsibility. This is a direct result of their failed policies; not investing in clean, renewable alternative energy sources; not building the necessary infrastructure to cultivate these new forms of energy; not investing in second and third generation biofuels. Instead, their policies have been the same old, same old.

My friend from Florida talks about ANWR. Boy, what a creative idea. Let's rely on the oil companies, the same companies that are gouging American taxpayers each and every day, making record profits. Let's do what they want us to do. Maybe the time has come to set a new direction.

With regard to this budget, our budget I think represents responsible governing. Their budgets, when they could ever actually pass budgets—and, by the way, when they were in charge they very rarely did; they especially couldn't muster votes during an election year—represent what I believe is irresponsible governing. They spent a ton of money. They spent too much money, by the way, on oil company subsidies and tax breaks, more and more to the oil companies. They spent too much on the wealthiest Americans, who didn't need any help, who weren't struggling. They spent too much on a misguided war in Iraq that we should never have fought to begin with. And they paid for all of this by passing the costs on to future generations by borrowing from other countries. We are more in debt because of their leadership to China and to India and to other countries.

Enough is enough. Again, that is why you are seeing in these hard-core Republican congressional districts Democrats winning, because the American people, Democrats and Republicans and independents, have had it with the Republican priorities.

Let me just close by reminding my colleagues that within this budget there are important investments, smart energy investments. This conference agreement on the budget provides $7.7 billion in funding for renewable energy, energy efficiency and other energy programs, which is, by the way, $2.8 billion more than the 2008 level. This budget, this Democratic budget, rejects President Bush's budget cuts to energy efficiency and renewable energy programs, including his proposed cuts to the solar energy program, and we reject his suggestion that we terminate the weatherization assistance program. Boy, talk about going in the wrong direction.

This budget, Mr. Speaker, invests $2 billion to create ''green collar'' jobs in our Nation's communities, because Democrats understand that not only do we need to be better stewards of our environment and become energy independent, but we also realize that there is the potential to create countless jobs in the area of environmental technologies. And this budget, Mr. Speaker, also includes a deficit neutral reserve fund to accommodate legislation that provides tax incentives for renewable energy or energy efficiency.

This is a good budget. If you want to deal not only with the short-term issues involving energy, but the long-term issues, then this is the budget you should vote for.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1214 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 2. That upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5984) to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law. The first reading of the bill shall he dispensed with. All points of order against consideration of the bill are waived. General debate shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall he considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except any amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Arctic National Wildlife Refuge. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion or consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(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 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□ 1300

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order: Ordering the previous question on House Resolution 1212; Adopting the resolution, if ordered; Ordering the previous question on House Resolution 1213; Adopting the resolution, if ordered; Ordering the previous question on House Resolution 1214; Adopting the resolution, if ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 6049, RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1212, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 223, nays 190, not voting 21, as follows:

[Roll No. 338]

YEAS—223

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

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Brown, Corrine
Castor
Coble
Crenshaw
Cubin
Fortenberry
Gillibrand
Kennedy
King (IA)
Kingston
Olver
Reynolds
Rush
Sensenbrenner
Sessions
Slaughter
Solis
Speier
Tiahrt
Wexler

□ 1322

Mr. ROHRABACHER changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. SPEIER. Mr. Speaker, on rollcall No. 338, I was meeting with Emergency Room Physicians from California on H.R. 882, Access to Emergency Medical Services Act. Had I been present, I would have voted "yea."

Stated against:

Mr. KING of Iowa. Mr. Speaker, I was detained while attempting to reach the floor to cast my vote on rollcall 338 earlier this afternoon. Had I been able to reach the floor before the vote was closed, I would have voted "no."

Mr. COBLE. Mr. Speaker, on rollcall No. 338, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

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

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

Mr. HASTINGS of Washington. 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 223, nays 194, not voting 17, as follows:

[Roll No. 339]

YEAS—223

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

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Andrews
Boustany
Brown, Corrine
Castor
Coble
Crenshaw
Edwards
Gillibrand
Kennedy
Kingston
Lynch
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1331

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 339, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1213, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 186, not voting 13, as follows:

[Roll No. 340]

YEAS—235

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee

Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Andrews
Brown, Corrine
Castor
Coble
Crenshaw
Gillibrand
Kennedy
Kingston
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1339

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. COBLE, Mr. Speaker, on rollcall No. 340, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1214, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 186, not voting 19, as follows:

[Roll No. 341]

YEAS—229

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

NAYS—186

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

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

NOT VOTING—19

Andrews
Becerra
Biggert
Broun (GA)
Brown, Corrine
Butterfield
Castor
Coble
Crenshaw
Edwards
Gillibrand
Kennedy
Kingston
Pickering
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1346

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 341, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

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

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

Mr. HASTINGS of Washington. 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 220, nays 199, not voting 16, as follows:

[Roll No. 342]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
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Broun (GA)
Brown (SC)
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Saxton
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Shuster
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Sullivan
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Wamp
Weldon (FL)
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Castor
Coble
Crenshaw
Forbes
Gillibrand
Green, Gene
Kennedy
Kingston
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1354

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 342, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, on rollcall Nos. 338, 339, 340, 341, and 342, I was at a bill signing at the White House. Had I been present, I would have voted "yea" on all.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 1212, I call up the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6049

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

SECTION 1. SHORT TITLE, ETC.

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

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

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

Sec. 1. Short title, etc.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

Sec. 101. Renewable energy credit.

Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. Special rule to implement FERC and State electric restructuring policy.
Sec. 106. New clean renewable energy bonds.
PART II—CARBON MITIGATION PROVISIONS
Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Carbon audit of the tax code.
Subtitle B—Transportation and Domestic Fuel Security Provisions
Sec. 121. Credit for production of cellulosic biofuel.
Sec. 122. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 123. Credits for biodiesel and renewable diesel.
Sec. 124. Modification of alcohol credit.
Sec. 125. Calculation of volume of alcohol for fuel credits.
Sec. 126. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 127. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 128. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 129. Restructuring of New York Liberty Zone tax credits.
Sec. 130. Transportation fringe benefit to bicycle commuters.
Sec. 131. Alternative fuel vehicle refueling property credit.
Sec. 132. Comprehensive study of biofuels.
Subtitle C—Energy Conservation and Efficiency Provisions
Sec. 141. Qualified energy conservation bonds.
Sec. 142. Credit for nonbusiness energy property.
Sec. 143. Energy efficient commercial buildings deduction.
Sec. 144. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 145. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 146. Qualified green building and sustainable design projects.
TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS
Subtitle A—Extensions Primarily Affecting Individuals
Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Treatment of certain dividends of regulated investment companies.
Sec. 204. Qualified conservation contributions.
Sec. 205. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 206. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 207. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 208. Modification of mortgage revenue bonds for veterans.
Sec. 209. Distributions from retirement plans to individuals called to active duty.
Sec. 210. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 211. Qualified investment entities.
Sec. 212. Exclusion of amounts received under qualified group legal services plans.
Subtitle B—Extensions Primarily Affecting Businesses
Sec. 221. Research credit.
Sec. 222. Indian employment credit.
Sec. 223. New markets tax credit.
Sec. 224. Railroad track maintenance.
Sec. 225. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 226. Seven-year cost recovery period for motorsports racing track facility.
Sec. 227. Accelerated depreciation for business property on Indian reservation.
Sec. 228. Expensing of environmental remediation costs.
Sec. 229. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 230. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 231. Qualified zone academy bonds.
Sec. 232. Tax incentives for investment in the District of Columbia.
Sec. 233. Economic development credit for American Samoa.
Sec. 234. Enhanced charitable deduction for contributions of food inventory.
Sec. 235. Enhanced charitable deduction for contributions of book inventory to public schools.
Sec. 236. Enhanced deduction for qualified computer contributions.
Sec. 237. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 238. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 239. Subpart F exception for active financing income.
Sec. 240. Look-thru rule for related controlled foreign corporations.
Sec. 241. Expensing for certain qualified film and television productions.
Subtitle C—Other Extensions
Sec. 251. Authority to disclose information related to terrorist activities made permanent.
Sec. 252. Authority for undercover operations made permanent.
Sec. 253. Authority to disclose return information for certain veterans programs made permanent.
Sec. 254. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
TITLE III—ADDITIONAL TAX RELIEF
Subtitle A—Individual Tax Relief
Sec. 301. Additional standard deduction for real property taxes for nonitemizers.
Sec. 302. Refundable child credit.
Sec. 303. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.
Subtitle B—Business Related Provisions
Sec. 311. Uniform treatment of attorney-advanced expenses and court costs in contingency fee cases.
Sec. 312. Provisions related to film and television productions.
Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer
Sec. 321. Modification of penalty on understatement of taxpayer's liability by tax return preparer.
Subtitle D—Extension and Expansion of Certain GO Zone Incentives
Sec. 331. Certain GO Zone incentives.
TITLE IV—REVENUE PROVISIONS
Sec. 401. Nonqualified deferred compensation from certain tax indifferent parties.
Sec. 402. Delay in application of worldwide allocation of interest.
Sec. 403. Time for payment of corporate estimated taxes.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

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

(2) 3-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2012'':

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

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

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

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

(b) MODIFICATION OF CREDIT PHASEOUT.—

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

(A) by striking paragraph (1), and

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

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

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

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

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

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

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

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

''(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable

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

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

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

''(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

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

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

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

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

(e) SALES OF NET ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Paragraph (4) of section 45(e) is amended by adding at the end the following new sentence: ''The net amount of electricity sold by any taxpayer to a regulated public utility (as defined in section 7701(a)(33)) shall be treated as sold to an unrelated person.''.

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

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

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

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

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

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

(g) EFFECTIVE DATE.—

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

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

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

(4) TRASH FACILITY CLARIFICATION; SALES TO RELATED REGULATED PUBLIC UTILITIES.—The amendments made by subsections (c) and (e) shall apply to electricity produced and sold after the date of the enactment of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

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

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

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

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2015''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking ''and'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

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

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

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

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

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

''(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

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

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

''(B) which produces—

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

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

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

''(D) which is placed in service before January 1, 2015.

''(2) LIMITATION.—

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

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

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

''(3) SPECIAL RULES.—

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

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

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

''(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

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

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

''(A) paragraph (1)(C) shall not apply, but

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

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

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

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

(2) CONFORMING AMENDMENTS.—

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

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

(f) EFFECTIVE DATE.—

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

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

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

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

SEC. 104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking ''$2,000'' and inserting ''$4,000''.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking ''$6,667'' and inserting ''$13,333''.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

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

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

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

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

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

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

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

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

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

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

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

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

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

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

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

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

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

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

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

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

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

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

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

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

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

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

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

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

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

''(2) CARRYFORWARD OF UNUSED CREDIT.—

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

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

(2) CONFORMING AMENDMENTS.—

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

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

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

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

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

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

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

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

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

SEC. 106. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by adding at the end the following new subpart:

''Subpart I—Qualified Tax Credit Bonds

''Sec. 54A. Credit to holders of qualified tax credit bonds.

''Sec. 54B. New clean renewable energy bonds.

''SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

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

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a new clean renewable energy bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

''(2) SPECIAL RULES RELATING TO EXPENDITURES.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

''(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

''(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

''(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

''(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close

of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

''(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(a)(1).

''(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

''(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

''(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

''(4) SPECIAL RULES RELATING TO ARBITRAGE.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

''(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

''(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

''(i) such fund is funded at a rate not more rapid than equal annual installments,

''(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

''(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

''(5) MATURITY LIMITATION.—

''(A) IN GENERAL.—An issue shall not be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue exceeds the maximum term determined by the Secretary under subparagraph (B).

''(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

''(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

''(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

''(e) OTHER DEFINITIONS.—For purposes of this subchapter—

''(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

''(B) the proceeds from any investment of the excess described in subparagraph (A).

''(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

''(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

''(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

''(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"SEC. 54B. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

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

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

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

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility

with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) REPORTING.—Subsection (d) of section 6049 is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking ''subpart C'' and inserting ''subparts C and I''.

(2) Section 1397E(c)(2) is amended by striking ''subpart H'' and inserting ''subparts H and I''.

(3) Section 6401(b)(1) is amended by striking ''and H'' and inserting ''H, and I''.

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking ''**Certain Bonds**'' and inserting ''**Clean Renewable Energy Bonds**''.

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

''SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

''SUBPART I. QUALIFIED TAX CREDIT BONDS.''.

(d) APPLICATION OF CERTAIN LABOR STANDARDS ON PROJECTS FINANCED UNDER TAX CREDIT BONDS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of any tax credit bond (as defined in section 54A of the Internal Revenue Code of 1986).

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

PART II—CARBON MITIGATION PROVISIONS

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

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

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

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,550,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

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

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

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

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

''(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—Section 48A, as amended by subsection (c)(3), is amended by adding at the end the following new subsection:

''(i) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

''(1) is consistent with the objectives of such section,

''(2) is requested by the recipient of the competitive certification award, and

''(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.''.

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

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

(f) EFFECTIVE DATES.—

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

(2) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—The amendment made by subsection (d) shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

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

(4) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as

if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

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

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

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

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

''(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

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

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

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

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

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

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

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

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX.

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

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

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

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

(a) REFUND.—

(1) COAL PRODUCERS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest

effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 121. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 is amended by striking ''plus'' at the end of paragraph (1), by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) the cellulosic biofuel producer credit.''.

(b) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(6) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

''(A) IN GENERAL.—The cellulosic biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of qualified cellulosic biofuel production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means $1.01, except that such amount shall, in the case of cellulosic biofuel which is alcohol, be reduced by the sum of—

''(i) the amount of the credit in effect for such alcohol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

''(ii) in the case of ethanol, the amount of the credit in effect under subsection (b)(4) at the time of such production.

''(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced by the taxpayer, and which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and gasoline or of cellulosic biofuel and a special fuel which—

''(i) is sold by the person producing such mixture to any person for use as a fuel, or

''(ii) is used as a fuel by the person producing such mixture.

''(E) CELLULOSIC BIOFUEL.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'cellulosic biofuel' means any liquid fuel which—

''(I) is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

''(II) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

''(ii) EXCLUSION OF LOW-PROOF ALCOHOL.—Such term shall not include any alcohol with a proof of less than 150. The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) ALLOCATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(G) REGISTRATION REQUIREMENT.—No credit shall be determined under this paragraph with respect to any taxpayer unless such taxpayer is registered with the Secretary as a producer of cellulosic biofuel under section 4101.

''(H) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2016.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 is amended—

(A) by inserting ''or subsection (b)(6)(H)'' after ''by reason of paragraph (1)'' in paragraph (2), and

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

''(3) EXCEPTION FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(3) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 4101(a) is amended—

(i) by striking ''and every person'' and inserting '', every person'', and

(ii) by inserting '', and every person producing cellulosic biofuel (as defined in section 40(b)(6)(E))'' after ''section 6426(b)(4)(A))''.

(B) The heading of section 40, and the item relating to such section in the table of sections for subpart D of part IV of subchapter A of chapter 1, are each amended by inserting '', etc.,'' after ''Alcohol''.

(c) BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount (as defined in subsection (b)(6)(B)) for each gallon of such cellulosic biofuel.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—No cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic biofuel unless such cellulosic biofuel is produced in the United States and used as a fuel in the United States. For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(e) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting ''(determined without regard to any qualified cellulosic biofuel production)'' after ''15,000,000 gallons''.

(f) DENIAL OF DOUBLE BENEFIT.—

(1) BIODIESEL.—Paragraph (1) of section 40A(d) is amended by adding at the end the following new flush sentence:

''Such term shall not include any liquid with respect to which a credit may be determined under section 40.''.

(2) RENEWABLE DIESEL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new flush sentence:

''Such term shall not include any liquid with respect to which a credit may be determined under section 40.''.

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

SEC. 122. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

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

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

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

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

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

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

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

SEC. 123. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

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

(b) INCREASE IN RATE OF CREDIT.—

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

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

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

(3) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following new flush sentence:

''The term 'renewable diesel' also means fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.''.

(f) EFFECTIVE DATE.—

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

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

SEC. 124. MODIFICATION OF ALCOHOL CREDIT.

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—The table in paragraph (2) of section 40(h) is amended—

(A) by striking ''through 2010'' in the first column and inserting '', 2006, 2007, or 2008'',

(B) by striking the period at the end of the third row, and

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

''2009 through 2010. 45 cents ..... 33.33 cents.''.

(2) EXCEPTION.—Section 40(h) is amended by adding at the end the following new paragraph:

''(3) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—

''(A) IN GENERAL.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in subparagraph (B) with respect to all preceding calendar years beginning after 2007, the last row in the table in paragraph (2) shall be applied by substituting '51 cents' for '45 cents'.

''(B) DETERMINATION.—A determination described in this subparagraph with respect to any calendar year is a determination, in consultation with the Administrator of the Environmental Protection Agency, that an amount less than 7,500,000,000 gallons of ethanol (including cellulosic ethanol) has been produced in or imported into the United States in such year.''.

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 6426(b)(2) (relating to alcohol fuel mixture credit) is amended by striking ''the applicable amount is 51 cents'' and inserting ''the applicable amount is—

''(i) in the case of calendar years beginning before 2009, 51 cents, and

''(ii) in the case of calendar years beginning after 2008, 45 cents.''.

(2) EXCEPTION.—Paragraph (2) of section 6426(b) is amended by adding at the end the following new subparagraph:

''(C) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in section 40(h)(3)(B) with respect to all preceding calendar years beginning after 2007, subparagraph (A)(ii) shall be applied by substituting '51 cents' for '45 cents'.''

(3) CONFORMING AMENDMENT.—Subparagraph (A) of section 6426(b)(2) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 125. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2008.

SEC. 126. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

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

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

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

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

(c) EXCISE TAX CREDIT.—

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

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

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

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

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

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

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

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

SEC. 127. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

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

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

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

''(b) PER VEHICLE DOLLAR LIMITATION.—

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

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

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

''(c) APPLICATION WITH OTHER CREDITS.—

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

''(2) PERSONAL CREDIT.—

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

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

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

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

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

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle (as defined in section 30(c)(2))—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(f) SPECIAL RULES.—

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

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

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

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

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

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

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

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking ''and'' each place it appears at the end of any paragraph,

(2) by striking ''plus'' each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (31) and inserting '', plus'', and

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

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

(d) CONFORMING AMENDMENTS.—

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

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

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

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

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

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(f)(1).''.

(3) Section 6501(m) is amended by inserting ''30D(f)(4),'' after ''30C(e)(5),''.

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

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

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

(2) CONFORMING AMENDMENTS.—

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

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

(f) EFFECTIVE DATE.—

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

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

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

SEC. 128. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

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

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

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

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

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

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

SEC. 129. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

''(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

''(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

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

''(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.''.

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting ''(in the case of nonresidential real property and residential rental property, the date of the enactment of the Energy and Tax Extenders Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''section 1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

''Sec. 1400L. New York Liberty Zone tax credits.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 130. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

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

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

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

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

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

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

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

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

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

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

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

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

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

SEC. 131. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

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

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

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

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

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

SEC. 132. COMPREHENSIVE STUDY OF BIOFUELS.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(1) current biofuels production, as well as projections for future production,

(2) the maximum amount of biofuels production capable in United States forests and farmlands, including the current quantities and character of the feedstocks and including such information as regional forest inventories that are commercially available, used in the production of biofuels,

(3) the domestic effects of an increase in biofuels production levels, including the effects of such levels on—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop acreage, forest acreage, and other land use,

(D) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(E) the price of feed,

(F) the selling price of grain crops and unprocessed forest products,

(G) exports and imports of grains and unprocessed forest products,

(H) taxpayers, through cost or savings to commodity crop payments, and

(I) the expansion of refinery capacity,

(4) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(5) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation,

(6) the impact of the tax credit established by section 121 of this Act on the regional agricultural and silvicultural capabilities of commercially available forest inventories, and

(7) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The Secretary of the Treasury shall submit an initial report of the findings of the study required under subsection (a) to Congress not later than 6 months after the date of the enactment of this Act (36 months after such date in the case of the information required by subsection (a)(6)), and a final report not later than 12 months after such date (42 months after such date in the case of the information required by subsection (a)(6)).

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 141. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by section 106, is amended by adding at the end the following new section:

"SEC. 54C. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by section 106, is amended to read as follows:

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

''(A) a new clean renewable energy bond, or

''(B) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as added by section 106, is amended to read as follows:

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

''(i) in the case of a new clean renewable energy bond, a purpose specified in section 54B(a)(1), and

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

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

''Sec. 54C. Qualified energy conservation bonds.''.

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

SEC. 142. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 143. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

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

SEC. 144. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) ELIGIBLE PRODUCTION.—

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

(A) by striking paragraph (2),

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

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

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

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

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

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

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

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

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

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

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

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

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 145. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

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

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

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

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

''(18) QUALIFIED SMART ELECTRIC METERS.—

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

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

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

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

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

''(iv) provides net metering.

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

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

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

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

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

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

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

''(C) any property (other than property described in paragraph (3)) which is a qualified

smart electric meter or qualified smart electric grid system, or''.

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

SEC. 146. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

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

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

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

TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Extensions Primarily Affecting Individuals

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

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

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

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

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

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

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

SEC. 204. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Paragraphs (1)(E)(vi) and (2)(B)(iii) of section 170(b) are each amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

SEC. 205. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

SEC. 206. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

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

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

SEC. 207. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428(e) is amended by striking ''except that'' and all that follows through ''such term'' and inserting ''except that such term''.

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

SEC. 208. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

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

SEC. 209. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ''December 31, 2007'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 210. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

SEC. 211. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

SEC. 212. EXCLUSION OF AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS.

(a) IN GENERAL.—Subsection (e) of section 120 is amended by striking ''shall not apply to taxable years beginning after June 30, 1992'' and inserting ''shall apply to taxable years beginning after December 31, 2007, and before January 1, 2009''.

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

Subtitle B—Extensions Primarily Affecting Businesses

SEC. 221. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

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

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

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

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

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

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

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 222. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

SEC. 223. NEW MARKETS TAX CREDIT.

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

SEC. 224. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

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

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

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

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

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

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

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

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

SEC. 228. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

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

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

(1) by striking ''first 2 taxable years'' and inserting ''first 3 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

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

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

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

SEC. 231. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by sections 106 and 141, is amended by adding at the end the following new section:

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

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

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

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

''(3) the issuer—

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

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

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

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

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

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

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

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

''(4) CARRYOVER OF UNUSED LIMITATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by sections 106 and 141, is amended by striking ''or'' at the end of subparagraph (A), by inserting ''or'' at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

''(C) a qualified zone academy bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by sections 106 and 141, is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

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

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

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

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

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

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

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

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2008''.

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

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2008''.

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

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2009''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2013'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2013''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2013''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2013''.

(3) EFFECTIVE DATES.—

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

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

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2009''.

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

SEC. 233. ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

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

(1) by striking ''first two taxable years'' and inserting ''first 3 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

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

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

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

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

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

SEC. 236. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

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

(a) IN GENERAL.—The last sentence of section 1367(a)(2) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

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

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''3-year''.

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle C—Other Extensions

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

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

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

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

SEC. 252. AUTHORITY FOR UNDERCOVER OPERATIONS MADE PERMANENT.

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

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

SEC. 253. AUTHORITY TO DISCLOSE RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (7) of section 6103(l) is amended by striking the last sentence thereof.

(b) CONFORMING AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

SEC. 254. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

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

TITLE III—ADDITIONAL TAX RELIEF

Subtitle A—Individual Tax Relief

SEC. 301. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

''(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

''(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

''(B) $350 ($700 in the case of a joint return).

Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.''.

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

SEC. 302. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting ''($8,500 in the case of taxable years beginning in 2008)'' after ''$10,000''.

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

SEC. 303. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

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

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

Subtitle B—Business Related Provisions

SEC. 311. UNIFORM TREATMENT OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—In the case of any expense or court cost which is paid or incurred in the course of the trade or business of practicing law and the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expense or cost relates, the deduction under subsection (a) shall be determined as if such expense or cost was not subject to repayment.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses and costs paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 312. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

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

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

(b) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

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

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

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

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

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

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

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

(c) EFFECTIVE DATE.—

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

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

Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer

SEC. 321. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

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

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

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

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

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

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

''(2) UNREASONABLE POSITION.—

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

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

''(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

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

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

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

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

Subtitle D—Extension and Expansion of Certain GO Zone Incentives

SEC. 331. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

''(B) without regard to 'and before January 1, 2009' in clause (i) thereof,''.

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

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

''(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

TITLE IV—REVENUE PROVISIONS

SEC. 401. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate

under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (U), by striking the period at the end of subparagraph (V) and inserting '', and'', and by adding at the end the following new subparagraph:

''(W) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) CHARITABLE CONTRIBUTIONS OF EXISTING DEFERRALS PERMITTED.—

(A) IN GENERAL.—Notwithstanding section 170(b) of the Internal Revenue Code of 1986, any qualified contribution shall be allowed as a deduction under section 170 of such Code for the taxpayer's last taxable year beginning before 2018 to the extent the aggregate of such contributions made during such taxable year does not exceed the excess of the qualified inclusion amount over the amount of the deduction for all other charitable contributions allowable under section 170 of such Code for such taxable year. Proper adjustments shall be made under section 170(d) to take account of the preceding sentence.

(B) QUALIFIED CONTRIBUTION.—For purposes of this paragraph, the term ''qualified contribution'' means any charitable contribution (as defined in section 170(c) of such Code) made during taxpayer's last taxable year beginning before 2018 if such contribution is paid in cash to an organization described in section 170(b)(1)(A) of such Code (other than any organization described in section 509(a)(3) of such Code or any fund or account described in section 4966(d)(2) of such Code).

(C) QUALIFIED INCLUSION AMOUNT.—For purposes of this paragraph, the term ''qualified inclusion amount'' means the amount includible in the taxpayer's gross income for the last taxable year beginning before 2018 by reason of paragraph (2).

(4) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(5) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(6) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

SEC. 402. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2018''.

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

SEC. 403. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''100 percent''.

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 36.75 percentage points.

The SPEAKER pro tempore. Pursuant to House Resolution 1212, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6049

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

SECTION 1. SHORT TITLE, ETC.

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

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

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

Sec. 1. Short title, etc.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

Sec. 101. Renewable energy credit.

Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. Special rule to implement FERC and State electric restructuring policy.
Sec. 106. New clean renewable energy bonds.
PART II—CARBON MITIGATION PROVISIONS
Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Carbon audit of the tax code.
Subtitle B—Transportation and Domestic Fuel Security Provisions
Sec. 121. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 122. Credits for biodiesel and renewable diesel.
Sec. 123. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 124. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 125. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 126. Restructuring of New York Liberty Zone tax credits.
Sec. 127. Transportation fringe benefit to bicycle commuters.
Sec. 128. Alternative fuel vehicle refueling property credit.
Subtitle C—Energy Conservation and Efficiency Provisions
Sec. 141. Qualified energy conservation bonds.
Sec. 142. Credit for nonbusiness energy property.
Sec. 143. Energy efficient commercial buildings deduction.
Sec. 144. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 145. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 146. Qualified green building and sustainable design projects.
TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS
Subtitle A—Extensions Primarily Affecting Individuals
Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Treatment of certain dividends of regulated investment companies.
Sec. 204. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 205. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 206. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 207. Modification of mortgage revenue bonds for veterans.
Sec. 208. Distributions from retirement plans to individuals called to active duty.
Sec. 209. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 210. Qualified investment entities.
Sec. 211. Exclusion of amounts received under qualified group legal services plans.
Subtitle B—Extensions Primarily Affecting Businesses
Sec. 221. Research credit.
Sec. 222. Indian employment credit.
Sec. 223. New markets tax credit.
Sec. 224. Railroad track maintenance.
Sec. 225. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 226. Seven-year cost recovery period for motorsports racing track facility.
Sec. 227. Accelerated depreciation for business property on Indian reservation.
Sec. 228. Expensing of environmental remediation costs.
Sec. 229. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 230. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 231. Qualified zone academy bonds.
Sec. 232. Tax incentives for investment in the District of Columbia.
Sec. 233. Economic development credit for American Samoa.
Sec. 234. Enhanced charitable deduction for contributions of food inventory.
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Sec. 321. Modification of penalty on understatement of taxpayer's liability by tax return preparer.
Subtitle D—Extension and Expansion of Certain GO Zone Incentives
Sec. 331. Certain GO Zone incentives.
TITLE IV—REVENUE PROVISIONS
Sec. 401. Nonqualified deferred compensation from certain tax indifferent parties.
Sec. 402. Delay in application of worldwide allocation of interest.
Sec. 403. Time for payment of corporate estimated taxes.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

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

(2) 3-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2012'':

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

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

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

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

(b) MODIFICATION OF CREDIT PHASEOUT.—

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

(A) by striking paragraph (1), and

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

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

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

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

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

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

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

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

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

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

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

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

appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

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

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

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

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

(e) SALES OF NET ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Paragraph (4) of section 45(e) is amended by adding at the end the following new sentence: ''The net amount of electricity sold by any taxpayer to a regulated public utility (as defined in section 7701(a)(33)) shall be treated as sold to an unrelated person.''.

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

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

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

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

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

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

(g) EFFECTIVE DATE.—

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

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

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

(4) TRASH FACILITY CLARIFICATION; SALES TO RELATED REGULATED PUBLIC UTILITIES.—The amendments made by subsections (c) and (e) shall apply to electricity produced and sold after the date of the enactment of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

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

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

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

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2015''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking ''and'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

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

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

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

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

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

''(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

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

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

''(B) which produces—

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

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

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

''(D) which is placed in service before January 1, 2015.

''(2) LIMITATION.—

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

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

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

''(3) SPECIAL RULES.—

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

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

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

''(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

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

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

''(A) paragraph (1)(C) shall not apply, but

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

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

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

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

(2) CONFORMING AMENDMENTS.—

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

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

(f) EFFECTIVE DATE.—

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

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

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

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

SEC. 104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking ''$2,000'' and inserting ''$4,000''.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking ''$6,667'' and inserting ''$13,333''.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

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

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

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

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

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

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

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

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

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

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

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

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

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

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

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

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

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

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

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

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

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

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

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

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

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

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

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

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

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

''(2) CARRYFORWARD OF UNUSED CREDIT.—

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

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

(2) CONFORMING AMENDMENTS.—

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

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

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

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

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

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

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

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

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

SEC. 106. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by adding at the end the following new subpart:

''Subpart I—Qualified Tax Credit Bonds

''Sec. 54A. Credit to holders of qualified tax credit bonds.

''Sec. 54B. New clean renewable energy bonds.

''SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

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

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a new clean renewable energy bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

''(2) SPECIAL RULES RELATING TO EXPENDITURES.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

''(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

''(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

''(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

''(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

''(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(a)(1).

''(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

''(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

''(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

''(4) SPECIAL RULES RELATING TO ARBITRAGE.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

''(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

''(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

''(i) such fund is funded at a rate not more rapid than equal annual installments,

''(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

''(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

''(5) MATURITY LIMITATION.—

''(A) IN GENERAL.—An issue shall not be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue exceeds the maximum term determined by the Secretary under subparagraph (B).

''(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

''(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

''(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

''(e) OTHER DEFINITIONS.—For purposes of this subchapter—

''(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

''(B) the proceeds from any investment of the excess described in subparagraph (A).

''(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

''(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

''(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

''(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"SEC. 54B. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

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

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

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

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) REPORTING.—Subsection (d) of section 6049 is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking ''subpart C'' and inserting ''subparts C and I''.

(2) Section 1397E(c)(2) is amended by striking ''subpart H'' and inserting ''subparts H and I''.

(3) Section 6401(b)(1) is amended by striking ''and H'' and inserting ''H, and I''.

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking ''**Certain Bonds**'' and inserting ''**Clean Renewable Energy Bonds**''.

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

''SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

''SUBPART I. QUALIFIED TAX CREDIT BONDS.''.

(d) APPLICATION OF CERTAIN LABOR STANDARDS ON PROJECTS FINANCED UNDER TAX CREDIT BONDS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of any tax credit bond (as defined in section 54A of the Internal Revenue Code of 1986).

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

PART II—CARBON MITIGATION PROVISIONS

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

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

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

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,550,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

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

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

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

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

''(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—Section 48A, as amended by subsection (c)(3), is amended by adding at the end the following new subsection:

''(i) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

''(1) is consistent with the objectives of such section,

''(2) is requested by the recipient of the competitive certification award, and

''(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.''.

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

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

(f) EFFECTIVE DATES.—

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

(2) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—The amendment made by subsection (d) shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

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

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

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment

under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 121. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 122. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by striking ''or D396'' in subparagraph (B) and inserting '', D396, or other equivalent standard approved by the Secretary''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following flush sentence: ''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following: ''The term 'renewable diesel' also means fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.''

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (c) shall apply to fuel produced, and sold or used, after February 13, 2008.

SEC. 123. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 124. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

''(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle (as defined in section 30(c)(2))—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which has a gross vehicle weight rating of less than 14,000 pounds,

''(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity.

''(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking ''and'' each place it appears at the end of any paragraph,

(2) by striking ''plus'' each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (31) and inserting '', plus'', and

(4) by adding at the end the following new paragraph:

''(32) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 104, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(f)(1).''.

(3) Section 6501(m) is amended by inserting ''30D(f)(4),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking ''sections 27, 30, and 30B'' and inserting ''sections 27 and 30''.

(B) Paragraph (3) of section 55(c) is amended by striking ''30B(g)(2),''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 125. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

''(B) is certified by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 126. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

''(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

''(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.''.

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting ''(in the case of nonresidential real property and residential rental property, the date of the enactment of the Renewable Energy and Job Creation Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''section 1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

''Sec. 1400L. New York Liberty Zone tax credits.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 127. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 128. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking ''30 percent'' in subsection (a) and inserting ''50 percent'', and

(2) by striking ''$30,000'' in subsection (b)(1) and inserting ''$50,000''.

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 141. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by section 106, is amended by adding at the end the following new section:

''SEC. 54C. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by section 106, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a new clean renewable energy bond, or

''(B) a qualified energy conservation bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as added by section 106, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a new clean renewable energy bond, a purpose specified in section 54B(a)(1), and

''(ii) in the case of a qualified energy conservation bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 142. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsection (b), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 143. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 144. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 145. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

''(iii) any qualified smart electric meter, and

''(iv) any qualified smart electric grid system.''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be

used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 146. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Extensions Primarily Affecting Individuals

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 204. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2007'' and inserting ''2007, or 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 206. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428(e) is amended by striking ''except that'' and all that follows through ''such term'' and inserting ''except that such term''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 207. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SEC. 208. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ''December 31, 2007'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 209. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 210. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008, except that such amendment shall not apply to the application of withholding requirements with respect to any payment made on or before the date of the enactment of this Act.

SEC. 211. EXCLUSION OF AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS.

(a) IN GENERAL.—Subsection (e) of section 120 is amended by striking ''shall not apply to taxable years beginning after June 30, 1992'' and inserting ''shall apply to taxable years beginning after December 31, 2007, and before January 1, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle B—Extensions Primarily Affecting Businesses

SEC. 221. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) COMPUTATION OF CREDIT FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—Paragraph (2) of section 41(h) is amended to read as follows:

''(2) COMPUTATION OF CREDIT FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—

''(A) IN GENERAL.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year, the applicable base amount with respect to such taxable year shall be the amount which bears the same ratio to such applicable amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.

''(B) APPLICABLE BASE AMOUNT.—For purposes of subparagraph (A), the term 'applicable base amount' means, with respect to any taxable year—

''(i) except as otherwise provided in this subparagraph, the base amount for the taxable year,

''(ii) in the case of a taxable year with respect to which an election under subsection (c)(4) (relating to election of alternative incremental credit) is in effect, the average described in subsection (c)(1)(B) for the taxable year, and

''(iii) in the case of a taxable year with respect to which an election under subsection (c)(5) (relating to election of alternative simplified credit) is in effect, the average qualified research expenses for the 3 taxable years preceding the taxable year.''.

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 222. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 223. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 224. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 225. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 226. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 227. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 228. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 229. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 3 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 230. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 231. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by sections 106 and 141, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED ZONE ACADEMY BONDS.

''(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

''(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

''(3) the issuer—

''(A) designates such bond for purposes of this section,

''(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and

''(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

''(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008, and, except as provided in paragraph (4), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

''(4) CARRYOVER OF UNUSED LIMITATION.—

''(A) IN GENERAL.—If for any calendar year—

''(i) the limitation amount for any State, exceeds

''(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

''(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

''(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

''(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

''(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

''(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

''(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

''(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

''(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

''(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

''(A) rehabilitating or repairing the public school facility in which the academy is established,

''(B) providing equipment for use at such academy,

''(C) developing course materials for education to be provided at such academy, and

''(D) training teachers and other school personnel in such academy.

''(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

''(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

''(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

''(C) services of employees as volunteer mentors,

''(D) internships, field trips, or other educational opportunities outside the academy for students, or

''(E) any other property or service specified by the eligible local education agency.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by sections 106 and 141, is amended by striking ''or'' at the end of subparagraph (A), by inserting ''or'' at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

''(C) a qualified zone academy bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by sections 106 and 141, is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) in the case of a qualified zone academy bond, a purpose specified in section 54D(a)(1).''.

(3) Section 1397E is amended by adding at the end the following new subsection:

''(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of this Act.''.

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54D. Qualified zone academy bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 232. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2008''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2008''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2009''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2013'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2013''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2013''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2013''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 233. ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 3 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 234. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 235. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 236. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 237. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 238. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''3-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 239. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

SEC. 240. LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 241. EXPENSING FOR CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2008.

Subtitle C—Other Extensions

SEC. 251. AUTHORITY TO DISCLOSE INFORMATION RELATED TO TERRORIST ACTIVITIES MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE ON REQUEST.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. 252. AUTHORITY FOR UNDERCOVER OPERATIONS MADE PERMANENT.

(a) IN GENERAL.—Subsection (c) of section 7608 is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 253. AUTHORITY TO DISCLOSE RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (7) of section 6103(l) is amended by striking the last sentence thereof.

(b) CONFORMING AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

SEC. 254. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 255. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

Subsection (f) of section 9812 is amended—

(1) by striking ''and'' at the end of paragraph (2), and

(2) by striking paragraph (3) and inserting the following new paragraphs:

''(3) on or after January 1, 2008, and before the date of the enactment of the Renewable Energy and Job Creation Act of 2008, and

''(4) after December 31, 2008.''.

TITLE III—ADDITIONAL TAX RELIEF

Subtitle A—Individual Tax Relief

SEC. 301. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

''(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

''(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

''(B) $350 ($700 in the case of a joint return). Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 302. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting ''($8,500 in the case of taxable years beginning in 2008)'' after ''$10,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 303. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

Subtitle B—Business Related Provisions

SEC. 311. UNIFORM TREATMENT OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—In the case of any expense or court cost which is paid or incurred in the course of the trade or business of practicing law and the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expense or cost relates, the deduction under subsection (a) shall be determined as if such expense or cost was not subject to repayment.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses and costs paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 312. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.''.

(b) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W-2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the

United States by actors, production personnel, directors, and producers.''.

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: ''A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.''.

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

''(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

''(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXPENSING.—The amendments made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2007.

Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer

SEC. 321. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 (relating to understatement due to unreasonable positions) is amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—If a tax return preparer—

''(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

''(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

''(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

''(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years ending after the date of the enactment of this Act.

Subtitle D—Extension and Expansion of Certain GO Zone Incentives

SEC. 331. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

''(B) without regard to 'and before January 1, 2009' in clause (i) thereof, and''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

''(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

TITLE IV—REVENUE PROVISIONS

SEC. 401. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (U), by striking the period at the end of subparagraph (V) and inserting '', and'', and by adding at the end the following new subparagraph:

''(W) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) CHARITABLE CONTRIBUTIONS OF EXISTING DEFERRALS PERMITTED.—

(A) IN GENERAL.—Subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to (and subsections (b) and (d) of such section shall be applied without regard to) so much of the taxpayer's qualified contributions made during the taxpayer's last taxable year beginning before 2018 as does not exceed the taxpayer's qualified inclusion amount. For purposes of subsection (b) of section 170 of such Code, the taxpayer's contribution base for such last taxable year shall be reduced by the amount of the taxpayer's qualified contributions to which such subsection does not apply by reason the preceding sentence.

(B) QUALIFIED CONTRIBUTIONS.—For purposes of this paragraph, the term ''qualified contributions'' means the aggregate charitable contributions (as defined in section 170(c) of such Code) paid in cash by the taxpayer to organizations described in section 170(b)(1)(A) of such Code (other than any organization described in section 509(a)(3) of such Code or any fund or account described in section 4966(d)(2) of such Code).

(C) QUALIFIED INCLUSION AMOUNT.—For purposes of this paragraph, the term ''qualified inclusion amount'' means the amount includible in the taxpayer's gross income for the last taxable year beginning before 2018 by reason of paragraph (2).

(4) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(5) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(6) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

SEC. 402. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2018''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''100 percent''.

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 37.75 percentage points.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

My friends and colleagues, we now have an opportunity to reverse the trend that this great Nation has bound itself to, and that is, the addiction to oil as well as the lack of will to do something about it.

This great country has faced up to many crises, and the oil shortage just happens to be one. The question is do we have the will to look and to research and to find alternative means in which to meet the needs of this great Nation.

Under the leadership of Speaker PELOSI, I think today is the day that all of us are going to be proud of the initiatives that we have taken, the opportunities that are going to be given, the jobs that are going to be created, and the excitement in being able to say that the United States need not look to any Nation because of their vast resources in oil because we have the ingenuity and the ability to find alternatives.

It is endless the possibilities that this will pursue in encouraging the production of electricity from renewable sources, using the wind, solar, biomass, geothermal, hydropower, landfill gas and solid waste.

□ 1400

We even go as far as to have coal electricity plants.

It is a great opportunity for us and the world to explore these new areas that we just were too lazy or found no need to do, encouraging energy efficient products such as plug-in hybrid cars and incentives for conservation of energy in our buildings, whether they're residential or whether they're commercial. And I find it very exciting that we allow local government, that knows their communities better than we ever could, to issue tax credit bonds to further explore how we can conserve energy.

I think this is merely a beginning, but it is an historic beginning that defies party lines. I do hope that we thank the Speaker and the chairman of the committee, the staffs who came together after working years on this project, to come together with a bill that's the beginning of the one that could be a new day for America, a new day for the world as we release our addiction and dependency on fossil fuel.

There is another part of this bill that I come to you with mixed feelings and yet ask your support. It's called the extenders. What are the extenders, for the new Members? It's when people want bills passed, but they put expiration dates on them in order to hide the real cost of the bill.

I think that the ranking member of the Committee on Ways and Means and I agree that we have so much garbage in this bill that soon I hope someone would have the courage to take a look at the tax bill that we have and strip it of the preferential treatment and get down to making the bills that we want permanent, and those that should not be permanent, just to kick them out.

I think it's a disgrace that we have a stimulus package and we have to target the middle class in order to be given handouts because they don't have enough money under our tax system to put food on the table, to provide tuition for their kids and put clothes on their back. We target them as being people who cannot afford to save and plan for the future. I think it is a disgrace for the Congress to have a tax system that way.

But because we make commitments and because some of these laws are good and efficient and because we don't have the money at this point in time to make it permanent, we come to you and ask you to support the extenders. These extenders include research and development, standard deduction for property taxes for non-itemizers. We have provisions in here to help Katrina. Expanded child credits. We make it more equitable how attorneys can write off their investments before the end of a case. We also make it equitable for the moving picture industry to get the same benefits that other industries get as relates to job credit.

This is one heck of an opportunity, I think, for us to move this forward in a short way. It's only a 1-year extension, which means that the next administration hopefully will be more progressive in terms of cleaning up the code and making permanent what should be made permanent. It is not paid in controversial taxes. We remove preferences for income that is made overseas and avoid tax liability, as well as tax benefits yet to be received. So there is no pain there.

I ask unanimous consent at this time to yield the remainder of my time to the gentleman from Washington, Dr. MCDERMOTT, for purposes of managing the bill, and to thank him and so many others on the Ways and Means Committee for their leadership, their patience, and being able to bring this bill to the floor. I'm fairly confident that we will have very little problem in the Senate and have this passed into law.

So remember the date. It's historic in nature. And remember the role that you played in supporting this revolutionary approach to avoid the dependency on fossil fuel for our great Nation.

The SPEAKER pro tempore. Without objection, the gentleman from Washington will control the time.

There was no objection.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the legislation before us today and urge all of my colleagues to vote against it today.

Most critically, the bill claims to be a package of tax extenders, but fails to deal with the biggest and most pressing extender in the code, the AMT patch, the alternative minimum tax patch. This is a missed opportunity. We should have included that in this bill of other expiring provisions in the code.

The majority's failure to extend this patch for 2008 would mean an additional 21 million—mostly middle class—individuals and families would be ensnared by the alternative minimum tax. As a result, affected families will pay an additional $61.5 billion in taxes for this year. This oversight—this neglect, I think—is the single largest flaw in the bill.

The majority, I'm sure, will claim during today's debate, just as they did during committee markup, that they will address the AMT before adjourning this year, just not now. Surely our experience from 2007, when the AMT patch wasn't enacted until the day after Christmas, suggests that maybe we ought to begin acting on this now and not just run down the shot clock. Mr. Speaker, it simply does not make sense to vote to extend dozens of tax provisions, some for several years, without also dealing with the biggest and most far-reaching expiring provision, the AMT patch.

The bill also clings to the mistaken view that the House's PAYGO rules require us to raise taxes in order to prevent tax increases. I was pleased last year that, when the House finally did pass the AMT patch, we recognized the foolishness of applying PAYGO to expiring tax provisions, and I'm disappointed that that bipartisan approach is not being followed here today.

Simply put, we shouldn't have to pay to extend current law. This is not paying for a new tax cut in the main. Most of this bill is extending current law.

As we stare at the prospect of a more than $3.5 trillion tax increase baked into the budget by the majority's misguided PAYGO rules, I think it will become even more obvious in the years to come why Congress should not have to raise taxes to prevent a tax increase.

If the majority was ever willing to offset tax provisions with spending cuts, I might view this a little differently. But this bill shows once again that the only tool the majority has to meet its PAYGO requirements is the hammer of tax increases. It's little wonder, then, that to them every problem looks like a nail.

As I documented many times last year and during our committee markup last week, Washington doesn't have a revenue problem. We're getting enough revenues. We're already collecting more in taxes as a percent of our GDP than the historical average of revenues coming into Washington. That's not the problem. The problem is spending. So how many times have we had PAYGO rules be adopted and followed in this House using spending cuts to pay for extending current tax law? Zero.

Mr. Speaker, the continued use of tax increases to pay for extending current law is unacceptable to this ranking member of the Ways and Means Committee, and I hope will be objectionable to a majority of the Members of this House. In fact, this bill not only contains tax cuts, it actually does increase spending. There are items in this bill that score as spending—expanding refundable tax credits, the New York Liberty Zone project. Those score as spending. So we're increasing spending in this bill, and we're paying for that with tax increases.

In addition to those two provisions, the bill contains numerous other new temporary and permanent provisions, undermining the claim that the bill is merely extending current law. Some of the new provisions might be meritorious, but a few of those I think deserve closer examination.

For example, some of my colleagues may be surprised to know that there is a nearly $1.6 billion special tax break for trial lawyers in this bill. The provision overrides developing case law and lets lawyers using certain types of contingency fee arrangements to deduct sooner their expenses. CBO's Joint Tax Committee scores this as costing the taxpayers $1.6 billion over the next 10 years. Now, this provision was not the subject, that I'm aware of, of any hearings or examination by the committee, and yet it's in this bill today.

I would hope that before we make such a significant change in tax law costing taxpayers $1.6 billion, all going to one very narrow set of people in this country, trial lawyers, that we would want to have a hearing on that and flesh it out to see if maybe it could be crafted better, or whether, in fact, it's of any value at all to the country.

This bill also revisits the ''green pork'' tax credit bonds that were much discussed during the energy debate in 2007. These are the same bond proceeds, remember, that could be used for all sorts of dubious projects, maybe hybrid snowmobiles in Aspen, or maybe a new Wal-Mart with a couple of solar panels out front.

State and local governments using the bond proceeds don't even have to certify that the projects will reduce fossil fuel consumption or greenhouse gas emissions. Unfortunately, the majority rejected a sensible fix for this oversight when this was offered last year.

We know how this is all going to end. It will end with the passage of an AMT patch without offsets, like last year, and probably many extenders being approved without tax increases. More than 40 Senators have signed a letter pledging to oppose a package such as the one before the House today. And even if it somehow squeaks by the Senate, the President has indicated he would veto this bill.

Mr. Speaker, it's unfortunate that the majority has chosen against moving a bill on expiring provisions that could have had bipartisan support and instead have opted for the measure before us.

Given that its fate has already been sealed—it won't become law—I am comforted to know that we will have another chance to consider this legislation this year. I hope it's sooner rather than later so that we're not here in December once again scrambling to deal with these issues.

We can do better than what's before us today. Let's get rid of this, start over, and bring a good bill back.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6049.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I have a great deal of affection and I have a great deal of respect for the ranking member on the other side, but you are dead wrong on this.

First of all, you talk about this side of the aisle not being able to pass AMT. We did pass legislation, and your side sunk it. The alternative minimum tax would be gone, it would be abolished, there would be nada there, but you decided, for whatever reason, that you didn't want to pay for it. That's the problem.

Now, my friends on the other side of the aisle are determined not to support this legislation. It should be noted that entities such as Goldman Sachs—I mean, these are not, most of the time, our friends—Bank of America, Caterpillar, Ford, Deere, and Prudential disagree with you, and they publicly support the legislation.

Connect the dots here. After all, a number of important provisions, such as the critical research and development credit, the election to deduct State and local general sales tax, the 15-year straight-line cost recovery for qualified leasehold improvements, and the election to expense brownfields environmental remediation costs have already expired. These provisions are so important to American businesses and consumers, and the time to renew them is now.

There are a wide array of important provisions here, from renewable energy incentives to middle class tax cuts. I want to add how grateful we should all be to Chairman RANGEL for his decision to include a 1-year extension on the active financing rules critical to global competitiveness of U.S. financial services and companies. Those companies in this country that export are at a tremendous disadvantage. We are not playing on a level playing field. Active financing rules provide American companies with the level playing field necessary to compete in the global marketplace. Most other countries don't try to extract any taxes on its companies' foreign-based operations.

The SPEAKER pro tempore (Mr. ROSS). The time of the gentleman from New Jersey has expired.

Mr. McDERMOTT. I yield the gentleman an additional 10 seconds.

Mr. PASCRELL. Subjecting our businesses to both foreign and American corporate taxes puts them at a competitive disadvantage.

I would add this, in conclusion, these are the kind of actions that will help create fair trade in America. You cannot be against that, in all fairness.

Mr. McCRERY. Mr. Speaker, in fact, I agree with much of what the gentleman just said. I'm happy to hear him endorse many provisions that we, I think wisely, put into the Jobs bill several years ago when we were in the majority. So it's not those provisions that I oppose, it's the tax increases in the bill to pay for just extending current law that I'm opposed to. And I want to make that clear. I like the provisions the gentleman mentioned.

□ 1415

At this time, Mr. Speaker, I would yield 2 minutes to the ranking member of the Trade Subcommittee of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, like many of my colleagues, I want to express my support for the tax relief included in today's legislation, provisions such as the research and development tax credit and the active financing exception that help our employers stay competitive and the extension of the renewable energy tax incentives.

However, I cannot support this bill as written. First, it continues the negative trend the Democrat majority has followed by permanently increasing taxes to pay for temporary extensions of existing tax law. Given the wide-ranging tax relief that is set to expire in the coming years, the Democrats' PAYGO logic would require us to raise taxes by more than $3.5 trillion between now and 2018.

Secondly, the bill ''dodges'' extending the middle class alternative minimum tax patch, without which 24 million taxpayers will pay an average of $2,400 in AMT taxes in 2008 alone. We waited until the 11th hour to extend this relief in 2007. We cannot do so again.

Tragically, the House Democrats refuse to work on these issues on a bipartisan basis. Their tax increase approach has been tried and tried again, and for what we have seen in the other body and from what the White House has said, it will fail again. The longer we delay passing a realistic extenders bill, the longer American employers and taxpayers go without this critical tax relief.

Mr. Speaker, I urge a ''no'' vote on this legislation.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. I thank the gentleman for yielding the time.

Mr. Speaker, this legislation is pro-environment, it's business friendly, and it's paid for.

I don't know how anybody on the other side can mention the words ''alternative minimum tax'' with a straight face. They had sufficient opportunity in the last session of the Congress to vote for a responsible alternative minimum tax repeal. I know. I authored the legislation. They all voted against it.

I want to thank CHARLIE RANGEL today for his hard work. There are a number of business and individual tax incentives that lapsed in January of this year. There was urgency to getting it done, and we did precisely that. In my home State of Massachusetts this means that 94,000 teachers will get a deduction for out-of-pocket expenses for classroom supplies. It means that a thousand businesses in Massachusetts will get some credit for the millions they spend on research here in the United States. Without this bill 121,000 families in Massachusetts cannot take deduction for college tuition expenses.

This bill provides significant and real tax relief to millions of families nationwide and for some very low income families it will provide a new benefit. There are 111,000 children in Massachusetts whose families will get a higher tax credit because of this bill.

There are an additional 32,000 children and families in Massachusetts who are currently shut out of the child tax credit because of the threshold for earnings that must exceed rises each year for inflation. They're simply too poor for the tax credit. This bill lowers the threshold so that these working families can benefit from the child tax credit just like other families.

These are well-crafted positions, and we don't have time to mention them all. But I want to tell you in the 20 years I have been in this House, this is one of the best pieces of legislation that I have been associated with. It provides tax relief, but at the same time it's pro-environment.

I hope that Members of this House on both sides will support this legislation.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. CAMP), the ranking member of the Health Subcommittee on the Ways and Means Committee.

Mr. CAMP of Michigan. I thank the gentleman for yielding.

Mr. Speaker, it's surprising how well the Democrat majority can turn good ideas like the extension of tax relief into bad legislation. Now, we have seen it before and it usually ends in gridlock. And, frankly, the American people are tired of the majority party's record of stalemate and zero accomplishment. But here we go again with another bill that is headed nowhere.

This bill could have easily passed the Ways and Means Committee and passed on the floor with an overwhelming bipartisan majority of votes. It failed to get a majority of Republican votes in committee and will likely fail to get a Republican majority here today on the floor.

Interestingly, a lot of what is in this package was written when Republicans were in the majority. The Republican bill was devoted to tax incentives; the

Democrat bill focuses on tax increase. This is a fundamental difference between our two parties.

It is a real missed opportunity not to deal with the alternative minimum tax, which means higher taxes for more and more Americans. That's why you're seeing key groups oppose this bill like the National Taxpayers Union, Citizens Against Government Waste, Americans for Tax Reform, Alliance for Worker Freedom, Americans for Prosperity, and Club for Growth.

So what the Democrats give with one hand they take with the other. They'll use words like ''PAYGO'' and ''revenue raisers,'' but the fact of the matter is those innocent-sounding words really mean tax increases. Permanently increasing taxes to pay for temporary tax incentives is a losing deal for the American people.

Congress will be confronted with many more expiring tax provisions in the coming years, and if the Democrats continue with this flawed logic, taxpayers will be hit with more than $3.5 trillion in tax increases between now and 2018 simply to maintain current law. With $3 and possibly $4 of gas and higher grocery bills, a sluggish economy, and a downturn in the housing market, the American public cannot afford higher taxes.

We don't need a fortune teller to tell us that, just like many of the other bills House Democrats have passed that included tax increases, this bill again is dead on arrival in the United States Senate. So we will be back here again at some point debating this bill again. So after we get through with today's exercise, hopefully we can get down to business and write a bill that will gain a majority of bipartisan support.

I urge my colleagues to reject increasing taxes and vote ''no'' on this legislation.

Mr. MCDERMOTT. Mr. Speaker, I understand from my distinguished colleague from Michigan that this bill is headed for nowhere.

Are you talking about the White House?

Mr. CAMP of Michigan. Will the gentleman yield?

Mr. MCDERMOTT. No, I'm going to let the gentleman from Michigan (Mr. LEVIN) have 2 minutes.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, this legislation has vital energy provisions. Vital. It has important tax provisions, including the R&D tax credit.

So here we hear the Republicans opposing it. They did not know how to govern effectively when they were in the majority, and they're showing today they don't know how to oppose effectively when they're in the minority.

They criticize PAYGO. Their creed is ''pay-no.'' They don't want to pay for anything. They oppose a tax provision to close a loophole, an egregious one, and they call that a tax increase. They say this is their principle: Don't pay for extending current tax law, even though the reason it meets its end is because they didn't want to extend it a few years ago and increase the deficit. What illogic.

They say do further with the extenders, but they don't want to pay for it. They say do more right now on the AMT but don't pay for it.

We're going to keep working on the AMT. We're going to keep trying to pay for it. The reason this may not succeed in the Senate is because of the minority Republicans and in the White House.

I think the public is tired of this blockade. We will keep moving ahead and I hope with success. It's time to act. I hope there will be some minority support for this bill.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a distinguished member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I don't know what's being sold around here today, but there is nothing revolutionary about this bill. There are some good things in it, no question. But it is dangerously incomplete and it is tainted.

It includes a last-minute special interest provision that no one in America has ever had a chance to look at or consider. It is not revolutionary because it includes extensions of what's already law in America today, the research and development tax credit, that's so important to innovation America. The State and local sales tax deduction, important for families to deduct what they pay in sales taxes from what they owe Uncle Sam because sales taxes really add up fast, especially for younger families. Energy provisions, which are important for us to do renewable alternative fuels. All that is very good. Everyone supports it.

This bill is dangerously incomplete because it does not address a huge looming tax increase on most of middle class America. The alternative minimum tax, the second tax, that families find when they do their taxes or do their software for taxes, and they're okay, they don't owe Uncle Sam anything. We catch them with a second tax. And we said over the years that we'll do away with that. Republicans did do away with that second tax. Unfortunately, President Clinton vetoed it, and we live with it today.

This bill does nothing to stop the alternative minimum tax, the second tax, on American families, and we need to act now, not later to do that.

It is tainted because it includes a provision, $1.6 billion, a new tax break, for one special interest group, plaintiffs' attorneys with contingency fees. The wealthiest 1 percent of attorneys in America will receive $1.5 billion more of your money.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCCRERY. I yield the gentleman an additional 30 seconds.

Mr. BRADY of Texas. Mr. Speaker, the wealthiest 1 percent of attorneys in America will receive a tax break courtesy of you, the taxpayers. Yet we won't do more to help the refundable child tax credit. Those are single parents who are usually raising one or two kids and working several jobs. We offered the amendment. Instead of helping a trial lawyer buy a second private jet, why don't we help a waitress who's trying to raise her kids? Wouldn't that be a fair use of help and dollars?

So I oppose this bill. I believe we ought to do these extensions, and I believe this bill does not deserve support.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Speaker, I'm surprised to hear my Republican friends talk about their dismay that AMT is not in this package. AMT was not in the President's budget, not one nickel, not one cent. I never heard one word in the Ways and Means Committee, not a word that I can recall, of dismay from my Republicans that the President didn't address AMT.

This bill before us is to address a number of expiring provisions including energy. Good gosh, with oil approaching $130 a barrel, you would think we could bust out an energy portion and make an immediate response. The American people deserve no less.

Just take, for example, one provision: The wind production tax credit expires at the end of the year. But to be effective, a wind power plant has to be invested, constructed, and turning energy in order to qualify under the 2008 provision for the production tax credit. What that means in real terms is that already activity is being placed at risk. Financing packages are being denied for growing wind power in this country.

□ 1430

Our upside potential on harnessing power for wind is immense. But even the, I'd say paltry, 1-year extension under the bill, because this industry deserves much more than 1 year, is placed at risk now by Republican opposition.

Fundamentally, we believe if we are going to extend these tax provisions, we need to find revenue offsets so that we don't drive the deficit deeper. I think what this debate is really about is a very different vision. They're happy to just run up the debt even deeper by extending these provisions without the pay-fors. We refuse to do that. As important as these provisions are, we are not going to let our kids pay for them. We will pay for them right here and now by finding the appropriate offsets.

So for the interest of the people in this country in getting renewable energy sources, especially wind power, let's advance this legislation.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

I listened to my good friend, CHARLIE RANGEL, the Chairman of the Ways and Means Committee, from New York, a while ago, and he was talking about all these areas where we are going to get additional energy. There were some great ideas there. The problem is many of them are going to take a long, long time before we get the job done.

Right now, people in this country are paying close to $4 a gallon for gasoline, and the issue is we have a supply of oil in this country that will take care of most of the problem. We can drill in the ANWR and get a million to 2 million barrels of oil a day. That is three-and-a-half times the size of Texas, Alaska is, and we can't do it because they say it's environmentally dangerous. We can drill off the Continental Shelf and get a million to 2 million barrels of oil a day. They won't let us drill off the Continental Shelf, and yet Cuba is going to drill within 50 miles of the United States and give the oil to China.

They are using all these environmentally questionable issues to keep us from drilling for oil in this country to be energy independent. We have been talking about energy independence for 30, 40 years, and we haven't done a darn thing about it. The Speaker said here not long ago, about 2 years ago, they were going to do something about skyrocketing gas prices when it was $2.33 gallon. Now it's approaching $4 a gallon and we can't even drill for oil that's in our country to reduce the cost of gasoline.

The American people want solutions. They want Democrats and Republicans to come together and do what is necessary to help them with their energy problems. They want us to work together. We need to have some balance between environmental concerns and the cost that we need to deal with regarding this economy, and that means we need to lower the price of energy, especially gasoline, so people can get to and from work and deal with the problems they face on a daily basis. There's no question about that. Gasoline should not be $4 a gallon, and we can lower it if we drill for oil in our country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCCRERY. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. BURTON of Indiana. While we are talking about the long-term problems of energy and dealing with new technologies, and we are all for that, we have to deal with the immediate problem, and the immediate problem is drill for oil in this country, build more refineries so we can get that oil to market and lower the gas prices like the Americans want it be to lowered back down to around $2 a gallon or less.

We can do it. But we will never do it unless we work together, Democrats and Republicans. All I hear from the other side of the aisle is, No; we have to worry about the environment. There has to be a balance between environment and economic concerns, and we are not doing it.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Today, we are going to approve a plan that will produce significant new energy resources for the American people. We have passed this bill four times. Mr. BRADY is right. There is nothing new here. We keep passing it and passing it and the oil companies keep killing it.

What you're hearing today, just the last speaker says, let's drill in the Arctic National Wildlife Refuge or go hat in hand to OPEC and say, Please produce more oil. Or let's have some more secret meetings down in the White House with the Vice President and design a new tax policy that will get our oil prices even higher. They met in the first months in the White House and decided how to drive up the oil prices for the oil companies.

We are going to implement a tax plan that uses the Tax Code to produce renewable energy to put us on a path to providing our children with an energy-independent future. The plan creates incentives for America to apply technology and use practices to use energy more efficiently than the way we are presently doing.

There was a time a long time ago when the United States led in alternative energy. But now Denmark, Japan and Germany are far ahead of us because of 8 years of this present administration and their attitudes toward alternative energy.

With this legislation, we'll take a big step toward regaining our leadership in the manufacture and deployment of renewable energy. This legislation will not only create jobs in what may be the world's largest emerging industry, but it will be a blueprint for the energy policy for the 21st century.

We need to end our addiction to oil, and that's what this bill is about. I urge my colleagues to support it this time.

I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding me the time.

We are for extending these good tax policies on research and development, we are for extending these good tax policies on energy research particularly. As Republicans, as conservatives, as people who actually brought these tax policies to the table to start with, of course we are for them.

Now a 1-year extension is not the right amount of time. We can debate that. I hope we have time to because this is not the last day we are going to see this bill. If you're really serious about energy research, try to go to borrow money with a 1-year plan. You can't borrow money with a 1-year plan. You can't take a chance with a 1-year plan. You can't hire people with a 1-year plan. Surely, everybody here knows that.

If we were really serious about extending these policies, we would be sending signals that we are committed to these policies for a long time. But we are for the policies that we are talking about in current law. We are not nearly as excited about the new things that are added; the tax breaks for lawyers who have taken a case on contingency and now want taxpayers to subsidize their dealing with that case by these new ideas in the Tax Code. But we are for the continuation of good policies. But we are not for believing that to continue good tax policies, you have to pay for those by taxing other people.

If these tax policies are good enough for now, they are good enough to continue to be the policies of the future. This House decided last year on the alternative minimum tax that, well, we don't want more people to slip into that bad tax situation so we are going to move forward without having taxes that replace what would happen if we didn't try to maintain the current status of taxes.

That is what we are for, maintaining current policies, giving them as much life as possible, and not assuming that other taxpayers have to suffer in an economy that we need to be sending signs of growth and productivity to, not signs of more ideas for the Federal Government to increase taxes.

I hope we can come back to a bill that extends good policy, that does it for a longer period of time, and doesn't seem to feel it's necessary to tax other people to extend policies that are working in the Tax Code today.

Mr. MCDERMOTT. Mr. Speaker, I would remind the gentleman from Missouri that during the 6 years that the Bush administration had a rubber-stamp Congress up here, they put it out 1 year at a time. Now you want us to make it long. We will see.

I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. The prior speaker said you can't have a plan for 1 year. What he didn't mention is that the Bush administration and the Republican Congress hadn't had a plan for 7 years, and look where it's gotten us.

The fact is a lot of people want to talk about you have to have a balanced approach. That's true. You do have to have some drilling. There are 9,300 permits owned by the oil companies here in the United States for drilling that they do not use. Close to 72 percent. They don't use. They are not drilling. Could alleviate today. They are waiting for the price to increase before they drill. Those permits have been issued. So that is part of a plan.

What we are talking about today is seizing future energy sources, be that wind, solar, biomass. In fact, today, the

Wall Street Journal, lead story, the Pentagon knows and it is launching, according to the headline, an alternative fuels strategy. The Pentagon knows that. Corporate America is investing in alternative energy sources. They know that. The American consumer knows you have got to have a different strategy than the one that depends only on oil. The only people that don't know that you need to have a diverse energy policy is the White House and sometimes I believe some of the Republican Members of Congress here.

We need an energy policy so it begins to invest in 21st century energy sources, like wind and solar, and stop subsidizing 20th century energy sources, which is only oil. This gives us an agenda, a strategy to look to the future, build new technologies, new industries that will employ hundreds of thousands of people, and invest and give America its energy independence.

Second, it does not cost the American taxpayer. This is a paid-for piece of legislation by closing offshore deferrals where a lot of people hide their income in offshore deferrals. In fact, Congressman MCCRERY and Senator GRASSLEY both acknowledge it is a decent way to pay for something. Whether they agree for this, they do agree it's a legitimate pay-for.

Third, there's a lot of talk about middle class and the suffering in the middle class. This legislation provides property tax relief for middle class families.

Remember that this is the first step toward energy independence and making sure that we build on the progress we have made, such as CAFE standards for cars.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

I assure the gentleman from Illinois that despite the fact there might be 9,300 permits to drill out there that aren't being utilized, I am sure there are good reasons for not utilizing those permits. I can assure the gentleman that if we opened up ANWR, if we opened up the Continental Shelf and more parts of the Gulf of Mexico, we would have domestic oil companies taking advantage and drilling to produce.

Mr. EMANUEL. Will my colleague yield?

Mr. MCCRERY. I would be happy to yield.

Mr. EMANUEL. We can have a legitimate debate about Alaska. We have had 20 years of it. What I am suggesting, and you would agree that Alaska is 10 years down the road.

Mr. MCCRERY. I don't agree with that.

Mr. EMANUEL. Alaska is not today. There are 9,300 permits that have been issued today for onshore drilling not being exercised by the oil companies.

Mr. MCCRERY. Reclaiming my time, I don't quarrel that that may be correct. But it's beside the point. There may be legitimate reasons why those particular permits are not being utilized. But the fact is, by law our companies cannot drill in ANWR, they cannot drill in the Outer Continental Shelf beyond a few areas in the Gulf of Mexico. And that is wrong.

Look, my 14-year-old son this morning, I am driving him to school and the radio report came on that oil hit $130 a barrel, and my son says, Dad, why don't we just tell OPEC to produce more oil? Well, he's a pretty smart kid. That would help. But I said, Son, if we told OPEC to drill for more oil and then they turned it around and said, Well, why doesn't the United States drill for more oil.

Mr. EMANUEL. Would the gentleman yield?

Mr. MCCRERY. No, I've already given you some time.

The SPEAKER pro tempore. The gentleman from Louisiana controls the time.

Mr. MCCRERY. What if they told us, Why doesn't the United States drill for more oil, what would our answer be? We don't know, because Democrats for years have blocked every sensible environmentally sound plan to explore and develop known resources here in this country, and that is a shame. We ought to have a balanced energy policy. Yes, alternative sources that we Republicans put in legislation several years ago, passed the bill, I believe, in 2005, and began a lot of these credits that we are extending today. We agree with that.

Mr. EMANUEL. Will you yield for a second?

Mr. MCCRERY. Let us develop the resources we know we have, the proper fuel resources that can help immediately.

Mr. EMANUEL. Just one second.

The SPEAKER pro tempore. The gentleman from Louisiana controls the time.

Mr. MCCRERY. Thank you, Mr. Speaker.

I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

□ 1445

Mr. TERRY. Mr. Speaker, I really believe that we need to have our own American-made energy, and we have the resources here. I have been a leading advocate in Energy and Commerce on alternative energies, on wind, solar, geothermal, closed-loop biomass and cellulosic ethanol, and these tax credits, I think, are important in that process. We need to have a complete portfolio that includes alternatives, these types of alternatives. But I have to say that I am disappointed greatly in the fact that we are extending these for 1 year.

I have sat down with the leading folks in especially wind energy. And, by the way, let's not confuse these sources that generate electricity with putting fuel in our cars. Most of these generate electricity, like wind. We need it. But they can't take their business plan to the bank on a 1-year tax credit. They said they need at least a 5-year, and prefer a 10-year.

If we are very serious about making alternatives part of our energy portfolio, we need a 5- to 10-year plan to extend these tax credits. Otherwise, we are just simply perpetrating a hoax upon the American public that is looking towards Congress to find a way to alleviate the pressures of high gas costs. It is about what they are paying when they pull up to the pumps. So if we are serious about it, let's do a long-term tax credit bill that is actually going to be usable by the folks that want to invest in these alternatives.

Yes, we do a little bit better job on solar. I am surprised that they pulled one out and treated that so specially, when all the others are just so meritorious. And, by the way, I am not sure we have gotten to the technology yet where we can have wind panels and solar panels operating our cars for us. They can generate electricity if we want to do a plug-in, but even that we are not doing a long-term plan for.

Mr. MCDERMOTT. Mr. Speaker, could I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 12½ minutes remaining. The gentleman from Louisiana has 4½ minutes remaining.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Washington State.

I want to commend Mr. RANGEL and Mr. NEAL for an outstanding piece of legislation that they have put before us. I am particularly pleased with the extension of credits as it relates to fuel cell and geothermal technology, but wind and solar as well. To extend these credits in a manner that will allow us to become energy independent is something that is long overdue for this Nation. Let us hope that our colleagues on the other side are able to join us in making sure that we take a positive step forward for the future of energy independence.

What seems apparently is the stumbling block on the other side is that we are providing that we pay for this, and that we are doing so by, well, taxing a group of people who otherwise go untaxed and yet reap all the benefits of this great Nation. But those poor hedge fund guys who sequester their funds offshore and are making millions of dollars, to subjugate them to a tax, oh, just the thought of it sends a shudder up the spines of our dear friends on the other side. Imagine the people back home, the people that they talk about, that Mr. BURTON said need this relief immediately. But to do so by taxing offshore hedge funds? Well, we can't have a part of that.

It is time for this country to get serious about energy independence. It is time for us to step up to the plate and for Americans to understand that people who are making funds offshore paying no taxes ought to contribute to making sure that we are able to move

this Nation forward in the direction of energy independence.

I commend Chairman RANGEL and RICHARD NEAL for this fine proposal.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if my good friend Mr. LARSON's description of the tax increase in the bill were correct, I wouldn't have any quarrel with it. However, the provision affects more than just offshore hedge fund managers. It affects any employee working for a company based offshore in any business. So it is much broader than the gentleman described, and that is the main reason that I oppose that provision in its current form.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank our Chair, Mr. RANGEL; Mr. NEAL, our subcommittee Chair; Mr. MCDERMOTT; and all the members of this committee for this great piece of legislation around energy and tax extenders.

I know my colleagues have done a great job talking about the energy portion of the bill, so I am going to move straight to a couple of areas that are important specifically to people who reside in my congressional district.

In my role as the Chair of the Congressional Philanthropic Caucus, I am especially pleased to see the inclusion of the IRA rollover provision, which has become an important fund-raising and development tool in the philanthropic community. More and more today we are calling upon the philanthropic organizations to do the job that others have stepped away from.

In addition, the extension of the active finance exemption sends a message to corporate America that this Congress has their interests at heart because this provision, along with the subpart F look-through, allows them to remain competitive and keep jobs here and not abroad. The tenets of sound tax policy begin with the notion of equity, efficiency and simplicity. Relying on the traditional framework, I am certain that we are driving towards a rational consensus.

It is in this environment or within this context I am pleased to support this piece of legislation, and encourage my colleagues throughout the Congress to join us in passing this legislation that will impact energy and other extenders in the Tax Code.

THE PROCTER & GAMBLE COMPANY,
Cincinnati, OH, May 20, 2008.

Hon. STEPHANIE TUBBS-JONES,
U.S. Representative, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE TUBBS-JONES: I want to take this opportunity to thank you for your leadership in the Ways & Means Committee's consideration of H.R. 6049, the Renewable Energy and Job Creation Act. House passage of H.R. 6049, including the so-called CFC Look-through rule, is very important for us to remain competitive in markets around the world.

Your efforts to include the extension, the so-called CFC Look-through rule in H.R. 6049, were critical to the ability of P&G, and many other American companies, to serve our customers and consumers around the world. We look forward to working with you as this legislation moves through the House of Representatives.

Sincerely,

ROBERT A. MCDONALD,
Chief Operating Officer.

Mr. MCCRERY. Mr. Speaker, since the majority has so much more time left than the minority, I would reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

There have been some stark differences in the debate here today, but there is one thing that is clear: There is a clear record of failed fiscal discipline on the part of our friends on the Republican side of the aisle; 12 years of failure to deal with the alternative minimum tax, including 6 years of that time when they controlled the entire process, their failure to cut spending while they borrowed money on our children's credit card to give tax benefits to those who need it the least, and for 12 years they refused to fix the AMT.

There is going to be a new era in Washington in 242 days where we will be able to deal comprehensively with tax reform, and I look forward to it. But, in the meantime, it is critical to give Americans more energy choices, and this legislation does precisely that.

In particular, it would extend the investment tax credit that deals with renewable energy. When the PTC for wind energy expired at the end of 2003, the installation of new wind capacity dropped 77 percent in the next year. A recent analysis by our friends in the wind and solar industries suggest that we are looking at $19 billion of lost investment and 116,000 lost job opportunities if we fail to act on the extension. This will set us back not just in terms of the challenge of wind and solar energy today, but we are going to lose ground to our competitors overseas.

I strongly urge that we focus on the need to provide more energy choices for Americans today. Extending these credits is a way to make a difference this year. Failure to do so is going to cause unnecessary disruption, not just in terms of energy, but economically as well.

I would hope that this is one area where we ought to be able to work together, agree with these responsible provisions, and enact it into law.

Mr. MCCRERY. Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the Speaker, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I proudly rise in support of the Renewable Energy and Job Creation Act. I am enthusiastic about it because it will cut taxes for millions of middle-income families and grow the U.S. economy, it will invest in renewable energy technologies to create high-paying green jobs, it will make us more energy independent, and it will remove incentives in the Tax Code that encourage shipping jobs and investments overseas.

I would like to acknowledge the extraordinary leadership of the chairman of the Ways and Means Committee, Mr. CHARLIE RANGEL. He has brought a bill to the floor that makes key investments in our families and our future. And I thank the gentleman from Washington State, Mr. MCDERMOTT, for his leadership and for yielding me time.

This is how the bill will cut taxes. Here are seven reasons why everybody in this Congress should vote for this bill. Any one of them should be enough.

First, it provides 30 million homeowners with property tax relief.

Secondly, it helps 13 million children by expanding the child tax credit.

Third, it benefits 11 million families through the State and local sales tax deduction.

Fourth, it helps 4.5 million families better afford college with tuition deductions.

Next, it saves 3.4 million teachers money with a deduction for classroom expenses. Imagine now when our teachers go into classrooms that are not fully equipped. They have to pay for that equipment themselves. This at least says if you do that, you will get a tax deduction.

It provides more than 22,000 military families with tax relief under the earned income tax credit.

And it ensures U.S. competitiveness by expanding the research and development tax credit.

That is how it cuts taxes. There are seven reasons right there, any one of which I think is sufficient to vote for this bill.

When it comes to gas prices, Mr. Speaker, as we debate this legislation American families are paying record prices at the pump. Yesterday the cost of a barrel of oil passed $129 for the first time in history. Today I believe it went past $130. This legislation invests in the future and the ingenuity of the American people to create and deploy cutting-edge renewable technologies that will reduce our dependence on foreign oil, and this is how it does that.

It strengthens and extends the production tax credit which will spur the deployment of wind, biomass, geothermal, hydropower, tidal and landfill gas.

Next, it transitions biofuel beyond corn by creating a new tax credit to promote the production of cellulosic biofuels.

Next, it expands and extends the solar and fuel cell investment tax credit and offers tax incentives for residential, solar, wind and geothermal technologies. It provides tax incentives for coal electricity plants that capture and

sequester carbon dioxide. It includes incentives to encourage energy efficient products, such as plug-in hybrid cars and incentives for energy conservation, both in commercial buildings and residential structures. And it creates a new category of tax credit bonds to fund local initiatives to promote the deployment of green technologies.

This is a comprehensive approach, the missing part of the energy bill that we passed last year because it did not have the tax credits. Now we do. This industry can take off. We can have private sector initiatives to grow our economy, create good-paying jobs here at home, green jobs, and have the green economic revolution that is so important to our future.

And this is all being done in a fiscally sound way. No new deficit spending. It is paid for. This forward-looking legislation invests in renewable energy, creates hundreds of thousands of good-paying green jobs, spurs American innovation, and cuts taxes, cuts taxes, for millions of Americans. And it does so, as I mentioned, in a fiscally responsible way.

To invest in our future, this bill closes loopholes allowing corporations and executives to avoid paying certain taxes by shipping jobs and investments overseas. The New Direction Congress thinks we should focus tax benefits on creating jobs and encouraging investments here at home.

Despite the strong case for rescinding taxpayer subsidies for big oil companies making record profits, opposition by the Senate Republicans to these offsets makes their inclusion untenable for the bill being debated today. But we will come back to that.

□ 1500

Today's bill represents a concerted effort to enact a bill into law promptly, and thus relies on revenue offsets that enjoy strong bipartisan support.

I urge my colleagues to join Mr. RANGEL and members of the Ways and Means Committee and Members of our House on both sides of the aisle who care about an energy future for America that reduces our dependence on foreign oil. It is a national security issue, it is an economic issue, it is an environmental and health issue, it is an energy issue, it is a moral issue for us to preserve God's beautiful creation, this planet, and to pass it on to the next generation in a responsible way.

I urge my colleagues to support the Renewable Energy and Job Creation Act.

Mr. MCCRERY. May I inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman from Louisiana has 4 minutes remaining. The gentleman from Washington has 6 minutes remaining.

Mr. MCDERMOTT. Mr. Speaker, I would like to enter into the RECORD a letter from the managing director of Credit Suisse that says, ''I am writing in support of H.R. 6049. We fully support your efforts to use the revised deferred compensation measure as a revenue raiser.''

CREDIT SUISSE SECURITIES (USA) LLC,
New York, NY, May 15, 2008.

Chairman CHARLES RANGEL,
Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN RANGEL: On behalf of Credit Suisse, I am writing to express our support for H.R. 6049 the Energy and Tax Extenders Act of 2008. The bill's deferred compensation provision is of particular interest to us and we very much appreciate the efforts of you and your staff to ensure that this measure does not create any unintended consequences.

We are aware that issues have been raised regarding the need to offset the bill and with the deferred compensation provision specifically. As you are aware,'we are generally cautious as it pertains to revenue raisers and always look to work with the Committee to guard against unintended consequences. However, in this instance we fully support your efforts to use the revised deferred compensation measure as a revenue raiser in H.R. 60491 Given the House rules on pay-go, we recognize that without offsets the bill is not likely to be enacted this year, thereby causing a series of tax provisions to expire which in our opinion would not be a good overall outcome.

I reiterate our support for the measure and thank you again for your willingness to work with us on the deferred compensation provision. I look forward to working with you again in the future and please let us know if we can be of any assistance.

Sincerely,

THOMAS PREVOST,
Managing Director.

I yield 1 minute to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I would like to thank Chairman RANGEL and Congressman NEAL for bringing forward this wonderful piece of legislation, which I proudly support. And I support this bill to provide incentives for clean domestic renewable energy production. It will improve our energy security, extend vital tax provisions, and provide tax relief to parents and teachers, college students, homeowners, small businesses, and millions of other middle-income Americans. Closer to home, this legislation is needed to ensure that Nevada residents, who do not pay a State income tax, will be able to deduct State and local sales taxes from their Federal income taxes.

Currently, some families who could benefit the most from the $1,000 refund and for a child tax credit actually make too little to qualify. This bill ensures that more hardworking parents will be able to benefit from this credit.

The bill extends the investment tax credit for solar energy property for 6 years, while doubling the annual credit cap for residential properties to $4,000.

The SPEAKER pro tempore. The time of the gentlewoman from Nevada has expired.

Mr. MCDERMOTT. I yield the gentlewoman 15 seconds.

Ms. BERKLEY. This important provision not only increases clean energy production, but it will also create new green collar jobs in Nevada.

While I strongly believe the alternative minimum tax should be eliminated and I remain committed to protecting the 130,000 Nevadans who will be hit by this tax, this bill is paid for. I recommend everyone support it.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I listened to the Speaker of the House who spoke so eloquently about the pain Americans are feeling at the gas pump. She and her party should know a lot about it. They helped cause it.

Since the Democrats have been in control here for almost a year and a half, we have seen prices at the pump go up about $1.50 a gallon. A barrel of oil is at the highest price we have ever seen. They have tried to sue their way into lower gas prices. Now they are trying to tax their way into lower gas prices. Yet they never think about producing American energy in America.

So now we have the so-called tax extender bills, Mr. Speaker. Well, isn't that an interesting concept. Why is it that spending is forever and grows exponentially, and yet tax relief to hardworking middle-income families is somehow temporary? It just kind of disappears. But the Speaker of the House tells us that this is somehow fiscally responsible.

If you read the front page of USA Today 2 days ago, it tells you that under the Democrats' watch we have an extra $2.7 trillion of unfunded obligations that are put upon our children.

Apparently the majority leader thinks that is a laughing matter. As the father of a 6-year-old and the father of a 4-year-old, I don't find it too funny.

What we have here is we are going to preserve tax relief for some by increasing taxes for others. Again, what an interesting concept. The bottom line is the job creation mechanism of America is taxed, taxed again when people's paychecks are shrinking. This isn't fair.

Now some people say, well, these particular provisions need reform. I am happy to reform the Tax Code. I have cosponsored the Taxpayer Choice Act of 2008. I invite my Democrat colleagues to cosponsor it so that we can present a two-tier flat tax system to the American people. But the bottom line is Washington is spending too much, and we don't need another tax increase bill.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the gentleman.

This bill continues the new Congress' steadfast commitment to driving a clean energy revolution in our country and stimulating near-term growth in our struggling economy.

Gas prices are up around $4 a gallon. Climate change is a clear and present

danger. We need to wean ourselves off of largely imported foreign sources of fossil fuel. This bill charts that new course, the right course. It provides critical incentives for accelerated energy production from wind, geothermal, and hydropower sources. It includes investment tax credits for solar and fuel cell properties and a number of other factors.

To give our economy a boost, the legislation extends pro-growth policies like the R&D tax credit, and cuts taxes for millions of middle class families through a host of provisions including the expanded child tax credit. Mr. Speaker, this is a pro-growth, pro-environment, forward-looking and fully paid for package that helps move our country in a new direction.

Our colleagues on the other side of the aisle continue to resist change. They had a monopoly on power in Washington for 6 years and did nothing. Now they have become the party of ''no,'' veto, and the status quo. Let's move in a new direction.

Mr. MCCRERY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I include at this point in the RECORD excerpts of a memo written to Bill Dauster of the Senate Finance Committee from Ed Kleinbard, Chief of Staff at the Senate Joint Committee on Taxation.

CONCLUSION

While we recognize that colorable arguments can be made in support of the contrary conclusion, we believe that Rule XLIV's disclosure requirement for limited tax benefits is applicable to Section 301.

Mr. Speaker, this new majority is all politics all the time.

Now, the Speaker gave seven reasons to vote for this bill. Funny, she didn't include the tax boondoggle for trial lawyers. That is right, a tax break for trial lawyers.

The bill allows plaintiffs' trial lawyers to take deductions for the payment of contingency fees. I ask you, under current economic conditions, should we be using the Tax Code to give the plaintiffs bar possible financial incentives to bring more and costlier lawsuits against American business?

Second, by definition, in the rules of this House this bill contains earmarks and pork. The restructuring of the New York Liberty Zone tax credits provide pork, a limited tax benefit of over $1 billion to New York City.

Pork for powerful Members of Congress. Pork for trial lawyers. Mr. Speaker, two good reasons to vote ''no'' on this bill.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, as a member of the Ways and Means Committee, I rise in strong support of this legislation.

This package encourages the innovation and entrepreneurship needed to advance America's energy independence. It promotes economic growth, enhances the ability of American businesses to compete internationally, and provides much needed relief to American families. This proposal extends the research and development credit that encourages innovation and creates new green jobs; the higher education expense deduction that enables Americans to afford to go to college and to be able to compete in the new technology jobs. And the provisions that are included encourage renewable energy development and conservation, including a provision that I championed which incentivizes more energy efficient commercial buildings.

This is not the first time that we have passed these energy provisions in this House. Past efforts have been opposed by the Republicans and by the President both on substance and on how it is paid for. But this bill passed the committee with a bipartisan vote.

With a strong bipartisan vote today, we can send a strong message that we are ready for a new energy policy in this country and should be passed this afternoon with bipartisan effort.

Mr. MCCRERY. Mr. Speaker, I have no further requests for time, and I would reserve the balance of my time to close on our side.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, let me address the contingency fee provision that has come up several times.

Mr. MCCRERY, I agree with you that contingency fee lawyers are a very, very narrow class of people. They are the only major business in America that gets paid solely based on how effective they are. If they earn nothing for their client, they get nothing in the way of compensation.

Another fact for my friends on the minority: Contingency fee lawyers are small business owners who run up expenses, like every other small business in America. Simple tax fairness says they ought to be able to take the expenses when the expenses occur. That is how we grow businesses in America, we give people a chance to use the Tax Code to grow. And if every other business in America can take a deduction for expenses in the year in which you incur the expense, how dare we single out one class of small business owners and treat them differently.

This provision is a simple clear matter of tax equity.

Mr. MCDERMOTT. Mr. Speaker, I would reserve the balance of my time to close, using the majority leader.

Mr. MCCRERY. Mr. Speaker, let me close today by simply saying that we don't object to the main body of the bill, the extensions of the expiring provisions of the Tax Code. After all, those were provisions that we put in the Tax Code when we were in the majority. That is not the point.

The point is that if we follow the PAYGO rules that require these existing provisions of law to be paid for if they are extended just amounts to a built-in tax increase. If we are already bringing in to the Federal Government more money as a percent of GDP than we historically have with all these provisions in place, what sense does it make to raise taxes just to keep them in place? It doesn't make sense, unless you simply want to raise more revenue for the central government in this country, grow the government even more.

So, Mr. Speaker, with all due respect to those who have spoken so eloquently on the merits of the expiring tax provisions, I agree with that. But to hold to the PAYGO provisions that require the offsets in this bill would lead us to a huge tax increase over the next 10 years.

Mr. MCDERMOTT. Mr. Speaker, I yield the remainder of my time to the gentleman from Maryland, the majority leader to close the debate.

Mr. HOYER. I thank the gentleman for yielding.

Again, I want to say how much respect I have for Mr. MCCRERY. I think he is one of the most positive Members of this body. I think he has worked productively with Chairman RANGEL, and I have great respect for my colleague. He will be leaving, and that will be a loss for the Congress. I wanted to say that before I begin.

Let me say that we have disagreements. However, and on the overall issue that he raised in closing about paying for this, he is accurate. Now, some of these extenders even pre-date the time when the Republicans were in the majority in 1995 and through 2006. But I think there is consensus on extending them. The difference is, should we pay for them? There are only a number of options, a few options available to us. We can pay for them, or our children can pay for them. Somebody will pay for them. There is not a free lunch.

My view is this supply side economics pretends there is somewhere out there where the tooth fairy is going to deliver the money. There is not a tooth fairy. It is the parent who delivers the money under the pillow when the tooth is lost. But we are the parents, and we need to act as adults. We need to pay for what we buy. And if what we buy is giving somebody a tax incentive because we believe that they will do something good that will advantage our community and our country, then that is fine. I am supportive of that. But we ought to pay for it, because that is our decision.

□ 1515

One of the gentlemen spoke about his two children. I have three children. I have three grandchildren, and I have one great-granddaughter. I'm equally concerned. I'm concerned about the $4 trillion in debt that we've added over the last 6-plus years, and now some $400 billion this year alone. But that is the general philosophy.

The specific philosophy here is we need to be energy independent. We need to be sure that our policies that we pursue do not continue to make us hostage to those who have petroleum products.

Mr. Speaker, I first want to commend Chairman CHARLIE RANGEL and all of the members of the Ways and Means Committee for their hard work on this very important, farsighted legislation, the Renewable Energy and Job Creation Act.

This week the American people are paying, on average, $3.79 per gallon for gasoline. Mr. HENSARLING observed that I was laughing when he said the Democrats have been in charge and look what's happened to gas prices. I was laughing because the absurdity is rejected by the American public, that somehow policies that we've adopted over the last year, when the President vetoes anything he doesn't want, has affected those gasoline prices to me is patently absurd and clearly rejected by the American people. It was, I thought then and think now, a laughable proposition to make.

Motorists are paying $4 per gallon, more than $2.50 per gallon more than they were paying when the current administration took office.

To show you the difference, when Bill Clinton was President from 1993 to 2001, gas prices rose from $1.06 to $1.46, 40 cents, or a nickel a year, a nickel a year during those 8 years. During this President's administration, prices are rising a nickel a week.

There is no doubt that this explosion in gasoline prices is squeezing hard-working families who live in every one of our districts who also are coping with the rising costs of food and groceries, health care and education.

This legislation is not a panacea to those immediate concerns. Would that we had one. But it does represent an important step in our continuing effort to reduce our dependence on foreign oil.

Among other things, the bill will establish a new tax credit of $1.01 per gallon for cellulosic biofuel production from now through 2015, so that we can rely on the Middle West and perhaps other parts of our country, rather than the Middle East. It will extend this $1 per gallon biodiesel tax credit, and makes it available to all potential sources of diesel that can be made without petroleum. And it allows jet fuel produced from biomass to qualify for the credit as well.

Furthermore, this legislation will reduce our dependence on imported fuel for our electricity sector by extending and expanding tax incentive for sources of renewable energy including wind, solar and biomass.

It also will encourage the use of plug-in hybrid cars and provide incentives for energy conservation in residential homes, commercial buildings and appliances; all of which, I think, the American public applauds.

Additionally, this bill will help create hundreds of thousands of ''green jobs.'' It will spur American innovation and business investment, which will strengthen our economy today and in the future. And it will provide tax relief for millions of Americans, expanding the child tax credit for the families of 13 million children, helping 4.5 million families better afford college through a tuition deduction, and saving 3.4 million teachers money with a deduction for classroom expenses, so when they buy something for their classroom, like a business expense, they'll be able to deduct it.

Now, many on the Republican side object to this bill because the Democratic majority, in keeping with our commitment to fiscal responsibility and pay as you go budget rules, insists that this legislation be paid for and not add to the national debt.

That's a fundamental difference between our two sides. One believes that tax cuts somehow pay for themselves. Mr. Bernanke doesn't believe that, Mr. Greenspan doesn't believe that, but our Republican colleagues clearly believe it, and they've pursued that policy, which has, as I said, put us over $3 trillion in additional debt over the last 82 months.

To them I simply say: It is long past time that the Members here insist that our Nation pay for the things it buys. To not do so takes the discipline out of the democratic process, because if we can simply charge that which we buy, there will be no discipline on the part of the electorate to say no, we don't want to be taxed to buy that. And I guarantee the system would stop buying it. But if there is no discipline, if we're not paying, my grandchildren will not be able to vote and exercise that discipline.

History, I suggest to my colleagues, is littered with the stories of formerly great nations that began their demise through fiscal profligacy. It is within our power to ensure that the United States of America is never added to that list.

The method by which Chairman RANGEL and the committee have paid for the cost of this bill is laudable. Important. This legislation closes loopholes that allow corporations and executives to avoid U.S. taxes by shipping jobs and investments overseas. And because our obligations do not stop, average working Americans, therefore, must pay more if the wealthiest among us who can seek tax havens do not pay their fair share.

This legislation is the right thing to do. Mr. Speaker, this is an excellent bill that will help reduce our dependence on foreign oil and protect our environment, create thousands of jobs and strengthen our economy, and provide tax relief to millions of hard-working Americans.

I commend Mr. RANGEL, Mr. MCDERMOTT, the members of the committee, and I commend Mr. MCCRERY for his responsible stewardship as the ranking member and his working to try to bring consensus. We have not reached it in this instance, but I do commend him for his efforts.

And I urge my colleagues, support this important legislation which moves us towards energy independence and a fair and equitable tax system.

Mr. CARSON of Indiana. Mr. Speaker, I rise today in strong support of H.R. 6049, The Renewable Energy and Job Creation Act of 2008. This is a fiscally responsible and progressive piece of legislation. H.R. 6049 responds to the concerns we consistently hear from our constituents about energy prices, property taxes and the needs of our brave men and women in uniform.

H.R. 6049 recognizes that the need for renewable energy is greater than ever. Oil companies reap higher and higher profits but consumers are struggling to keep up the rising cost of gas. Our dependence on foreign oil continues to pose a serious risk to our national security. Further, we know our current energy sources are contributing heavily to global climate change. I applaud H.R. 6049 for including a $20 billion dollar investment in renewable energy research and production to find environmentally sound alternate energy supplies.

In my home state of Indiana, families are struggling to keep up with sky-high property taxes. My colleague BARON HILL has worked to bring about relief for homeowners and introduced H.R. 3726 the Property Tax Relief Act of 2007, a bill I am proud cosponsor. I was pleased to note the bill we are discussing today provides an additional standard deduction for State and local real property taxes paid for 2008, a provision very similar to H.R. 3726.

This bill also provides assistance to our veterans and active duty service men and women. H.R. 6049 includes provisions allowing members of the armed services to include combat pay in order to qualify for the earned income tax credit and rules to allow veterans to qualify for mortgage revenue bonds. These programs offer critical assistance to lower income individuals.

H.R. 6049 helps American families by extending the deduction for qualified tuition and related education expenses and increasing the eligibility for the refundable child tax credit for 2008. Further, it rejects President Bush's attempts to cut down Medicare and Medicaid benefits, the budget for the Centers for Disease Control and Prevention, the Environmental Protection Agency and several key law enforcement programs. Having spent my career in law enforcement, I was especially concerned to hear that the President proposed eliminating the Byrne Memorial Justice Assistance Grants and cops. I am pleased this bill continues to support these important programs.

I commend Chairman RANGEL for his leadership on this important bill.

Mr. UDALL of Colorado. Mr. Speaker, I strongly support this legislation that will extend critical tax credits for renewable energy and for American families while not adding to the federal deficit.

As co-chair of the Renewable Energy and Energy Efficiency Caucus, I am especially pleased to see the House take action on needed tax credits for renewable energy. The Production Tax Credit (PTC) in particular has been instrumental in promoting the creation of a renewable energy industry. An extended

PTC will provide more market certainty and we must have an extension of this key tax credit before the current credit expires at the end of 2008.

I must add that, while I am pleased that the bill provides a 3-year extension of the PTC for most renewable energy sources, I am concerned that it only provides a 1-year extension for wind energy. Wind is a very promising renewable energy source and a 1-year extension will not be as helpful for the industry. I will continue to lead the fight to extend the PTC for more than 1 year.

The bill also extends the Investment Tax Credit (ITC) for solar energy, qualified fuel cells, and microturbines through the end of 2014. The ITC will help companies with initial investment costs in expanding these renewable energy sources across the country.

The bill also authorizes $2 billion of new clean renewable energy bonds (CREBS) for public power providers and electric cooperatives. This is a critical tool, especially for Colorado's rural co-ops and municipal utilities.

This bill would also benefit families who want to invest in renewable energy. It would extend the credit for residential solar property for 6 years and increase the annual credit cap, currently capped at $2,000, to $4,000. And it would expand the definition to include residential small wind equipment and geothermal heat pumps so that consumers have more options.

Rising gas prices are forcing many Coloradans to dip into their savings just to make ends meet. This bill will help families reduce their fuel bills by providing $3000 in tax credits toward the purchase of fuel-efficient, plug-in hybrid vehicles. It will also help address long-term fuel cost concerns by expanding production of homegrown fuels, including creating a new production tax credit for cellulosic biofuels besides ethanol, as well as an extension of the tax credits for biodiesel and renewable diesel.

I supported the energy bill that the House passed last year which included many of these important tax provisions, as well as the Renewable Energy and Energy Conservation Tax Act of 2008 that the House passed earlier this year. But, for the lack of support in the Senate, these provisions have not yet made it to the President's desk to be signed into law.

And this bill will also help Colorado businesses stay competitive by extending the research and development tax credit for 1 year. While again I would like to see this key tax credit extended for more than 1 year, this is a step in the right direction.

To help with the hard economic times that Coloradans are facing, this bill includes several other key tax credits, including expanding the child tax credit for some of our neediest families, allowing teachers to take a deduction for purchasing classroom supplies out of their own pockets, and providing additional support for families paying for college education.

I hope today we can move this bill forward and promote positive change that will benefit our families and rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

I strongly encourage my colleagues in the House to vote for this needed legislation, and also encourage quick action in the Senate so that we may move it to the President's desk.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 6049, Renewable Energy and Job Creation Act of 2008. I would like to thank my colleague the Chairman of Ways and Means, Congressman CHARLES RANGEL for bringing this energy legislation forward .

The bill extends dozens of expired or expiring tax provisions, and extends and creates new energy-related tax incentives for the production of wind and other renewable energy and for homeowners' investment in solar and fuel cell equipment.

Texas has invested in the production of wind and is looking to come up with more ways to aid us in energy conservation and harnessing our natural resources in a way that does not damage the environment.

There is an undeniable consensus on the importance of America achieving energy independence in the 21st century. It is critical that we terminate our dependence on foreign sources of oil, the majority of which are located in regions of the world which are unstable and in most circumstances, opposed to our interests. Accordingly, there is no issue more essential to our economic and national security than energy independence.

By investing in renewable energy and increasing access to potential sources of energy, I believe we can be partners with responsible members of America's energy producing community in our collective goal of reaching energy independence.

Houston, Texas, is the energy capital of the world, for the past 12 years I have been the Chair of the Energy Braintrust of the Congressional Black Caucus. During this time, I have hosted a variety of Energy Braintrusts designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa.

My Energy Braintrusts were designed to be a call of action to all of the sectors that comprise the American and international energy industry, to the African American community, and to the nation as a whole.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. Bringing together thoughtful yet distinct voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic which can ultimately result in reforming our energy industry to the extent that we as a nation achieve energy security and energy independence.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. The energy industry in Houston exemplifies the stakeholders who must be instrumental in devising a pragmatic strategy for resolving our national energy crisis.

Mr. Speaker, this legislation will aid Americans as we seek to wean ourselves from our foreign oil dependence. I urge my colleagues to support H.R. 6049.

Mr. CONYERS. Mr. Speaker, I rise today in support of this common sense piece of legislation offered by my dear friend, Representative CHARLIE RANGEL, the Chairman of the Ways and Means Committee. If enacted, his bill will marshal the tremendous economic power of our Nation's physical and human capital and direct it towards solving the twin challenges of energy dependence and global warming. Through $20 billion investment in renewable energy tax incentives, carbon mitigation provisions, transportation efficiency tax credits, and energy efficiency incentives, this bill offers a comprehensive strategy that empowers both individual citizens and the private sector.

The bill empowers everyday Americans by providing tax credits to green citizens who add energy-efficient improvements to their homes and businesses and purchase plug-in electric cars. The bill helps the private sector push the limits of research and development by encouraging the building of carbon capture and sequestration demonstration projects. The bill also creates incentives for the energy production sector to invest in nontraditional cutting edge energy production methods. I am particularly excited that this bill will, for the first time, incentivize investment in technologies that will harness the power of the waves and tides found in our Nation's Great Lakes and oceans.

I am also proud of this body's recent efforts to address the global climate change crisis. This bill is a logical and important next step toward this end. For too long, our country lagged behind the rest of the industrialized world in recognizing and taking action to address the climate change crisis. Global warming endangers all of us, but threatens to have the most devastating impact on the poorest and the most vulnerable. By encouraging our Nation's citizens and businesses to act in a carbon-conscious way, we protect not only ourselves, but show compassion for our brothers and sisters around the world. At a time when global public opinion regarding our Nation is at an all-time low, the important positive impact this bill will have on our country's public diplomacy efforts should not be downplayed.

Lastly, I believe that this bill serves as a powerful example of the tax policy differences between the 110th Congress and past Congresses. Instead of using the tax code to promote inequality and corporate largess, the American people now know that the tax code can be used to promote personal responsibility, national security, compassion, and global sustainability. I am proud to join with my colleagues here today as we continue to establish a progressive tax policy for the 21st century.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 6049, Renewable Energy and Job Creation Act of 2008. This bill provides tax relief for millions of Americans while spurring business investment and innovation in renewable energy.

I am pleased to note that H.R. 6049 will benefit the families of millions of children by expanding the child tax credit to those earning $8,500 a year. This bill will also provide tax relief by extending the State and local sales tax deduction, provide property tax relief for 30 million homeowners, and help families afford college with the tuition deduction. As the only former school superintendent serving in Congress, I am especially pleased to note that this bill is supported by the National Education Association because it includes an extension of the tax deduction for educators who help supply their classrooms, and an extension of the Quality Zone Academy Bonds school modernization program that helps school districts address renovation and repair needs.

H.R. 6049 includes important tax relief provisions for businesses as well as individuals

and families. This bill extends the Research and Development Tax Credit for over 27,000 businesses, the 15–year straight-line cost recovery for leasehold improvements and qualified restaurant improvements, and the tax credit for the environmental remediation of brownfields areas. We need to strengthen our economy by helping to spur American innovation with investment in American businesses.

Developing alternative energy sources and ending our dependence on foreign oil is one of the most critical challenges facing our nation. H.R. 6049 includes several provisions that will spur innovation in this area such as an extension of investment and production tax credits for solar energy, wind energy, and energy derived from biomass, geothermal, hydropower, and solid waste. In addition, H.R. 6049 includes incentives that promote the production of homegrown renewable fuels, like biodiesel, for the installation of more E–85 pumps, and a $3,000 tax credit for the purchase of fuel-efficient plug-in hybrid vehicles. These provisions will create and preserve thousands of ''green collar jobs'' as well as provide relief for Americans who continue to see gas prices rise to historic records across the country.

I support the passage of H.R. 6049, Renewable Energy and Job Creation Act of 2008, and I urge my colleagues to join me.

Mr. MARKEY. Mr. Speaker, for nearly eight years, this Administration's backwards energy policy has lined the pockets of oil company executives while hurting American consumers, the economy, and the planet. This bill encourages production of clean alternative fuels and renewable energy while creating jobs. It transfers Oil Executive Power to Blue Collar Renewable Power.

Last week the House passed legislation on the Strategic Petroleum Reserve to give hurting Americans an immediate break at the pump. But the energy crisis demands long term action, breaking our addiction to oil and transitioning our economy to clean renewable energy sources once and for all.

Last week immediate relief with SPR, this week we put our nation on a path to a clean renewable future.

President Bush and Senate Republicans have been given opportunity after opportunity to pass tax credit extensions for renewable energy. They have sided with Big Oil each time, even as oil prices have blown past $100 a barrel and many Americans are now paying $4 per gallon for gas. This morning oil reached $130 a barrel.

This bill finds alternative revenue raisers which I do support. But let's not forget what this Administration fought to protect. ExxonMobil had $40 billion in profit last year. Do you know how the largest corporate profit in history was used in 2007?

It repurchased $31.8 billion worth of stock.

It increased compensation for top executives by 170 percent since 2001.

It financed a $100 million public relations campaign to try to deflect blame from angry consumers.

It invested around $10 million in renewable energy alternatives. That is less than one tenth of one percent of their profits.

These and other findings are being released today in a report by the Select Committee that analyzes where Big Oil's profits are going. Let's hope President Bush's love for the oil industry doesn't extend to hedge fund managers and corporate CEOs using offshore tax havens.

Today, because of this Administration's misguided policies, the renewable energy industry has its back against the wall. Solar and wind companies are delaying projects because of investment uncertainty. There is no more time to delay.

The other side likes to tell America that wind and solar and biomass cannot be real solutions to our energy challenge. They tell us that drilling in our most pristine natural areas and building nuclear power plants with taxpayer support are the only things that can solve this problem.

No. Last year the United States installed 5,244 megawatts of wind power, 30 percent of all the new capacity installed nationwide in 2007. Solar photovoltaic installations in the U.S. also grew an incredible 80 percent. This was the start of the renewable energy revolution.

Last week, the Department of Energy produced a study detailing what it would take for America to meet 20 percent of its electricity needs with wind power in 2030. The way the industry has grown over the last decade—about 30 percent a year—we can meet this target ahead of time.

This bill also provides valuable incentives for carbon capture and sequestration, plug-in hybrid cars, and renewable fuels. The American entrepreneur will rise to the energy and climate challenge if Congress puts the right incentives in place.

Passing H.R. 6049 will give renewable energy the support it needs, drive economic expansion and job growth in this country and put America on a greener path towards realizing long-term solutions to global warming. I urge an ''aye'' vote on the rule and on the underlying bill.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 6049, the Renewable Energy and Job Creation Act of 2008. As a member of the Ways & Means Committee, I am proud to have helped craft this very important tax bill that will give much needed relief to millions of American taxpayers while also moving forward on our agenda to reduce greenhouse gas emissions and stimulate our economy.

Unfortunately, over the last several years we have seen tax bills pushed through Congress and signed by the President under the guise of ''relief' for the middle class and the poorest in the country. I think many in this chamber have now come to recognize that many of these measures presented as tax relief for the middle class were in fact more tax breaks for the richest in society. Today we finally have before us a bill that will give real relief to millions of taxpayers, many of whom are hardworking middle class families struggling with rising energy and food bills.

First, H.R. 6049 addresses the need for more clean energy production in our country by providing long-term extensions of the renewable energy production tax credit and the solar energy and fuel cell investment tax credit, while amending them to increase accessibility. These long-term extensions will give utilities and investors the predictability they need to move forward with new generation projects in the years to come. The bill also addresses energy use and carbon emissions by extending multiple energy-efficient credits for homes and businesses, creating incentives for carbon capture and sequestration demonstration projects, and calling for carbon audit of the tax code to determine what policies are encouraging wasteful energy use and unnecessary carbon emissions. The Act also addresses our dependence on dirty foreign oil by extending and improving tax credits for the production of cellulosic biofuels and plug-in electric vehicles.

Most exciting of all, however, are the innovative qualified energy conservation bonds this bill creates. The qualified energy conservation bonds give states and local governments the resources needed to invest in green programs designed to reduce greenhouse gas emissions. Giving local authorities the power to choose what green energies to implement in their backyard is good public policy, because I know the energy needs of western Wisconsin are vastly different than those of Queens. By not picking the winners and losers in Washington, we are allowing exciting technological changes, advancements, and the market—not Congress—drive the green energy revolution.

In the area of tax relief, H.R. 6049 extends several popular expiring tax provisions. In particular, the bill will provide property tax relief for 30 million Americans, help for more than 12 million children through an expanded child tax credit, tax relief for more than 11 million families through state and local sales tax deduction, help for more than 4.5 million families to cover the cost of education through the tuition deduction, and relief for more than 3.5 million teachers who will be reimbursed for out-of-pocket expenses for their classrooms.

Finally, this bill is fully offset and complies with pay-go rules. Under the leadership of Chairman RANGEL and Speaker PELOSI, we are demonstrating that we can provide tax relief without sending the debt on to our children. After years of fiscal recklessness—deficit-financed tax cuts for the wealthy and out-of-control government spending—this bill sets a precedent of fiscally responsible tax reform.

Again, .Mr. Speaker, I am happy to support this sensible and fair tax bill before us today. Offering some tax relief in uncertain economic times and meeting the challenge of climate change with innovative and constructive solutions are exactly the issues this Congress should be focused on. I urge my colleagues to support H.R. 6049.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support of the Renewable Energy and Job Creation Act and congratulate Speaker PELOSI and Chairman RANGEL for putting forward legislation that will make a real difference for American families.

H.R. 6049 extends and expands tax incentives for renewable energy and encourages energy efficiency. At a time when families are facing record-breaking gas prices, this bill will help to reduce our dependence on foreign oil and lower energy bills. These tax incentives will also create and preserve good-paying ''green collar'' jobs such as those in the wind and solar industries.

The Renewable Energy and Job Creation Act also furthers our nation's innovation efforts by extending the research and development tax credit for 27,000 companies. It is critical for our global competitiveness that we encourage and support entrepeneurs and new ideas.

For families struggling to make ends meet in this difficult economy, this bill provides 30 million homeowners with property tax relief, expands the child tax credit, and extends the state and local sales tax deduction. It also helps students afford higher education with a tuition deduction and provides our teachers a tax deduction for classroom expenses. Finally,

this legislation provides additional tax relief under the Earned Income Tax Credit for 22,000 troops in combat.

Mr. Speaker, to ensure that our children and grandchildren are not burdened with additional debt, this bill is fully paid for by closing a tax loophole for offshore companies and delaying a tax break for U.S. multinational companies. These changes not only ensure this bill follows pay-go, they also improve the fairness of our tax code.

H.R. 6049 is critical to our long term energy policy and to family budgets. I urge my colleagues to join me in supporting this important bill.

Mrs. BOYDA of Kansas. Mr. Speaker, this past fall, this House passed H.R. 3997, which included a provision to permanently extend the military eligibility for the earned income tax credit (EITC). However, we are back here again while our men and women in uniform still wait for a permanent solution. We provided a 1-year extension, but our military deserve a permanent fix.

Without action today, hundreds of thousands of troops could find their EITC eligibility slashed. It would be a tax borne solely by our soldiers and our military families. We call it a soldier tax.

Our military continues to serve our country with honor and distinction. The last thing we need is for our soldiers and their families to have to worry about paying higher taxes next year. That is why I authored the Tax Relief for Armed Combat Families Act for 2007. It will permanently end the soldier tax. Our military families should not have to worry from year to year what funds are going to be available to take care of their families.

I thank Chairman RANGEL for working my language into today's legislation, and I call on my colleagues to pass this important legislation. Let's permanently end the soldier tax.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1212, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCCRERY

Mr. MCCRERY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCCRERY. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCrery moves to recommit the bill H.R. 6049 to the Committee on Ways and Means with instructions to report the same back to the House promptly with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Alternative Minimum Tax and Extenders Tax Relief Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.

TITLE II—INDIVIDUAL TAX PROVISIONS

Sec. 201. Election to include combat pay as earned income for purposes of the earned income credit.
Sec. 202. Distributions from retirement plans to individuals called to active duty.
Sec. 203. Deduction for State and local sales taxes.
Sec. 204. Deduction of qualified tuition and related expenses.
Sec. 205. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 206. Modification of mortgage revenue bonds for veterans.
Sec. 207. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 208. Treatment of certain dividends of regulated investment companies.
Sec. 209. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 210. Qualified investment entities.
Sec. 211. Qualified conservation contributions.

TITLE III—BUSINESS TAX PROVISIONS

Sec. 301. Extension of research credit.
Sec. 302. New markets tax credit.
Sec. 303. Subpart F exception for active financing income.
Sec. 304. Extension of look-thru rule for related controlled foreign corporations.
Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements.
Sec. 306. Enhanced charitable deduction for contributions of food inventory.
Sec. 307. Extension of enhanced charitable deduction for contributions of book inventory.
Sec. 308. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 309. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 310. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 311. Parity in the application of certain limits to mental health benefits.
Sec. 312. Extension of economic development credit for American Samoa.
Sec. 313. Extension of mine rescue team training credit.
Sec. 314. Extension of election to expense advanced mine safety equipment.
Sec. 315. Extension of expensing rules for qualified film and television productions.
Sec. 316. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 317. Extension of qualified zone academy bonds.
Sec. 318. Indian employment credit.
Sec. 319. Accelerated depreciation for business property on Indian reservation.
Sec. 320. Railroad track maintenance.
Sec. 321. Seven-year cost recovery period for motorsports racing track facility.
Sec. 322. Expensing of environmental remediation costs.
Sec. 323. Extension of work opportunity tax credit for Hurricane Katrina employees.
Sec. 324. Enhanced deduction for qualified computer contributions.
Sec. 325. Tax incentives for investment in the District of Columbia.

TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

Sec. 401. Extension of credit for energy efficient appliances.
Sec. 402. Extension of credit for nonbusiness energy property.
Sec. 403. Extension of credit for residential energy efficient property.
Sec. 404. Extension of renewable electricity, refined coal, and Indian coal production credit.
Sec. 405. Extension of new energy efficient home credit.
Sec. 406. Extension of energy credit.
Sec. 407. Extension and modification of credit for clean renewable energy bonds.
Sec. 408. Extension of energy efficient commercial buildings deduction.
Sec. 409. Extension of special rule to implement FERC and State electric restructuring policy.
Sec. 410. Suspension of taxable income limit with respect to marginal production.
Sec. 411. Extension of credits for biodiesel and renewable diesel.

TITLE V—TAX ADMINISTRATION

Sec. 501. Permanent authority for undercover operations.
Sec. 502. Permanent disclosures of certain tax return information.
Sec. 503. Disclosure of information relating to terrorist activities.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—INDIVIDUAL TAX PROVISIONS

SEC. 201. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF THE EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428, as amended by the Economic Stimulus Act of 2008, is amended to read as follows:

''(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 202. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ''December 31, 2007'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 203. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 204. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, 2009, 2010, 2011, 2012, or 2013''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 206. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by inserting ''and after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2014'' after ''January 1, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 207. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 208. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 209. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 210. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 211. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) CONTRIBUTIONS BY CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

TITLE III—BUSINESS TAX PROVISIONS

SEC. 301. EXTENSION OF RESEARCH CREDIT.

(a) EXTENSION.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 302. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, 2009, 2010, 2011, 2012, and 2013''.

SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2014'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2014''.

SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 306. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 307. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 308. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 309. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 310. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 311. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 (relating to application of section) is amended—

(1) by striking ''and'' at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting '', and before the date of the enactment of the Alternative

Minimum Tax and Extenders Tax Relief Act of 2008, and'', and

(3) by adding at the end the following new paragraph:

''(4) after December 31, 2013.''.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by inserting '', and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2013'' after ''December 31, 2007''.

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg–5(f)) is amended by inserting '', and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2013'' after ''December 31, 2007''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished on or after the date of the enactment of this Act.

SEC. 312. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 8 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 313. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 314. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 315. EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.

Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 316. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 8 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 317. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''and 2007'' and inserting ''2007, 2008, 2009, 2010, 2011, 2012, and 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 318. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 319. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 320. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 321. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended to read as follows:

''(D) APPLICATION OF PARAGRAPH.—Such term shall apply to property placed in service after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2014.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 322. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 323. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''8-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 324. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 325. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2013''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2013''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2014''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2018'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2018''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2018''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2018''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2013''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

SEC. 401. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended by striking ''calendar year 2006 or 2007'' each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting ''calendar year 2006, 2007, 2008, 2009, 2010, 2011, 2012, or 2013''.

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended by inserting ''beginning after December 31, 2007'' after ''for all prior taxable years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 402. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 403. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Section 25D(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 404. EXTENSION OF RENEWABLE ELECTRICITY, REFINED COAL, AND INDIAN COAL PRODUCTION CREDIT.

Section 45(d) (relating to qualified facilities) is amended by striking ''January 1, 2009'' each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) and inserting ''January 1, 2014''.

SEC. 405. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 406. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2014''.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 407. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by striking ''$1,200,000,000'' in paragraph (1) and inserting ''$1,600,000,000'', and

(2) by striking ''$750,000,000'' in paragraph (2) and inserting ''$1,000,000,000''.

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) is amended to read as follows:

''(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).''.

(2) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking ''subsection (l)(6)'' and inserting ''subsection (l)(5)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 408. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 409. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

SEC. 410. SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 411. EXTENSION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

TITLE V—TAX ADMINISTRATION

SEC. 501. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

SEC. 502. PERMANENT DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Section 6103(d)(5) (relating to disclosure for combined employment tax reporting) is amended—

(A) by striking ''REPORTING'' in the heading thereof and all that follows through ''The Secretary'' in subparagraph (A) and inserting ''REPORTING.—The Secretary'', and

(B) by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

(b) DISCLOSURES RELATING TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking the last sentence.

(2) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

SEC. 503. DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

Mr. MCCRERY (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana is recognized for 5 minutes in support of his motion.

Mr. MCCRERY. Mr. Speaker, this is a straightforward motion that offers Members of this House a simple choice. Are you in favor of long-term extensions of these expiring tax provisions and extending the all-important AMT patch, without raising taxes?

As we have discussed at length here today, the majority's bill unwisely adheres to their ill-advised PAYGO rules. Thus, they have once again found themselves boxed in a corner, scouring the Tax Code for ways to fuel their agenda. Whether that agenda involves additional spending, new tax incentives, or even just extensions of the low-tax policies that Republicans originally enacted during our time in the majority, the Democrat solution seems to always be the same: tax, tax, tax.

Today's bill is no different. While there is virtually no disagreement in this House that the expiring tax reductions contained in the underlying legislation need to be renewed, the two parties seem to have a major disagreement about whether revenue-raisers should be necessary to pay for them. The majority's bill represents a clear choice in favor of higher taxes. Our motion to recommit, on the other hand, represents a clear choice in favor of extending current tax relief, without offsetting tax increases.

Unlike the bill brought forward today by the majority, Mr. Speaker, which contains $55.5 billion in revenue-raisers, our motion contains no—repeat, no—tax increases. Democrats were wrong to propose these sorts of offsetting tax hikes last year, and they're wrong again today. If they stick with their misguided PAYGO rules, they'll be wrong again in 2010 as well, when a huge number of critically important tax policies, ranging from the expanded $1,000 child credit to the lower rates on dividends and capital gains and lower individual rates will expire. And the majority's PAYGO logic will then require more than a $3.5 trillion tax increase simply to maintain current law. But that's where PAYGO will take us.

This motion to recommit offers us a different path, Mr. Speaker. Not only does our motion reject the majority's tax hikes, it extends the bill's positive provisions for considerably longer than the underlying bill does. Indeed, our motion extends the package of expiring provisions, including all the expiring energy tax provisions, through 2013.

So if you support the deduction for State and local sales taxes, here's your chance to extend it for 6 years, not just 1. If you support the research and development tax credit, here's your chance to extend it for 6 years, not just 1.

In short, if you want to extend all of the important low-tax policies that expired last year—as well as the energy extenders that are set to expire just months from now—on a long-term basis, here's your chance.

This motion also gives Members the opportunity to extend one final crucial provision that has gone completely unaddressed by the majority: the AMT patch. As we've highlighted throughout today's debate, the majority's legislation is deafeningly silent on the urgently needed AMT patch. Their bill's failure to patch the AMT for 2008 means that more than 25 million middle class individuals and families are in line for a $61.5 billion tax hike next April, an average tax increase for those families of more than $2,400 per taxpayer.

Our motion does what everyone knows must be done. It patches the AMT for 2008, and it does so early in the year to help ensure that we avoid a repeat performance of the legislative meltdown engineered by the majority last year, which prevented the 2007 patch from being enacted until the day after Christmas. We need to patch the AMT and we need to patch it now. This motion gives us that opportunity.

I will close, Mr. Speaker, with just a word about process. I suspect that we'll hear from our friends on the other side that this motion will kill the bill. Well, Mr. Speaker, I would submit to you that you can't kill a bill that's already dead. This bill is dead on arrival in the other body, Mr. Speaker. Forty-one Senators signed a letter last month pledging to oppose tax bills that contain revenue-raising offsets.

On the very same day that our committee, the Ways and Means Committee, reported out this bill last week, our colleagues across the Capitol passed a motion on the Senate floor instructing Senate conferees on the budget resolution to reject the House's plan to raise $110 billion in taxes in order to pay for the extension of expiring provisions, including the AMT patch.

And, Mr. Speaker, even if this legislation somehow got through the Senate, the President has indicated he would veto the bill.

You can't kill a bill that's already dead, Mr. Speaker. So let's use this motion to recommit to revive this bill, send it back to committee so that we can do our work in a bipartisan way, and get a bill passed and to the President that he will sign.

Mr. RANGEL. Mr. Speaker, I rise in outrageous opposition to the motion to recommit that has been offered to this House.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. One, the outrage concerns my love for the Congress and the Constitution. And to think that this great House and the committee which I'm proud to chair would even have to consider what they're thinking, if they're thinking at all on the other side, to decide what we're going to legislate outrages me.

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Two, whatever the President says he's going to do or may do—we understand that he's addicted to veto, but that shouldn't stop us from doing the right thing.

And why do I think basically it's the right thing? Well, it has to be if you want to extend it for 5 years. So your vote on this, after the motion to recommit dies on this floor, is going to be very interesting as to if you want it for 5, why wouldn't you want to extend it at least for 1?

Lastly, I wish that I had some time to share with my friend, whom I've enjoyed working with as the ranking member of the Ways and Means Committee, to ask him how much money do you think they have in Japan and China to loan us? There must be some limit to their capacity.

Our bill costs about $125 billion altogether, I think. $54 billion for the energy provisions as well as for this. So I assume that you want to add another $200 billion to that. And I don't remember you using the creative language that you used when you and the Senate—that you and the other body, whatever they call themselves—decided that you don't have to pay for the alternative minimum tax.

First of all, if I understood that, I'll take it home to my wife and explain that there are ways that you can lose revenue and not renew it and still not change your lifestyle. And if it works at home, I will come here, and at least for the next Congress, ask Mr. MCCRERY, if he can't stay over there, come on our side and explain how, if the President puts in the budget that we should be expecting money from these 25 million hostages that shouldn't have to pay the tax, that we don't have to make up for the money.

So I assume that you have now extended this to cover the extenders. And I hope really that you would stick around a little while so that you will be able to work with me and the next President, not to explain why in the last 8 years we haven't reformed this doggone tax system. Most of this stuff shouldn't be in the Tax Code. You know it and I know it. And the things that should be in the Tax Code should be made permanent. The stuff that shouldn't be in there should be taken out.

So in 8 years, the President is now talking about vetoing. Why didn't he take enough time to say, Let's straighten out the code, let's attempt to balance the budget, let's do the right thing for energy and whatever has to be in an extender that expires, help us to get rid of it without being charged with raising taxes. Any extender that expires, we would say that it raises taxes.

I know and Secretary Paulson knows, and we'll be hearing more from him probably after he leaves the administration, that this House has the responsibility of having a Tax Code that is simple, that is economically inspiring, and is something that can be confident and things shouldn't expire. If they expire, they shouldn't be in there in the first place. If it is good, it should stay in the Tax Code so there's reliability.

And if you're going to say that we're not going to get revenues as a result of extending this, we say for 1 year, we will raise the money, we will do it the right way, we will be proud of it, and in a small way attempt to stop this deficit.

But be kind to the people in Japan. Be kind to the people in China. They can't forever support everything that the Republicans want.

We're going to have to make sacrifices if we want to make changes. So this war is one against ignorance and not having the research and development. It's one in trying to have research and development for our corporations, but, more importantly, to find alternatives to this addiction that we have.

So you have been there for 8 years. Please don't try to change the things in 10 minutes here. Join with us. Let's work together in a bipartisan way, and let's mark down this day that is a day that House Democrats and Republicans said, stop the addiction, move to the alternatives, and dedicate ourselves to having a reformed Tax Code, if not this year then certainly next year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCCRERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6049 and motions to suspend the rules on H.R. 1771 and H.R. 4841.

The vote was taken by electronic device, and there were—yeas 201, nays 220, not voting 13, as follows:

[Roll No. 343]

YEAS—201

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul

Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Brown, Corrine
Carter
Castor
Coble
Costa
Crenshaw
Gillibrand
Kennedy
Rush
Sensenbrenner
Tiahrt
Wexler
Wynn

□ 1600

Messrs. BERRY, KUCINICH, SPRATT, BUTTERFIELD, KLEIN of Florida, ALTMIRE, DICKS, LANGEVIN, OLVER, GEORGE MILLER of California, RUPPERSBERGER, REYES and SHERMAN changed their vote from ''yea'' to ''nay.''

Messrs. McKEON, WALSH of New York, BURGESS, McINTYRE and MITCHELL changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 343, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HERGER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 263, noes 160, not voting 12, as follows:

[Roll No. 344]

AYES—263

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—160

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)

Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Brown, Corrine
Carter
Castor
Coble
Crenshaw
Gillibrand
Kennedy
Rush
Sensenbrenner
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1608

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 344, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "no."

CRANE CONSERVATION ACT OF 2008

The SPEAKER pro tempore (Mr. WEINER). The unfinished business is the question on suspending the rules and passing the bill, H.R. 1771, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1771, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. WALDEN of Oregon. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 304, noes 118, not voting 12, as follows:

[Roll No. 345]

AYES—304

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—118

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Conaway
Cubin
Culberson
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Pickering
Pitts
Poe
Price (GA)
Radanovich
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Sali
Scalise
Sessions
Shadegg
Shimkus
Shuster
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Young (AK)

NOT VOTING—12

Brown, Corrine
Carter
Castor
Coble
Crenshaw
Gillibrand
Kennedy
Rush
Sensenbrenner
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1616

Mr. MORAN of Kansas changed his vote from "aye" to "no."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 345, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "aye."

Mr. HERGER. Mr. Speaker, I inadvertently missed rollcall No. 345. Had I been present, I would have voted "aye."

SOBOBA BAND OF LUISENO INDIANS SETTLEMENT ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 4841, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 4841, 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 6041.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. PETERSON of Minnesota. Mr. 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 Monday, May 19, 2008:

House Concurrent Resolution 300, Senate Joint Resolution 17, House Concurrent Resolution 325, House Resolution 1074, H.R. 3323, House Concurrent Resolution 334, House Resolution 1152, House Resolution 1132, House Resolution 1153, House Resolution 1026, H.R. 752, and H.R. 5787.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Without objection, applicable titles are amended.

There was no objection.

The SPEAKER pro tempore. Without objection, sundry motions to reconsider are laid on the table.

There was no objection.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–115)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2419, the ''Food, Conservation, and Energy Act of 2008.''

For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues subsidies for the wealthy and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion in 1 year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase government subsidy rates for 15 crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $600 billion over 10 years. In addition, this bill would force many businesses to prepay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 2419 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort; and $382 million earmarked for a specific watershed. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect food aid dollars for emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 2419, and I urge the Congress to extend current law for a year or more.

I veto this bill fully aware that it is rare for a stand-alone farm bill not to receive the President's signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government control of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, ''Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation.'' For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 21, 2008*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Minnesota (Mr. PETERSON) is recognized for 1 hour.

□ 1630

Mr. PETERSON of Minnesota. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Virginia (Mr. GOODLATTE) and further would yield 10 minutes of my time to the gentleman from Wisconsin (Mr. KIND) and ask unanimous consent that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PETERSON of Minnesota. I yield myself such time as I may consume.

I ask my colleagues to listen up here because this has been a very difficult bill and there has been numerous problems that have developed every day for the last year-and-a-half. I guess it's appropriate that there would be a problem that would be developing today as well.

When the enrolling clerk enrolled the bill to send to the White House, somehow or another they inadvertently, or however it happened, did not include the trade title, title III of the bill, in the official documents that went to the White House. So the President vetoed the bill minus the trade title, title III.

The trade title includes the food aid programs, including McGovern-Dole; it includes the market promotion; the export credit program; the market access program, and it also includes the soft wood lumber certification program.

So we are moving ahead to override the veto that the President has done. But we have this issue that one of the titles is missing from the bill. We have a process after we get through the override to try to deal with that issue.

Mr. Speaker, the President's veto message said that when the commodity prices are high, it's irresponsible to increase government subsidy rates for 15 crops and subsidize additional crops and so forth. We made some adjustments in some of the price supports to try to rebalance the system from what it has been in the past. These were modest, and I think it's questionable that you would use this as one of the items in the veto override.

As I have worked through this process, I spent more time than anybody else talking to the White House, trying to avoid the situation we are in today, where the President has vetoed this bill. I don't know that anybody else has spent more time trying to work with the White House. The problem has been that they keep changing the objections to the bill, and 2 or 3 weeks ago, when we tried to engage the White House to be able to work with them in a negotiating fashion to take into consideration some of their concerns, their position was that, well, they had these demands but they really weren't in a position or willing to negotiate with us.

So we have come to this day where the White House has vetoed this bill,

which I regret. But we have a good bill that I think all of us should be proud of. It maintains a safety net for farmers, by and large, in the way it was done in the 2002 bill. We did make some changes; reductions in crop insurance and some other areas. We included a new disaster program that is paid for, that would be an unusual situation because generally the disaster ad hocs that we have done have not been paid for. So we think we have made some improvements in area.

We responded to the concern of people around the country of food costs and the way food prices have gone up by taking all of the new money, the whole $10 billion of new money that was put into the bill over and above the baseline and we have put that into nutrition programs. $10.364 billion in this bill was put into nutrition programs. That includes modernizing and indexing food stamps; $1.25 billion for food shelves and food banks that are basically bare right now; and also a new fruit and vegetable snack program for folks in low-income schools so that our kids can have healthy snacks and have an alternative to some of the things that they are now snacking on. We also made some changes, as I said, in the commodity area so that we could improve substantially conservation. We have added a specialty crop title to this bill, and we have also added an energy title to this bill.

So we have responded to what we heard when we traveled the country under the leadership of then-Chairman GOODLATTE. We have responded to all of the areas. We think we have a bill that is responsible, that is paid for without tax increases, that puts the priorities where they need to be in this country.

I would ask my colleagues to follow up on the good vote that we had last Wednesday on the bill when it was on the floor and give us the majority today to override the President's veto.

With that, I would reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, of the 30 minutes yielded to me by the gentleman from Minnesota, I would ask unanimous consent to yield 10 minutes to the gentleman from Arizona so that he may manage that time as a part of the debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of the farm bill, and the words before me say ''the very same farm bill passed by this body last week with an overwhelming bipartisan majority.'' Now we find that it is not quite the same farm bill because of an enrolling error or something in the transmission of the document. I certainly hope that we can find an amicable way to make sure that the trade title of this bill, which is an important title, is included in the final product, whether as a part of a joint resolution or by some other means of adopting that.

This bill was a collaborative effort, crafted by Members on both sides of the aisle and both sides of the Capitol, and is historic in the amount and degree of reform. It costs less than either the House or the Senate bills and ensures Americans will continue to enjoy access to a safe, affordable, and reliable food supply.

Last week, the 318 bipartisan votes in favor of the farm bill sent a clear message: This is a good bill and there is significant support for it. Despite what has been opined by editorial boards throughout the country, this bill contains significant reforms and is the most reform-minded farm bill this body has ever considered. Granted, everyone didn't get exactly what they wanted. We all gave a little and we all got a little. But such is the nature of compromise. Given the diverse nature of a farm bill, it is extremely difficult to manage the scope of needs within the farm bill, and even more difficult when you're not given the resources needed to do so.

This bill contains many of the ideas suggested in the administration's farm bill proposal. Like the administration, we utilized the adjusted gross income to reduce payments to the wealthiest farmers and ranchers. We eliminated the three-entity rule, created a revenue-base countercyclical program, modified and modernized the dairy program, modified planting flexibility rules, increased the efficiency of the crop insurance program, directed funding to the development of cellulosic ethanol, included programs for beginning and socially disadvantaged farmers, and created beneficial interest for the loan programs.

Variations of these measures were included in the administration's proposal. We may not have gone as far as the administration wanted, but these reforms help make this a better bill than the House or Senate farm bills.

It is important to point out that despite comments to the contrary, this bill is completely paid for, without any tax increases. While many throughout the world are feeling the effects of increased food prices, U.S. consumers have been largely insulated from spikes in food prices because many years ago we established a food production system that maintains an adequate supply in good times and in bad. Because it is produced domestically, we know it to be safe and affordable.

This bill ensures that Americans will continue to enjoy the access to a safe, affordable, and reliable food supply, and I urge my colleagues to join me in supporting this farm bill, which moved substantially in the direction that the President asked for, but which did not meet all of his goals. I think we have increased the support for this bill substantially by almost 90 Members in the process, and I urge my colleagues to support this override vote.

Mr. KIND. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we do need a farm bill. It's planting season throughout the country. The farm economy is crucial in regards to the health and well-being of our Nation. It's an integral part of the economic well-being of my home State in Wisconsin. But I always believed that we should have the right type of farm bill, not the wrong type of farm bill before us today.

Merely because the President is not the most popular person in the country today doesn't mean that he is always wrong. I think he is right when he is sending back a veto message telling the Congress today: We can do better. We should do better. We ought not be giving large taxpayer subsidies to wealthy individuals at a time of record commodity prices.

The modicum of reform that is being hailed under the commodity title is barely the illusion of reform. In fact, if you look at the three main subsidy programs that still exist and still continue on this farm bill, the loan deficiency program, the countercyclical, and the direct payment all of them are going up, in practice. They are increasing the loan rates under the LDP program, increasing the target price under the countercyclical, they are expanding the maximum amount allotted under the direct payments from $40,000 to $45,000.

While the gentleman from Virginia is correct that there is a little tightening of the adjusted gross payment limit to farm entities, it doesn't come anywhere close to the type of reform that is eminently justifiable in light of farm income and debt to asset ratio.

By the time you allow two entities on the same farm to qualify for these same direct payments, you can have a farm entity with an adjusted gross income of up to $2.5 million still receiving taxpayer subsidies. What does this mean in regards to production agriculture? It means that based on last year's schedule F tax returns that farmers file to report their income, these so-called reforms under the commodity title might affect two-tenths of 1 percent of producers around the country today. Hardly the type of reform that we should be talking about. Hardly the justification that we can take home and tell the taxpayers that we are doing right by them.

I believed from the beginning that we can still have a farm bill that maintains an important safety net for family farmers throughout the country in case the bottom drops out, in case they run into hard times. And we know how cyclical farm economy is. We can find savings under those subsidy programs through the reforms that are justifiable to have a strong conservation title coming out of this, strong nutrition title, research and marketing for specialty crops, and having a strong rural economic development program, not to mention the energy title that was alluded to.

In talking to one of my colleagues earlier this afternoon, he says he is reminded by an old Clint Eastwood film: The Good, the Bad, and the Ugly. There's plenty of good that you can point to in this farm bill. Certainly the increase in nutrition is justifiable in light of rising costs and eligibility and to combat hunger that is rising throughout the country.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. KIND. I yield myself 1 additional minute.

The bad is the fact that last year when we passed the farm bill out, they were talking about an increase of $5.7 billion of funding under the conservation title. Today, coming back, it's less than a $4 billion increase.

Why is this important? It's important because the increase of commodity prices, there's great pressure on sensitive lands to bring them back into production, and that means it's going to affect wildlife habitat, highly erodible land with sediment and nutrient flows flowing off and contaminating our water and drinking supply. We are seeing already that CRP enrollment is dropping because farmers are choosing to take that out of CRP and putting it back into production. Instead of recognizing market forces and having the strongest possible conservation title, that was one area where they went for further savings in order to protect these large subsidies.

Finally, the Washington Post reported in an article today, Farm Bill Subsidy Costs May Rise. Billions More Could Be Paid Through Little-Notice Provisions. This is that new revenue-based countercyclical program the gentleman from Virginia just alluded to.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has again expired.

Mr. KIND. I yield myself an additional 30 seconds.

This is based on a 2-year rolling average of commodity prices rather than 5 years that the administration was proposing. But even 2 years ago, commodity prices were at or near record lows. What this means is that it will take very little for the prices to drop today for this program to get triggered and for tens of billions of dollars to be flowing out in further subsidy programs because of the way this is structured, and that is wrong. And we should be more honest, not only with the Members of this Congress of how it's going to work, but with the American taxpayer.

One farm economist called this new ACRE program, and I quote, ''lucrative beyond expectations.'' That is what has been created. So instead of reform, we are heading in the opposite direction.

I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

□ 1645

Mr. HENSARLING. Mr. Speaker, I rise in opposition to this conference report, but I certainly want to thank our ranking member for taking a product and making it better.

Mr. Speaker, 2 days ago the front page of USA Today talks about taxpayers' bill leaps by billions, long-term financial obligations of the Federal Government grew by $2.5 trillion last year, unfunded obligations that will be placed on our children and grandchildren.

Today we have a conference report for a farm bill that is going to cost somewhere in the neighborhood of $700 billion. Now, I have heard it said, well, this bill is paid for. Yes, it is paid for. It is paid for by the auto mechanics in Garland, Texas. It is paid for by the guy that sweeps out the grocery store in Mineola. It is paid for by the guy who works at the counter at the hardware store in Canton, Texas, that I have the privilege of representing.

We have a farm program that in many ways is at odds with the poster child that is represented. Two-thirds of this bill isn't about agriculture. It is about nutritional programs, welfare programs, food stamps. And of the money that is going to agricultural production, two-thirds of agricultural production is not getting anything. And yet some of this money is going, as we know, to millionaires, at a time when middle-income family paychecks are shrinking.

Now, I must admit, Mr. Speaker, this is a debate that is somewhat personal to me. I grew up working on a family farm. I come from three generations of farmers. No one sought a subsidy from their neighbor. No one gave a subsidy. You can make a living in agriculture without asking your neighbor to give you a check.

We do need a farm bill, but what needs to be in a farm bill is tax relief, to prevent taxes from being increased. We need an end to the death tax. We need to increase trade opportunities. We could be exporting good Texas beef right now to Colombia.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. FLAKE. I yield an additional minute to the gentleman.

Mr. HENSARLING. We do need a farm bill, but not a farm bill that forces our neighbors to subsidize this program. Ninety-six percent of the world lives outside of America, and already we had the Democrat majority deny a trade agreement that could have opened up great trading opportunities for agriculture in America.

We need a respect for private property rights. We need regulatory relief. When we have an EPA out of control trying to somehow deign animal manure as part of the Superfund hazardous waste site, you know that something is out of control.

So our agricultural producers need help. But this is the wrong way to do it. Again, at a time of shrinking paychecks, at a time when $2.5 trillion of burden have been added to our children and grandchildren, why are we keeping alive a relic of the New Deal, not to mention at a time of the highest food inflation in almost two decades. And why we would take money away from some people to hand to millionaires is beyond me.

We ought to defeat this conference report.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 1 minute to the distinguished vice chairman of our committee and also the chairman of the Subcommittee on Conservation, Credit, Energy, and Research, Mr. HOLDEN from Pennsylvania.

Mr. HOLDEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the farm bill and I rise to congratulate and commend the chairman and ranking member of the committee, and really all the members of the committee and the staff.

I think this is a shining example of how this House should work its will. This bill is bipartisan. This bill has been worked together by both sides of the aisle as we traveled around the country and listened to what producers had to say and people concerned about conservation and every title of this bill as we put this together.

This bill reflects the diversity that we have in agriculture all across this country. No one can say they got 100 percent of everything they wanted in this bill, but every region of the country has benefited from this legislation.

As was spoken about previously in the commodity title, there has been significant reform in the commodity title. Could we have gone further? Maybe we could have, but we would have lost votes in other regions of the country. In the conservation title, there is an additional $4 billion in investment in conservation that will be beneficial all across the country.

In my short time here, Mr. Speaker, the one point I would like to make is that throughout this whole day we have been hearing an awful lot of people talking about the need for the Congress to do more for energy independence. This bill reflects that with the energy title.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER), a subcommittee ranking member.

Mr. NEUGEBAUER. I thank the distinguished gentleman from Virginia for not only the time, but for his leadership, as well as the chairman, Mr. PETERSON, on this important farm bill.

I heard some of my colleagues say this is not a good farm bill. But, do you know what? Seventy-five percent of our colleagues here in the House thought this was a good farm bill. Eighty-five percent of the Members in the Senate thought this was a good farm bill. And do you know why they thought it was a good farm bill? It is because they understand how important American agriculture is to our country.

One of the things that we were listening to today, oil prices again set another record price today. Why? Because there is not enough oil to meet the demand for our country. There is a mentality going around here that maybe if we just don't produce things, things will just show up. But if we are going to eat feed and clothe America, we have to produce something. If you are going to get something, you have to produce something.

So what this farm bill does is it allows American agriculture to continue to do what it has been doing for hundreds of years, and that is produce the highest quality, the most affordable food and fiber in the world. It is the reason today demand for a lot of American agricultural products are at an all-time high. With the cheap dollar, you can buy the best for a lot less.

What is important here is that we have a future for American agriculture, because we don't want to be in the same shape we are today. We had to wake up today and figure out who is going to supply energy for America. The American people don't want us to have to wake up tomorrow and say who will feed us, who will clothe us, because we have let American agriculture die in America.

So this bill, the reason I support it and why I encourage my colleagues to override this presidential veto, is because it is a good bill. Yes, it is not a perfect bill, but it is a good bill. A lot of bipartisan work and bicameral work was done to bring this product to the floor, and that is the reason it is important now that we do what American agriculture has been waiting several months for us to do, is finally put in place permanent policy for American agriculture. I encourage my colleagues to support this bill.

Mr. FLAKE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, if this represents reform, I would hate to see what the Ag Committee calls a boondoggle. We have here not just a continuation of all the programs we had before, some even at higher levels; we have a new program.

As the gentleman from Wisconsin mentioned, there was an article in the Washington Post today detailing the ACRE program. The ACRE program is a new program where subsidies will kick in at far higher levels than they ever have before. In fact, just take corn, for example. If corn hits $3.50 a bushel, where it was just a year or two ago, at historic highs for the time, if we hit that again, that will trigger subsidies totaling about $10 billion a year, in addition to everything we are doing today.

That is not reform. That is far away from reform, and how somebody can stand up today and with a straight face say this is reform, I just don't know.

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent to control the time on behalf of Mr. PETERSON.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLDEN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL), the chairman of the Livestock, Dairy, and Poultry Subcommittee.

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, I thank the chairman and the stand-in chairman for the moment. Mr. GOODLATTE, thank you again for your hard work, and everybody else who participate in this process. I thank my ranking member helping on the Livestock Committee. Robin, I appreciate your work as well.

We do have a new livestock title. It is the first time ever. It offers producers much-needed protection and ensures fairness and transparency within the marketplace. And as I look at the support we gave when we passed the bill, the 318 here, 81 in the other body, and then the 1,000 organizations that have sent letters supporting us to do this override, why, it seems to me like there is a lot of need to get this done.

So, in short, I think we have got the best we can do under the circumstances. It is bipartisan. I appreciate the efforts, and I recommend the override.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from Arizona about the ACRE program. This is a program that was requested by the administration. It was modified by the House and modified by the Senate. Now we hear the administration doesn't like the way it is projected to work, but, quite frankly, it scores by the Congressional Budget Office as saving the taxpayers of our country $400 million.

Why? Because the fact of the matter is it is not expected to have a very high enrollment, and in order to have what the gentleman describe take place, we would have to have a dramatic drop in corn prices. But the administration just signed into law in December a bill that mandates ever-increasing costs of amounts of production for ethanol, and the fact of the matter is we are not going to see those conditions. It is a theoretical possibility, a practical unlikely condition.

Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, for more than 3 years I have worked with Southwest Louisiana farmers to deliver a sound and responsible farm bill, and I am glad to report that our hard work has finally paid off with a bipartisan bill.

This important piece of legislation is a victory for farmers in rural communities throughout Louisiana and around the country, but the President failed to see it this way. And I understand his arguments. This is not a perfect bill, but it does make important reforms with a hard cap on farm and nutrition programs.

The hard work of farmers and ranchers across our region maintains America's food security. Ensuring that we have access to safe quality food is critical, and American farmers lead the way. This farm bill supports American farmers going through tough times, while not burdening them during good times. This farm bill supports the agriculture community and ensures its competitiveness in the years to come.

This has been a long process, but in the end we were able to come together and support a bipartisan, responsible farm bill. I am proud of the work we accomplished on this farm bill, and I am grateful to all of those in Southwest Louisiana who helped me with it.

I urge my colleagues to override the veto and vote for American farmers.

Mr. HOLDEN. Mr. Speaker, at this time I would like to recognize the gentleman from North Carolina (Mr. ETHERIDGE), the chairman of the Subcommittee on General Farm Commodities and Risk Management, for 1 minute.

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, let me thank Chairman PETERSON and Ranking Member GOODLATTE for their hard work. They worked together in a bipartisan manner. I rise today in support of the veto override of H.R. 2419.

Last week, this legislation was passed on a bipartisan vote in this House and by an overwhelming vote in the other body, and I am saddened that this President, a man who represents himself as a friend of agriculture, would choose to turn his back on our Nation's farmers and rural America by vetoing one of the most important pieces of agricultural legislation that this Congress has passed this year.

Mr. Speaker, it is critical that we have a stable farm policy in this Nation, not just for farmers, but for every child that participates in a nutrition program, for every food bank, for every school lunch program. This legislation affects every citizen in this country.

This is a bill that we can be proud of, Mr. Speaker, and I urge my colleagues to vote to override this veto. It is a vote for America.

Mr. FLAKE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to respond to the gentleman from Virginia responding to my statement about the ACRE program and the potential for taxpayer liability here.

The reason that the CBO scored it as a net savings is because of what is called baseline shopping. It was done with this bill, where we actually reached back and chose to base the bill on a baseline, a prior year baseline, when corn prices, when wheat prices, when soybean prices weren't as high. Had we used this year's baseline or this year's projections, then we would see that next year, for example, when this kicks in, that you could have corn at $4.25 a bushel still receiving subsidies.

Now, keep in mind $4.25 is higher than corn has ever been, until this year.

□ 1700

And so dropping back to just what it was before this year will trigger subsidies that would not have been triggered before. That is not reform. That is not reform at all. That is soaking the taxpayers. That is farming the taxpayers rather than the land.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. I thank the gentleman. I applaud your hard work on this farm bill and Chairman PETERSON's.

Every day we are reminded of our problems that we are facing because we rely on foreign nations for our energy supply. I believe that Americans ought to think about what happened with the pet food issue and realize that we need a safe and reliable food supply.

As we worked on this farm bill, we had demands from the Speaker of the House, we had demands from the White House. Serving in the minority there was the tension between my party and the other party in the Senate and the House. We had a great deal of difficulties to overcome. But I am proud today to say that I stand in support of this farm bill and urge my colleagues to join me in overriding this veto.

This farm bill increases funding to food banks that are seeing more and more people come in, needy people. It increases that funding by $1.2 billion. The farm bill increases dollars for conservation programs that are so important in this Nation. The farm bill increases investment in alternative energy research. Americans want to lessen our dependence on foreign oil.

When we are concerned at this time in our Nation about childhood obesity and diabetes, this farm bill increases dollars for nutrition programs for school children around the Nation. And, most importantly, it provides a safety net for rural America.

As we look at what Americans spend on their food supply, 10 percent of their disposable income, we are truly blessed in this world to have this safe, abundant food supply, and we want this to continue. Despite what has been said on this House floor today, this farm bill contains real reform, and we are moving in the right direction with that.

So, again, I urge my colleagues to join me as we override this President's veto.

Mr. KIND. Mr. Speaker, I yield 3 minutes to a strong advocate of reform and conservation in this farm bill, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership. It is a pleasure to be here with my friend from Arizona (Mr. FLAKE) as we are going back to review some of what we said was going to happen when we were here a week ago. Remember, we talked about what would happen: As the light of day shone on this bill, there would be more things that would come up that would give pause.

Now I have had my differences with President Bush from time to time, but he did the right thing by putting the spotlight on this bill by vetoing it. As has been pointed out by my colleagues, we found out just in the course of the last couple of days something that wasn't clearly explained on the floor, how as the high commodity prices declined to more typical levels, we could end up paying an additional $16 billion of subsidy.

This bill simply is a missed opportunity for real reform. It is not turning your back on America's farmers and ranchers to suggest, as some of us have and the President argues, that you are limited to $200,000 a year of income before subsidies kick in. At a time of record commodity food prices, farm couples earning up to $1.5 million a year with an additional up to $1 million outside income simply don't need to receive government subsidy. Meanwhile, the majority of farmers who don't grow the commodity crops are going to continue to get little or no money.

It hurts a State like mine, the State of Oregon, where we are proud of what our ranchers and farmers do. But the majority of them get nothing under the existing farm bill and they will continue to get nothing under this proposal.

It troubles me that we are creating a new permanent disaster program, an additional layer of subsidy, which doesn't make sense. If a region is representing repeat disaster year after year after year, it is not really a disaster. It is growing the wrong things using the wrong techniques in the wrong places. We shouldn't turn it into an entitlement.

This bill is a missed opportunity for conservation. The National Wildlife Federation has called the farm bill a disaster for wildlife that ''fans the flames of global warming.'' The funding for conservation is not nearly enough to meet the needs. They are not met today. The majority will not be met under this bill. And, sadly, it makes cuts to important programs like the conservation reserve program, the wetland reserve program. I am disappointed that it also guts the sod saver program that protects important prairie and grassland habitat.

I mentioned last time that I was on the floor that this bill nullifies a Federal appeals court decision under the Freedom of Information Act that ordered USDA to make public data that is critical to monitoring the economic and environmental impacts of these subsidies.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. KIND. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. Nobody talked about this on the floor, drawing the veil over this information. It was inserted without public hearings, without debate, and will have serious oversight ramifications on how we manage these programs. Nineteen congressional districts in the country will get about half the money. They make out grandly. But States with strong agricultural communities will continue to be shortchanged.

Congress could have done a better job for the environment, could have concentrated the help on the majority of farmers who are shortchanged to help them and their communities. Small- and medium-sized farmers will continue to be squeezed away. If we pass this bill, do not sustain the veto, we will continue to have large operations squeezing out small and medium-sized operations. If we can't muster reform with these record high prices, we probably never will. The President was right to veto it. I strongly urge my colleagues on both sides of the aisle to support him and go back and do it right.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to the distinguished chairman of the Department Operations, Oversight, Nutrition, and Forestry Subcommittee, who did such an outstanding job in putting the much needed nutrition title together, Mr. BACA from California.

Mr. BACA. Mr. Speaker, I rise to voice my strong opinion in support of this farm bill, and urge my colleagues to override the President's veto.

Simply put, this farm bill strengthens our nutrition, conservation, energy independence, and specialty crops like no other farm bill has ever done before, and it is done in a bipartisan fashion.

People asked us to come here in Washington, D.C. and vote on a bipartisan, not to vote on a partisan. We have come together on a bipartisan.

This currently will feed 38 million Americans who do not have enough to eat. We are in an economic recession. People have lost their jobs. People have lost their homes because of foreclosures. Gas prices are going up. This farm bill will put food on the table for over 13 million American families. We have raised the food stamp benefit index to keep up with the lost of living. These changes will help an additional 10 million Americans, including poor working families, the elderly, the disabled, and the veterans.

We expanded the USDA snack programs under the fresh fruits and vegetables. We will leave no child behind. This will feed them.

I urge my colleagues to support this bill and override the President. This is a good bill. It is a bipartisan bill.

Mr. FLAKE. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. I thank the gentleman.

Earlier someone indicated that we had thousands of supporters, thousands

of groups supporting this bill. Who couldn't get thousands of groups to support a bill by paying them $300 billion in subsidies?

We are poised here to pass a record-breaking, multibillion-dollar, Soviet-style central planning farm bill that takes tax dollars away from the general public and doles them out to a few people in the agricultural industry, some of them millionaires, at a time when crop prices are breaking records.

What benefit do the American taxpayers get from this bill? They get higher taxes for the privilege of paying artificially higher food prices. What a deal.

Mr. Speaker, when oil prices hit record highs, the Democrat leadership and some Republicans called for the imposition of a windfall profits tax on greedy evil oil producers. But when crop prices skyrocket, the same leadership comes to the floor of this House to hand out billions of dollars in subsidies to big agricultural businesses and wealthy hobby farmers.

America, what a country. Washington, what a disaster.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from California, the chairman of the Horticulture and Organic Agriculture Subcommittee who brought us the first specialty crop title to the farm bill, Mr. CARDOZA of California.

Mr. CARDOZA. Mr. Speaker, I thank the chairman, I thank him for his leadership and for allowing us to write this bill the way we did, including specialty crops. And I rise in strong support of overriding the misguided Presidential veto on the Farm, Conservation and Energy Act.

It is extremely unfortunate that we must go through this exercise on legislation that is so critically important to both rural and urban America alike. The bipartisan conference report on the 2008 farm bill represents the blood, sweat, and tears of many members on this floor and of the other body of the agriculture committees and including myself. We have made significant reforms, preserved the safety net for American farmers, and dramatically increased domestic nutrition assistance. And for the first time in history we have given specialty crops a seat at the table. We did all of this, and we complied with the PAYGO rules of this House.

It is not a perfect bill. There are some who would have preferred more conservation spending or more reforms. However, the 2008 farm bill is the product of hard work and compromise, and should not be discounted simply because we could not meet the unrealistic, impractical, and unworkable benchmarks set by the administration.

I take particularly strong exception to the President's repeated insistence in the farm bill that it must be vetoed in the name of international trade agreements. Meeting our global trade obligations should never trump critical domestic priorities. Our farmers have the capacity for immeasurable innovation and success, and they deserve our commitment and our support, and it is done in this farm bill.

The President has let down American agriculture today, and that is just a shame. But I am confident that, together with the Senate, we can override this veto today and make good on our promise to protect American farmers and ranchers. I strongly urge my colleagues to override this veto.

The SPEAKER pro tempore. The gentleman from Minnesota has 8½ minutes; the gentleman from Virginia has 11½ minutes; the gentleman from Wisconsin has 1½ minutes; the gentleman from Arizona has 4 minutes.

Mr. KIND. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 1 minute to the gentleman from New York (Mr. KUHL).

Mr. KUHL of New York. Mr. Speaker, I rise in support of overriding the President's veto of the farm bill.

When I was elected to Congress, I joined the Agriculture Committee because of my district's rich and deep tradition in farming. And as a member of this committee, I am committed to serving not only the needs of my district, but also to preserving our Nation's agricultural vitality. As such, I am extremely disappointed by the President's veto.

I am very pleased, however, by what our committee has been able to do in writing this farm bill. This farm bill fairly and accurately represents the interests of all our farmers and various agricultural industries across the country and was fashioned in a bipartisan manner. Particularly the dairy and specialty crops and conservation programs will be extremely beneficial to New York farmers. But, more importantly, this legislation contains reform.

For the first time in history there will be a hard cap on the adjusted gross income standard to prevent the wealthiest from receiving payments. As such, this farm bill has broad support from a variety of agricultural, nutrition, conservation, and consumer entities. This farm bill is an opportunity to make American farm policy truly comprehensive, competitive and cohesive, and I urge my colleagues in Congress to override this veto.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize an outstanding member of our conference committee, also a member of the Ag Committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, ladies and gentleman, Mr. Speaker, this bill requires our urgent action to override the President's veto. The American people are concerned about many, many things, but they are most concerned about the high cost of food and the high cost of gasoline. And as soon as this bill is made into law, we will deal with these two issues right away.

The first thing that this bill does to address the high cost of food and the high cost of gasoline is that we immediately look at the corn-based ethanol, and we reduce the tax credits on corn-based ethanol and we increase the tax credits on ethanol made from cellulosic materials, which are switch grass and pine straw.

The other reason why we need to make sure we override this veto is simply because, Mr. Speaker, this bill will reach out and bring in individual segments of our population that were left out. The African American farmers are entitled to their due, and this bill will require that African American farmers who in the past have been discriminated against will have this, and it provides millions of dollars for traditionally African American schools. That is why it is important that we override the veto of this bill.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

□ 1715

Mr. CONAWAY. Mr. Speaker, I rise today to encourage my colleagues to join me in voting to override the President's veto of the farm bill. It's a widely held axiom that good agriculture policy is good Federal policy. This farm bill is a fulfillment of that statement.

This legislation will continue a safety net for America's producers and consumers, while providing a proper return on investment to the American taxpayer. The food and fiber commodity market is an extremely unpredictable place in which our producers have no ability to set their prices for their products.

Furthermore, farmers and ranchers in all areas of the world are forced to deal with uncontrollable production risks that could at any time wipe out an entire year's income at a moment's notice. These are fundamentals that will never change, and I firmly believe that we'll always have a need for policies and mechanisms to address these issues.

This long overdue and extremely important piece of legislation, once law, will return a sense of certainty to farmers and ranchers of rural America.

The farm bill has an important impact on every single American, and I strongly support this bipartisan act, and urge my colleagues to override the President's veto.

Mr. FLAKE. I yield 90 seconds to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I hate to have to come to the floor today to talk about how bad this bill is, but it's impossible not to do that.

This bill gives millions of dollars, billions of dollars in farm subsidies to millionaires. This bill takes all budget discipline in this Chamber and throws it out the window. It sweeps PAYGO under the rug.

Ninety-seven percent of the world's consumers don't live in this country. They're overseas. And the way we help farmers is to open up markets to their products overseas. This bill shuts that down. This bill makes it next to impossible for us to be able to open up markets for our farmers.

A farm bill ought to help the family farmer in tough times. This doesn't do that. This is corporate welfare. This is subsidies for multi-millionaires. In fact, you can still live on Wall Street, make half a million dollars and get farm subsidies under this bill.

This bill is not going to help agriculture. This bill is going to help corporate agriculture, not family farmers.

I believe that we should sustain the President's veto. And this is not always good to say it's bipartisan. And I hope, on a bipartisan basis, we support this veto and pass a farm bill that actually helps the family farmer and takes away these exorbitant subsidies to multi-millionaire corporate farming operations.

We ought to protect conservation. We ought to help the Third World raise themselves out of poverty, and we ought to open up markets for our farmers so they have more people to sell their products to. That's what a farm bill ought to look like. That's not what this farm bill does.

I urge a sustain of the veto.

Mr. PETERSON of Minnesota. Mr. Speaker, I would like to yield 1 minute to the distinguished gentleman from North Dakota (Mr. POMEROY) who is a member of both the Ways and Means Committee and Agriculture Committee, and did an outstanding job in helping us put this bill together.

Mr. POMEROY. I thank the chairman. The rhetoric is a little overblown against this bill, as it was the first time it was before us, as it was when we passed it on final passage.

The fact is, this bill spends billions less than the last farm bill. This bill increases the baseline on conservation, and this bill is the result of some of the best bipartisan activity I've seen in this place to develop and produce a fine product. It responds to the needs of consumers having a hard time buying their groceries with increased nutrition support. It responds to the struggles of family farmers meeting the incredibly high cost of getting their crop in with better risk protection, and it does so in a collaborative measure.

As my friend, BOB GOODLATTE, said last week, this isn't Republicans voting for a Democrat farm bill, this is the parties coming together to build a strong collaborative product.

I urge us to override the President's veto of this very important bill for rural America.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 1½ minutes to the gentleman from Oklahoma, a ranking member on the Agriculture Subcommittee, Mr. LUCAS.

Mr. LUCAS. Mr. Speaker, I rise today to urge my colleagues to vote to override the President's veto. As I told you a few days ago, not everything in this bill do I love. But the fact of the matter is, I love rural America. And production agriculture and those small towns and all those good people who live out there who work the land and raise the stock, provide the food and fiber that feeds and clothes us all. And they know that we need a comprehensive farm bill. They know how important it is that we provide the resources to meet the needs of this country.

Now, 75 percent of this bill goes to the food stamp program, the feeding programs. They understand that in rural America. They want to make sure all of our fellow citizens have enough to eat.

But they also know that they fight the weather, they're paying more for diesel and fertilizer and inputs than they ever have or they may ever again. But they want to raise those crops, and they want a comprehensive farm bill that provides a reasonable amount of safety net to allow them to work with their bankers and financiers.

Vote to override the veto for the future of rural America.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to yield 1 minute to one of our new outstanding freshmen on the Agriculture Committee, the gentleman from Florida (Mr. MAHONEY) who represents a very big agriculture district and has done outstanding work for us.

Mr. MAHONEY of Florida. Thank you, Mr. Chairman, for your leadership.

Mr. Speaker, I've read the President's reasons for vetoing this farm bill, and it's clear that even though he owns a ranch, he's not a rancher. It's clear he doesn't understand that to have national security, America needs food security. It's clear that while the White House whines about crop subsidies, that his administration's failed economic policies have resulted in $4 per gallon diesel and skyrocketing fertilizer costs that are driving farmers in Florida out of business.

Although not perfect, this farm bill, for the first time, gives Florida agriculture some of the monies we need to help market and protect our crops. It ensures that our Nation's hungry children and seniors get Florida's fresh fruit and vegetables. It invests in conservation that will speed up our efforts to save the Everglades.

Finally, this farm bill, in combination with the energy bill, provides rural Florida a new beginning by breaking the corn ethanol monopoly, and ensuring that Florida, the biggest biomass producing State in the Nation, takes its rightful place as a leader in renewable energy production.

I call on my colleagues, on a bipartisan basis, to vote to override the President's veto.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY), a member of the Agriculture Committee.

Mr. FORTENBERRY. Mr. Speaker, it is important to note that the average U.S. farmer provides enough food and fiber for 143 persons, both here in the United States and internationally. This new farm bill continues agricultural policies which have allowed America's farmers to help feed the world.

I believe that the farm bill promotes agricultural stability and diversification, agriculture-based renewable energy production, and good conservation and land stewardship practices. As with any complicated piece of legislation, there are trade-offs and concerns. For instance, payment limitation reform progressed, but did not go far enough in my view. Even though I'm going to vote to override the President's veto, I do commend the administration for its considerable efforts to highlight the need for reform, particularly in the area of payment limitations.

I'm also pleased that the farm bill conference report includes three of my initiatives. First, a new rural energy self-sufficiency initiative that would provide grants to rural communities seeking to become energy self-sufficient through the use of renewable sources such as wind and solar and biofuels and biomass.

Additionally, there is a new provision allowing school systems and other governmental institutions to purchase local foods from local farmers, promoting agricultural sustainability and diversification.

And there is a change to the value-added producer grants program that would help target assistance to farmers with small or mid-sized farms who develop new uses and creative marketing strategies for their product.

Mr. Speaker, the development of this important legislation has taken several years. This ground has been plowed long enough. I believe this bill deserves merit. I wish to thank our ranking member, Chairman GOODLATTE, for his support of this bill and Chairman PETERSON as well for his considerable efforts.

Mr. FLAKE. I just want to address some of the comments that have been made. It's been said several times that this bill is good because it's a bipartisan bill. If this is the standard by which we judge legislation, then we're doing pretty poorly in this House.

If anybody remembers, just a couple of years ago, the infamous bill that brought us the Bridge to Nowhere. Do you want to know how bipartisan that bill was? I believe it was 412 votes for, 8 votes against. If that isn't bipartisan, what is?

Yet who would want that vote back if they could? 6,300 earmarks, with a lot of bad ones, including the infamous Bridge to Nowhere. And yet we laud legislation simply because it's bipartisan.

I would love to see a lot more partisanship in this House when it comes to fiscal discipline. I wish that my

party, the Republican Party, would stand up and say, anybody who believes in limited government cannot support a bill like this, a $300 billion bill that is bipartisan because so many groups are now involved.

You do a specialty crop title; you add another subsidy program called ACRE, you get biomass in it, you get cellulosic ethanol, you add another nutrition program, and pretty soon you have so many people in it that they don't dare vote against it, and it just gets bigger and bigger and bigger, and pretty soon you have a $300 billion bill that you can only pay for by shopping for a baseline other than this year's baseline, and waive PAYGO requirements. That's why this is a bipartisan bill.

I would hope, in a week where a major news organization published, and I hope it set off some alarm bells here, that not only do we have about 9 or $10 trillion in debt, but when you add in the unfunded liabilities, it adds up to about a half a million dollars per person in this country, the amount of debt and unfunded obligation that we're on the hook for.

If we cannot, in this legislation, tell a farm entity, a farm couple that earns as much as $2.5 million that they can no longer collect farm subsidies, how in the world are you going to tell a grandmother, you're going to have to postpone your retirement for a couple of years because we can't afford your Social Security payment?

How in the world are you going to tell somebody, you know, you're going to have to have a higher copay on Medicare for prescription drugs because we have a big farm bill like this?

We need to be more responsible, and I would urge us to sustain the President's veto.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, may I ask how much time remains.

The SPEAKER pro tempore. The gentleman from Virginia has 6½ minutes. The gentleman from Minnesota has 5½ minutes. The gentleman from Wisconsin has 1½ minutes.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the distinguished Member from Missouri, a real advocate for agriculture, Mr. HULSHOF.

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. Mr. Speaker, the President has, for the second time, vetoed a bill that would help Midwestern farmers. Once again, I rise to vote for Missouri's family farmers and to override President's veto.

I think it's interesting that for over a year, opponents have said prices are high, farmers don't need a safety net, as if we can predict with certainty the market price of commodities 5 years down the road.

Today those opponents claim prices may drop, causing the safety net to be too expensive. Well, with all respect, which is it?

Sixteen percent of this bill provides a responsible safety net for farmers when the market turns south. And let's make no mistake. Farmers don't want to farm for a government check. Farmers want to farm for the market.

And what is the cost to the American taxpayer? Six cents a day. In my mind, six cents a day is not too much to pay to ensure that we continue to have the safest, most abundant food supply at the lowest cost.

Now, we have seen what happens when we offshore or energy production. What will happen when we offshore our food production? Thank the Lord above, literally, thank the Lord above that we can put three square meals a day on our tables from the bounty of our country's own farmers.

This bill is not perfect. It doesn't contain all the reforms that the other side would want. But under their plan, which failed 117–309, most of the farms and ranches would not be able to survive the erosion in farm income. That's according to the Agriculture and Food Policy Center at Texas A&M.

Some people just can't take yes for an answer. 1,054 organizations, from MoveOn.Org to the USA Rice Federation, support this bill.

I know it's tough to do, but I urge my colleagues to vote to override the President's veto and provide this safety net. And I appreciate the gentleman for the time.

□ 1730

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to a good friend of the Agricultual Committee, Ms. JACKSON-LEE of Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished chairman. Let me rise to indicate the broad opposition to the veto of the President on this agricultural bill, and I'm going to try to rush through some very vital issues that are of concern to many of us.

I just came back from Haiti and recognized the crisis that our very good friend and neighbor, the poorest country in the western hemisphere. The good news is that President Preval, who asked us to create an opportunity for jobs in a country that is hungry and lacks jobs, the Haiti trade provisions were in the bill, but unfortunately vetoed which causes us an urgent necessity to override this veto. The Caribbean Basin Initiative extension is a vital part.

But yet I look forward to us fixing the parts that included the trade title that left out the food aid, very important; McGovern-Dole, which is food for education; giving girls the incentives to come to school. And then the market access problems that are crucial.

We know there are 850 million hungry people in the world; 300 million of them are children; 40 percent of those in Haiti eat one meal a day. We are in a crisis.

This is a crucial legislative initiative.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PETERSON of Minnesota. Mr. Speaker, I would yield the gentlewoman 1 additional minute.

Ms. JACKSON-LEE of Texas. So what we are talking about here, I think there is something important to bipartisanship. Mr. Chairman and Ranking Member, thank you for this. I've lived around the edges of the agriculture bill ever since I came here from Texas. We know about specialty crops. We know about ranches and farms. I think you did a great job for these fruits and vegetable farmers because you give them an incentive to get to market.

And thank you for what you've done for the black farmers, especially on Pigford, where you allowed those late filers—I've always heard from them throughout the work on the Judiciary Committee to get back in the court by being able to file again. We are delighted that you also give them a greater access; you allow them to have transparency and accountability in the USDA, and I'm glad that what we do is try to preserve the black farmers.

This is an important bill. Let's fix the trade part of it, but let's join together and override a bill that promotes energy and food and understands you can't have a food fight when people are starving.

I urge our colleagues to vote to override the veto.

Mr. GOODLATTE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, a lot has been said here today about the bipartisan nature of this legislation, but when it passed the House last week, a majority on both sides of the aisle voted for this farm bill, and three-quarters of all of the Members here did so. But we did so because there are provisions in this bill that are of interest to each side of the aisle, and sometimes there are very clear partisan differences.

But nonetheless, the Republican side of the aisle received a number of concessions in the final negotiations of this bill: a provision that would have prohibited all 50 State food stamp programs to be able to reach out to technology companies and others to modernize and improve their food stamp program, something they have done many times in the recent past. A prohibition on that was removed from the bill. A provision in the bill that would have rolled back the Welfare Reform Act of 1996 and provided increased food stamps for able-bodied adults without dependent children was removed from the bill. Provisions related to the Davis-Bacon legislation that many Members on my side of the aisle, including myself, were concerned about were removed from the bill.

So this is a bipartisan bill because it was compromise and give-and-take on both sides of the aisle.

I have also heard Members complain that this bill is not fiscally responsible. It's less than the last farm bill. It is less than either the House-passed

version of the bill or the Senate-passed version of the bill: $4 billion less than the House, $5 billion less than the Senate version. I ask any Member here in the House, when was the last time they recall that a bill came back from a conference between the House and the Senate and spent less money than either the House or Senate spent?

And I would give you this overall picture. Americans spend about $1.2 trillion a year on food. The provisions in this bill related to the commodity title, the safety net for America's farmers and ranchers, is about $7 billion or slightly less than one-half of 1 percent of what Americans spend on food.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. GOODLATTE. I yield myself an additional 30 seconds.

Now for that one-half cent on every dollar, Americans get the stability and safety of their food supply and the assurance that they will not see in the United States what they're seeing in other countries around the world which do not have a good farm program for their farmers that assure their consumers that they will get an adequate, safe, and affordable supply of food. They do not see food riots in the United States.

They see, instead, those in the greatest need receiving appropriate food programs and the average American being able to spend less than 9 percent of their income on food. That is lower than any other country in the world today or any other country in the history of the world.

This farm bill helps to promote those good policies. I urge my colleagues to support the override.

Mr. KIND. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, under of the commodity title of the current bill, we still have loan deficiency programs in place, countercyclical programs, another $25 billion of direct payments that will go out over the next 5 years regardless of price or production. A new revenue-based countercyclical program has been added to it. And then the granddaddy of all earmarks, a disaster relief fund has been created, all of which have been reformed upwards rather than down, rather than restricting it.

I think the gentleman I talked to earlier is right. This can be described as the good, the bad, and the ugly farm bill. Unfortunately, the ugly outweighs the good here today. But, of course, whenever you go $10.5 billion above current baseline and put enough money around and enough groups with enough individuals, you're going to get a strong vote. We understand that.

But someone needs to stand up here today on behalf of the American taxpayer. Someone needs to stand here in the Chamber and say the emperor has no clothes. This farm bill will continue to distort the marketplace. It will continue to paint a bull's-eye on the back of our farmers through trade-distorting policies. And I would encourage my colleagues, if they took another look, a closer look at what's being proposed here today, they would understand that we can and should do a better job.

I would encourage my colleagues to sustain the President's veto and do the farm bill the right way, not the wrong way.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3½ minutes.

Mr. PETERSON of Minnesota. Mr. Speaker, a lot of people make a lot of claims about this bill. Editorial writers, most of them get the information wrong. But as has been mentioned here before, 15 percent of the bill goes to farmers; 9 percent of that goes to traditional commodity type programs; the balance of it to crop insurance and the new disaster program; 73½ percent of this bill goes to nutrition programs, while 7 percent goes to conservation.

So you can talk all you want about the bull's-eye on the back of the farmers, but people need to understand that the European Union now is having discussion to get rid of their direct payments and increase their commodity price supports similar to what we have here in the United States. And there are people in this country that would like to do this as well. This ideology that's been pushed by the World Bank, the IMF, all of these other world organizations, is part of the reason we're in trouble in this country and in the world.

We have, not just us but countries all over the world, have sold food below the cost of our production. Some of our opponents want us to keep doing this. I understand if you're a livestock farmer you want to keep buying cheap corn. But we've addicted these folks in these developing countries to cheap food prices. Now that we're getting prices that are more realistic, all of a sudden it's a problem because they didn't develop their own agriculture. They got hooked on exports from the United States and from other countries.

What we're doing in this bill is recognizing all of the different aspects of this country, not just farm country, not just farmers, but people in the city, people in the suburbs, people that like to hunt and fish, people that are concerned about the environment, people that are concerned about getting nutritious food into our schools and having more fresh fruit and vegetables available for people around the country, and people that want to get independent from foreign oil. All of these things are covered in this bill.

Are they done to the magnitude that I would like in some areas? No. I would say everybody here would probably agree that they would like to have something a little bit stronger in one area or the other or maybe a little weaker in one area or the other.

But this is a compromise, a bipartisan compromise that I am proud of the way that we've been able to put together. Mr. GOODLATTE and I sat in that room for many days with our colleagues on the other side of the aisle. We operated on an equal basis, as Mr. GOODLATTE pointed out. There was give and take. This was a true bipartisan effort. We came up with a true bipartisan bill that we should be proud of that is good for America, that spends less than the last farm bill, that, as Mr. GOODLATTE says, spends less than both bills that passed the House and the Senate. I can't remember a time around here when we've done something like that.

So I encourage my colleagues to take a good look at this bill to understand that this is something that's good for the country. I urge my colleagues to override the veto of the President.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

I urge my colleagues to vote to override this veto, but I would like to close my remarks by commending the President of the United States and his administration for their involvement in this process. They have improved this farm bill considerably from the versions that were passed in the House and the Senate. In fact, I'm going to yield a portion of my time to the leader.

But I want to say that this includes more than 90 provisions that the President of the United States, the leaders in the Department of Agriculture and others, suggested to us to reform. And there are numerous reforms in this legislation that are very, very substantial, very, very significant. They would not have occurred without the President's active involvement and support for efforts to improve this farm bill.

This farm bill is dramatically reformed from previous farm bills, and as a result of his involvement, of involvement on both sides of the aisle, this farm bill is dramatically improved. As a result, the Republican Members on this side of the aisle went from 17 Members supporting the bill when it came out of the Agriculture Committee to 100 Members supporting it when we voted for it last week.

There is much to commend in this bill. The President has asked for additional reforms. I supported him in the efforts to obtain some of those reforms, but we could not achieve every single objective that he sought because this is a bipartisan bill that includes the considerations of a wide array of viewpoints.

But I will say that this side of the aisle was well represented in this process and thanks in part to the efforts of the administration.

Notwithstanding that, the bill is a good bill, and we would urge our colleagues to support it.

At this time, I yield the balance of my time to the Republican leader, the gentleman from Ohio.

Mr. BOEHNER. I appreciate my colleague for yielding, and I'm not going to talk about the farm bill.

I'm a little concerned and have serious doubts about the process that we're

using to bring this bill considering that the bill that the President vetoed is not the bill that the Members are being asked to override.

Remember, there were 12 titles in the farm bill that we sent to the President. The bill that we have, that we're overriding, contains 11 titles. Title III of the bill is missing.

Now, the reason I rise is because I have got doubts about the process that we're engaged in, and I have doubts about the constitutionality of what it is that we're doing. And people were in such a hurry to bring this bill up here to the floor that no one would take the time to consider what is it that we're doing; is it constitutional, and should we proceed under the conditions we find ourselves.

We don't know why title III of the bill that we sent to the President is missing in the document that we're considering right now.

So it is not just me as a Member. I think there are other Members on both sides of the aisle that are wondering should we proceed with this and is what we're doing constitutional, is it breaking precedent with what we've done in the past. I would just ask my colleagues, and especially ask the majority, why we couldn't take some time to understand what happened in this process, why title III isn't included in the bill that we're moving to override.

And so until there are answers to this, I would suggest to the majority that we ought to consider suspending activity on this until such time as we know we have answers to the questions that Members on both sides are going to have.

□ 1745

I would be happy to yield to my friend.

Mr. PETERSON of Minnesota. I thank the gentleman.

As I understand it, it was just a glitch in the printing of the document that went to the White House. They vetoed the bill missing title III and didn't recognize it.

As I understand, the Constitution says that when we have a veto, we are bound to deal with it. So we don't see any other way to deal with this thing at this point other than to deal with the President's veto, have the override and then deal with title III later.

Mr. BOEHNER. Reclaiming my time, I don't know whether the President signed the bill that included title III or not. I don't know where title III fell from the bill. That's the point I'm making.

Until there are answers as to what did happen, how we proceed is critically important to the constitutionality of the process that we're engaged in here.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

Pursuant to clause 8 of rule XX, this 15-minute vote on passing H.R. 2419, the objections of the President to the contrary notwithstanding, will be followed by 5-minute votes on motions to suspend the rules on H.R. 3819, H.R. 5826, and H.R. 5856.

The vote was taken by electronic device, and there were—yeas 316, nays 108, not voting 11, as follows:

[Roll No. 346]

YEAS—316

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp (MI)
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—108

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Blumenauer
Boehner
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Cooper
Culberson
Davis, Tom
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Goode
Granger
Harman
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Inslee
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kirk
Knollenberg
Lamborn
Lewis (CA)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCrery
McDermott
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Myrick
Nunes
Paul
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Ramstad
Reichert
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NJ)
Smith (TX)
Smith (WA)
Stark
Stearns
Sullivan
Tancredo
Terry
Tiberi
Wamp
Waxman
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—11

Bishop (UT)
Brown, Corrine
Carter
Castor
Crenshaw
Fossella
Gillibrand
Kennedy
Rush
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1809

Mrs. GRANGER changed her vote from ''yea'' to ''nay.''

Ms. WOOLSEY and Mrs. CUBIN changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will notify the Senate of the action of the House.

VETERANS EMERGENCY CARE FAIRNESS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3819, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3819, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 347]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Berman
Brown, Corrine
Carter
Castor
Crenshaw
DeLauro
Diaz-Balart, M.
English (PA)
Fortenberry
Fossella
Gillibrand
Herger
Kennedy
McHugh
Nadler
Reynolds
Ros-Lehtinen
Rush
Terry
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1816

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCHUGH. Mr. Speaker, on rollcall No. 347, unfortunately, during the vote I was unavoidably detained off the House floor. Had I been present, I would have voted "yea."

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5826, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5826.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 348]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)

Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Brown, Corrine
Carter
Castor
Cramer
Crenshaw
Delahunt
Fossella
Frank (MA)
Gillibrand
Kagen
Kennedy
McDermott
Rush
Speier
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1823

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, we just finished a vote several minutes ago on the override of the farm bill, except that the override vote occurred on a bill that had never been considered by the House or the Senate, since the bill that we voted to override apparently is missing one title of the bill—or the conference report—that passed the House and the Senate. I am concerned about the procedures, the process, and the constitutionality of what we've just done.

I would like to ask the majority leader if he can help myself and the other Members understand just what are we dealing with here.

Mr. HOYER. Mr. Speaker, will my friend yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. Mr. Speaker, clearly, what we are dealing with is an unfortunate situation. The unfortunate situation is that apparently—and again I just learned about this about an hour and a half ago when Mr. PETERSON, the chairman of the committee, told me he and Mr. GOODLATTE were discussing this problem and how to proceed. Apparently what happened is title III, which I understand is not very controversial, but in any event, title III came up on the screen for the printing on the parchment that is sent to the President, but, unfortunately, for whatever reasons, it was not printed out and it was not caught in the proofing of that. Apparently, as well, the White House did not catch the fact that the bill was not inclusive of title III.

Frankly, I have not looked at the bill to see whether there's a title I, II, and then goes to IV, which would have been self-evident that there was a missing title.

In any event, without having researched it or talked to anybody about precedents, what has happened is that the House and the Senate passed in exactly the same form that which was vetoed by the President. Now, we passed more than that, but that which we have just voted on was passed in both Houses in exactly the form we just voted on.

The vote, therefore, superficially, off the top of my head, without having researched this, is that what we have done is we have passed that which we originally passed through the House and the Senate and sent to the President, notwithstanding the President's veto, and something that we did also pass, which was incorporated in that bill, was neither vetoed nor signed by the President because, unfortunately, as a result of a clerical error, it was not included in the bill.

I, in discussions with Mr. PETERSON, understand that he and Mr. GOODLATTE were in discussion on this issue when they first learned of it, and I don't know how long they knew about it before I found out about it; that, as I thought, their agreement would be that we would pass, subsequent to passing the initial bill, the title III either by unanimous consent or under the suspension calendar.

I don't know the conversations that occurred between Mr. PETERSON and Mr. GOODLATTE. Mr. PETERSON is on the floor, I know. I don't know exactly where he is. But it was his understanding that that would be an acceptable way to proceed. That was where I thought it to be.

Mr. BOEHNER. Reclaiming my time, we may have transported to the President a portion of the bill that passed the House and Senate, but we did not send to the President, apparently, the farm bill conference report as passed by the House and the Senate.

I think what's of grave concern to me is, yes, I understand that mistakes do happen in this process, but before the consideration of the override debate and vote, we were aware of the problem. And I just think that in deference to all Members, we could have waited before consideration of the override so that all the Members would understand just what we're dealing with and the problems that are contained therein. I just think that in the rush to move this override vote, we don't know what precedents of the House we may have stepped on and what constitutional problems that we may have. I would remind my colleague that there was a very small mistake made in the Deficit Reduction Act several years ago that's been the subject of a lawsuit and privileged resolutions and moral outrage from some of my friends on the other side of the aisle, which, frankly, the Deficit Reduction Act error pales in comparison to what we have here.

So I would ask my colleague, I think we need to get to the bottom of what happened.

□ 1830

I don't know that the override that we just cast—we voted to override a bill that had never been considered by the House or the Senate, and I don't know how that is constitutional.

I would be happy to yield to my friend.

Mr. HOYER. Well, as I said, everything that we voted on was passed by the House and the Senate in exactly the same form. Obviously, I agree with your premise that the bill as passed out of Congress was not the exact same bill because of the deletion of title III,

apparently by error. Title III, as I understand, is not particularly controversial. I understand that from the discussion between Mr. GOODLATTE and Mr. PETERSON.

So a mistake was made. A deletion was made. The President and the White House did not catch it. We didn't catch it. The President vetoed a bill. The bill that he vetoed, he sent back here. We have now said notwithstanding the veto, we believe the provisions that we both passed should in fact become law.

Now the gentleman is correct, which is self-evident, and I can't disagree with your proposition that the bill was not in exactly the same form, and as I indicated at the beginning, because I only learned about this about an hour and a half ago, these are off-of-the-top-of-my-head opinions, and are probably worth that much.

Mr. BOEHNER. Reclaiming my time, in terms of how this problem gets fixed, is there some consideration for how we fix this error?

Mr. HOYER. Yes.

Will the gentlemen yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. We hope to have, again, as result of discussions between Mr. PETERSON and Mr. GOODLATTE, either by unanimous consent, which may not be possible, or under suspension because, again, I understand from Mr. PETERSON that title III is not a controversial title. Clearly, title I was controversial. Other titles were controversial. But if that is the case, then we can pass this by suspension tomorrow with suspension authority and send that to the Senate and hopefully they will then in turn send that to the President that title which has not yet been enacted or, frankly, acted on by the President, would either be signed by him or vetoed by him and we would consider it in that context.

Mr. DREIER. Will the gentleman yield?

Mr. BOEHNER. Let me yield to the gentleman from California.

Mr. DREIER. I thank the distinguished Republican leader for yielding. As the leader has said, this is a circumstance that does bring to mind the Deficit Reduction Act controversy which created a huge stir in this place and one with which we are still trying to contend.

I just heard that the Rules Committee was scheduled to reconvene at 6:30 this evening to report out the Duncan Hunter Defense Authorization bill, and I have been told that there's going to be some attempt made in the Rules Committee to deal with this issue in that rule. That's the word that we have been hearing over here.

I thank my friend for yielding. If he would yield to the distinguished majority leader, I would like to have us enlightened on the prospect of this.

Mr. HOYER. Will the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. The only thing, as I understand it, would be to make tomorrow a suspension day. It's not a suspension day. So we would have to make it a suspension day.

Mr. BOEHNER. If I could yield to my colleague from Missouri.

Mr. BLUNT. I appreciate the gentleman yielding.

I don't think, as I listen to this conversation and see it develop today, if we pass this section that the President hasn't seen, and the Senate passes the section that the President hasn't seen, and he either signs or vetoes it, that would be the only bill that the House actually passed that the President sees on this topic. It is clear if you look at the line-item veto case, it was clear in that case that the President can't selectively veto things in a part of a House bill.

Again, think through this with me, if you will. The only thing the President will have seen that the House and Senate both passed as it stands would be this last portion.

The concept that we can start sending bills over piecemeal because the House had passed this part of it is a flawed concept. Who knows what the House would pass if it didn't get a chance to pass the full bill each time. We would have passed the tax extenders today, unanimously, if it hadn't had the portion on it on new tax increases. We would have all voted for that part of the tax extenders bill. It wouldn't have changed that part of the bill. In fact, if we had only sent the President that part of the tax extenders bill, he would have signed it. But he probably won't sign it with this additional thing.

When we had the Deficit Reduction Act, which, believe me, I remember in vivid detail, vivid detail; we had a bill that we sent to the Senate, the Senate clerk made a change in it and sent it to the Senate floor. Nobody in the Senate who voted on the bill knew that it had been changed, so it had no impact on the Senate vote.

The Senate clerk got it back, realized that her change was inaccurate, sent it back to us just like we had sent it over to them. We voted on it again and sent it to the President, and didn't know until the signing ceremony that this had ever occurred. We didn't know until the signing ceremony that this had ever occurred. There was no action on the House at all with any knowledge any of this had ever occurred. In fact, none of it even occurred on the House side.

At that time, the minority leader stood up and said:

''Whereas, although the Senate Enrolling Clerk mistakenly changed critical numbers that had major financial significance, leadership deliberately chose to ignore that notification and instead allowed the House to vote on an incorrect version of this legislation.''

Not true, by the way.

''Whereas, the effect of these actions raises serious constitutional questions and jeopardizes the legal status of this legislation.

''Resolved, that the Committee on Standards of Official Conduct shall begin an immediate investigation into the abuse of power surrounding the accuracy of the process and enrollment.''

The Speaker of the House, my friends, certified to the President that we were sending him a bill exactly as we had passed it. We now understand that clearly was not an accurate certification of what the House has done, and we are about to go down a path that might have the only action really taken by the House that the President sees in totality, this last segment of the bill. Why we would have moved forward, knowing all those facts before we moved forward, is a mystery to me.

Mr. BOEHNER. I would be happy to yield to the majority leader.

Mr. HOYER. I am looking for the exact date, but the farm bill expires tomorrow, and we have to extend the farm bill or go back to the 1949 extension.

Again, I would say to my friend I am operating with some concerns about the questions that are raised. But, again, I say, first of all, what happened in the Deficit Reduction Act is that the bill that was sent to the President, the provisions were never passed by the Senate.

Every provision that was sent to the President was sent to the President after overwhelming votes from the House, overwhelming votes from the Senate in exactly the same position. Title III was passed by the Senate and the House, and inadvertently left out.

In the Deficit Reduction Act, figures were changed in the bill subsequent to passing the Senate and never passed by the House. So I would suggest that the analogy between the two is not apt. In addition, there was no bipartisan discussion on that change.

In this case, Mr. PETERSON and Mr. GOODLATTE are both on the floor. I didn't participate in those conversations. But I was informed by Mr. PETERSON, because I said, have you talked to Mr. GOODLATTE about this. He said he had. There had been significant discussions about that. There was concern about getting the farm bill passed because of the expiration of the existing authorization.

As a result of those discussions, my personal thought was there was bipartisan agreement that we could proceed this way. We did proceed that way. I don't think I can amplify my response more than that.

Mr. BLUNT. Would the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. BLUNT. I thank the gentleman for his response. We may have a significant debate over whatever standards we were held to, that people are no longer held to. I will say that in that case, nobody in the House ever knew that any changes had been made, and it was alleged that somehow we were

going to be subject to Ethics Committee investigations.

I would say in this case that my principal concern would be that the sections of the farm bill that have gone to the President, since they were not part of an entire bill, could be subject to all kinds of future litigation. I do know in the litigation that the minority initiated in February, 2006, 2 years and millions of taxpayer dollars later, we finally ended that litigation at the court of appeals level with the court of appeals deciding that if the Speaker and the President pro tempore certified that this is what both bodies passed, it was what both bodies passed.

Here, we're moving forward with both bodies admitting that what this President has seen is not what both bodies passed. This idea that just because a portion of the bill has passed in a bigger bill means that the House was for that portion of the bill, that the Senate was for that portion of the bill, I don't think would stand any reasonable test of a way for us to move forward, and I think this bill does become subject to all kind of challenges from outside this building as well as perhaps from inside.

Mr. BOEHNER. I would just add, what has happened here raises serious constitutional questions, very serious. I don't know how we can proceed with the override as it occurred, nor do I think we should proceed with some attempt to fix it until such time as we all understand what happened, what are the precedents of the House, and how do we move forward.

As a result, I really believe that there ought to be a motion, I may make the motion, to vacate the vote that has occurred until we all understand better about what it is that we are dealing with.

Mr. HOYER. Will the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. My suggestion will be that we have another vote. We are going to have some other business coming. We discussed this briefly in the hallway. My suggestion is before we make any motions, that we take the time, your leadership and our leadership, let's sit down and discuss this and then we can come back and do whatever each decides to do.

Mr. DREIER. Would the gentleman yield?

Mr. BOEHNER. I would be happy to yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I would just like to raise one other point that should be part of those discussions. If I could remind our colleagues, one of the items that was debated vigorously during consideration of the farm bill happened to be the issue of the baseline numbers that were used. We are poised at this moment to bring up a budget resolution which will raise a question as to exactly what baseline level is used and what pay-fors might be out there. So I think that we have some very serious questions that are raised.

My friend from Arizona (Mr. SHADEGG) just reminded us again that for us to conclude, as the distinguished Republican whip has said, that this bill somehow would have passed identically in the exact same form is a real stretch. For that reason, I think that we have lots of questions that need to be addressed before we do proceed.

I thank my friend for yielding.

□ 1845

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Ohio yield for that purpose?

Mr. BOEHNER. I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY AUTHORIZATION AND LEASE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5856, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5856.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 349]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)

Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—18

Bishop (UT)
Brown, Corrine
Carter
Castor
Crenshaw
Feeney
Fossella
Gillibrand
Green, Gene
Kennedy
LaTourette
Rangel
Rush
Tiahrt
Walden (OR)
Wexler
Wynn
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining in this vote.

□ 1909

Mr. SIMPSON changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend remarks on general debate concerning H.R. 5658.

The SPEAKER pro tempore (Mr. POMEROY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1213 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5658.

□ 1910

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 1 hour.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House begins consideration of H.R. 5658, which is the National Defense Authorization Act for Fiscal Year 2009.

This bill is a collective effort in the bipartisan tradition of the House Armed Services Committee which approved the bill in markup by a vote of 61–0. It is an excellent bill.

I want to thank the members of our Armed Services Committee, particularly the subcommittee chairmen, the ranking members, and actually every member of the committee.

Let me take this opportunity to also, Mr. Chairman, recognize the ranking member and former chairman, DUNCAN HUNTER, for once again being a great partner on this bill, and he is certainly to be commended and thanked for it. I am proud that DUNCAN and I have worked so well together through the years and always with the common goal of enhancing American national security.

It is only fitting, Mr. Chairman, that as DUNCAN HUNTER plans to retire at the end of this Congress, our committee colleagues unanimously voted to name this bill in his honor, recognizing DUNCAN HUNTER's many years of service on the Armed Services Committee, and also recognizing his unfailing support of our men and women in uniform. And we thank him publicly for that.

Mr. Chairman, let me discuss some significant provisions of the bill. It reflects our committee's view that restoring military readiness must be our number one priority. This is serious business. If, after more than 6 years of war, our effort is to restore military readiness, then it must be sustained in order to meet not just current military challenges, which are monumental, but prepare for the unexpected conflicts we may face in the future.

We don't know what is around the corner. I might point out, in the last 31 years American military forces have been engaged in no less than 12 military conflicts, four of which have been major in size.

The bill directs approximately $2 billion toward unfunded readiness initiatives requested by the services. It includes $932 million to deal with equipment shortages as well as for equipment maintenance. The bill also provides for some $800 million for National Guard and Reserve equipment, and $650 million to keep defense facilities in good working order and to address urgent issues such as dilapidated military barracks.

□ 1915

To boost readiness and to reduce the strain on our forces, the bill increases the size of our military; 7,000 additional Army troops, 5,000 additional marines, and prevents further military to civilian conversions in the medical field by authorizing an additional 1,023 Navy sailors and 450 additional Air Force personnel.

The bill also maintains our efforts to support and honor the men and women who serve our Nation in uniform and their families, providing a much needed 3.9 percent pay raise increase, and again, prohibiting increases in health care fees, among a range of other initiatives.

I might point out, the administration recommended only a 3.4 percent pay raise, and we raised that, as we should have.

The authorization bill also keeps our focus on Afghanistan, which is the primary front in the war on terror. The bill requires the administration to submit separate budget requests to clearly lay out the requirements for the war in Afghanistan, and on the other hand, the war in Iraq. It requires a system be set up to measure the success of the U.S.-led Provincial Reconstruction Teams, and requires more robust congressional reporting on the training of the Afghan Security Force.

Finally, the bill requires the Department of Defense to address the issue of command and control for forces in Afghanistan operating under Operation Enduring Freedom, as well as the NATO International Security Assistance Force.

The bill authorizes a $70 billion bridge for the fights in Iraq and Afghanistan. But we remain convinced that it's well past time for the Iraqis to step up and contribute more substantially to their very own security, as well as their prosperity. With the Iraqis' overwhelming budget and capital account surpluses, the bill requires Iraqis to invest more in their own reconstruction, as well as their own security efforts.

The bill also includes steps toward contracting reform after the substantial improvements in the law which we enacted in our previous bill last year.

This bill underlines our commitment to preventing the proliferation of weapons of mass destruction. It adds $31 million for the Cooperative Threat Reduction programs of the Department of Defense, and some $215 million from the Department of Energy's nonproliferation programs. That's important.

Finally, I want to say a word about the need for reforms in the way our government coordinates and executes its national security policy. Many here in Congress as well as the executive branch are working to improve our interagency system. It's a massive effort that cannot be accomplished in any one single year.

I remember well the now famous Goldwater-Nichols Act. It was an effort over 4 years in the Congress of the United States which, of course, made jointness part of the military culture, and this may well be along the same line, although hopefully it will not take 4 years to accomplish. But it cannot be done in one single year.

At the appropriate time during the bill's consideration, I will offer an amendment along with Chairman HOWARD BERMAN of the Foreign Affairs

Committee and Appropriations Subcommittee Chairwoman NITA LOWEY to establish a standing advisory board to work with the Secretaries of State and Defense on interagency matters and report to Congress their recommendations.

Before I reserve the balance of my time, let me pay tribute to those Members who plan to leave Congress at the end of this session and for whom this will be their final defense authorization bill. In addition to the retirement of our friend and ranking member, DUNCAN HUNTER, I want to express my appreciation to two other senior Members who plan to retire, Congressman JIM SAXTON and Congressman TERRY EVERETT. Both these gentlemen have made a very important contribution to our committee through the years and, consequently, have been wonderful partners, as well as outstanding Americans.

In addition, two of the most capable and committed members of our committee, ROB ANDREWS and MARK UDALL, plan to leave in order to seek other offices. The House and our committee are all the better for their service, and we wish all of these members who are not going to return to our committee next year all the best. They will be missed.

This is a critical time in our Nation. This defense bill is a very important one. I urge Members of this House to support this defense authorization bill. It does so much in the area of readiness, to support our men and women in uniform and their families, and to protect the American people.

With that, and additional thanks to my friend, DUNCAN HUNTER, on his final bill, we appreciate your work, your efforts, your friendship, Mr. HUNTER.

I reserve the balance of my time.

Mr. HUNTER. To my great friend, I don't deserve this honor that he has recommended here of naming the bill. I'm just an ordinary American, but I get to serve with lots of extraordinary Americans, and the gentleman from Missouri is one of those extraordinary Americans. He talked about the jointness that he's trying to bring over from his great work on the Goldwater-Nichols bill, of bringing our services together to act jointly, and extend that to the other agencies which are so crucial in this operation in Iraq and Afghanistan, and to bring them in also in a way that they act as a member of the team led, most of the time, by the Department of Defense, but nonetheless, one that requires cohesion and jointness and a culture of working together as a team.

I want to commend the gentleman for the fact that he has been the corporate historian, if you will, for the House of Representatives and for the Armed Services Committee, who often brings us back in debate or in hearings to events that transpired in conflicts 100 years ago sometimes, or World War II or Korea or Vietnam, and reminds us that we shouldn't have to learn the lesson a second time. So I want to give my great thanks to this great American, IKE SKELTON, and to all of the members of the great Armed Services Committee and the chairmen and ranking members of the subcommittees who put together such a great bill. A couple of them are sitting here next to me. I know JIM SAXTON is leaving. He was the first chairman of the Special Operations Subcommittee, the Terrorism Subcommittee, and traveled the world and the country and every base where we had SOCOM people stationed, talking to the teams, talking, whether they were Green Berets or Rangers or SEALs or other operators, trying to understand what they needed from Congress in order to be effective. He worked to get them that equipment, and now, as the ranking member of Air, Land, he continues that mission.

And, of course, TERRY EVERETT, that guy who doesn't make long speeches but spends a lot of time in classified sessions working and understanding on the issues surrounding space, and how those issues relate to national security. Probably nobody else in the country knows as much as he does on those issues.

And, of course, we've got a couple of members, as the chairman said, moving on to other offices, ROB ANDREWS and MARK UDALL, and we wish them the very best.

Mr. Chairman, this is an excellent defense bill, and I concur with the gentleman from Missouri that we should have a unanimous vote in the House of Representatives, just as we had under his leadership in the Armed Services Committee.

It does a couple of things that are important for us. It works toward the warfighting theaters, which are very important, Iraq, Afghanistan and other places in the world where the global war on terror is taking place. But, at the same time, and in those, in that category, we put in extra money for MRAPs for these armored vehicles, for protection for our troops, for jammers, for all the things, for new surveillance capability, new anti-mortar capability, all the things that would go to force protection, and also make our troops more effective in those theaters.

But beyond that, we pay a lot of attention and put a great deal of focus on modernizing the military and looking over the horizon to challenges that may go far beyond the current theaters.

We continue to fund the F–22, which the reports now coming back from the operators are to the effect that the F–22 is doing extremely well, a high performance fighter aircraft with lots of capability, lots of legs, lots of firepower, but especially lots of sensor capability, which we're finding to be extremely valuable.

The V–22, which is this platform that the Marines wanted for years because it goes roughly twice as fast as the CH–46s that it's replacing, are working extremely well in theater. The Marines are getting from point A to point B in half the time. They're able to carry out their mission more efficiently and effectively. They like that particular platform. And across the board, we are replacing and modernizing our military equipment.

Now there are some things that we need to do in this bill, and I would hope we could do on the floor. We did cut some $300 million out of missile defense. Mr. Chairman, we live in an era of missiles. This is an era in which we will see, in the coming years, the Iranians continuing to improve on the Shahab missile classes, which already can reach parts of Europe, at some point will be able to reach all of Europe, and will be followed by missile classes that, at some point, will be able to reach the United States.

We also have seen North Korea throw a pod of missiles into the North China Sea, and the Sea of Japan; some of which have capability, if they put more sections on those missiles, ultimately, to reach American allies and the United States itself. So we're entering the middle of what I would call the era of missiles. And having defense against missiles is a key part of the American defense system.

We've had these wonderful successes where we've shot down missiles that are traveling, where the interceptor and the missile it shoots down 148 miles above the surface of the Earth are traveling roughly three times the speed of a 30–06 bullet, and we've had collisions in mid flight. We saw a great demonstration when we took down the rogue satellite that had to be destroyed to avoid possible collateral damage. We took that down with a sea-based missile system that worked very well.

We clearly are moving along in the right direction in trying to put up defenses as the offensive systems become more sophisticated. But I think we need to continue to move down that path.

We did cut money out of the European-based missile systems and other systems, and I would hope that we could restore some of the missile defense money in this particular bill. I know Mr. FRANKS will be offering that.

Similarly, the FCS program, I think, is an area we need to restore dollars. Mr. Chairman, we have a number of en bloc amendments and amendments that will be offered by members that I think will, in fact, make this bill even a little bit better than it is.

I want to finish by thanking the chairman for putting together a great bill in the Armed Services Committee, for moving it down the road very quickly, and getting it to the House floor.

This is the bill that provides our troops with the tools that they need to get the job done. And that's why it's important, that's why this committee acts in such a bipartisan fashion, and we follow the bipartisan model of the gentleman from Missouri, IKE SKELTON.

I would reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to my friend, my colleague, the gentlewoman from California (Mrs. TAUSCHER) who also is the chairman of the Subcommittee on Strategic Forces.

Mrs. TAUSCHER. Mr. Chairman, I rise in very strong support of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

I want to commend Chairman SKELTON for his leadership on bringing such a strong bipartisan bill to the floor.

As chairman of the Strategic Forces Subcommittee, I have worked with my colleagues on both sides of the aisle to ensure that the bill achieves three broad objectives. It sustains and modernizes the stockpile stewardship program, which insures the safety, security and reliability of our nuclear deterrent. It invests in the development and deployment of ballistic missile defense systems that address near term threats to the United States, our deployed troops and our allies. And it supports significant military space programs in critical phases of development, including the space-based infrared system.

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With regard to the nuclear complex, it provides additional funding to address certification issues raised by the 2007 JASON review of the RRW proposal. It fully executes the National Ignition Campaign, and it explores next-generation stockpile stewardship tools. The bill fully funds the request for the defense environmental cleanup and urges DOE to increase the resources dedicated to cleanup in future budgets.

We also fully fund the Mixed Oxide Fuel Fabrication Facility at the Savannah River Site in South Carolina, and we stress that the MOX project is a nonproliferation and a national security priority.

For the Missile Defense Agency, the bill authorizes $8.6 billion, a cut of $719 million below the administration's request. The bill reflects our committee's strong bipartisan support for addressing the short, medium, and intermediate missile threats that face our warfighters. It includes several important funding increases. It adds $75 million for Aegis Ballistic Missile Defense, $75 million for Terminal High Altitude Area Defense, $25 million for missile defense target development, and $10 million for the joint U.S.-Israel short-range missile defense program.

The bill authorizes $341 million for the proposed European missile defense site, an increase of more than $100 million over current-year funding but a reduction of $371 million below the administration's request.

The committee has extended conditions contained in the fiscal year 2008 National Defense Authorization Act to help ensure that the pace of any deployment of U.S. missile defense systems in Europe is synchronized with our diplomatic efforts and that the proposed system has been fully tested.

The bill strongly supports our cooperative programs with Israel authorizing $54.1 million for the joint U.S.-Israel short-range missile defense program, an increase of $10 million over the President's request.

It also authorizes $74.3 million for continued development of the Arrow Weapons System.

In military space programs, the bill pushes DOD to focus on near-term warfighter needs, space situational awareness, and space protection. The bill also directs the Secretary of Defense to submit a plan for the Department's bandwidth needs in the near and longer term.

Mr. Chairman, at this time I would like to honor my ranking member, Mr. EVERETT of Alabama, who is retiring this year. Mr. EVERETT was previously the chairman of this subcommittee. There is no finer gentleman in the House. He is a man of significant effort, he is a perfect Southern gentleman, and it was my pleasure to work with him over the last few years and this year to have him as my ranking member. I wish him and his wife Barbara and their family all the best in their retirement years.

Mr. Chairman, the bill supports our critical national security priorities, and I strongly urge my colleagues to support its adoption today.

Mr. HUNTER. Mr. Chairman, I would like to thank the gentlelady in putting this bill together and recognize the gentleman from New Jersey (Mr. SAXTON) who, every time I talked to him over the last 4 or 5 years, he was meeting with a different group of special operators trying to figure out what they needed and where they needed to go and tireless in pouring himself into an airplane to get to yet another base and meet with more troops.

He's done a wonderful job as the ranking member of the Air and Land Subcommittee. We're going to miss the gentleman from New Jersey.

I would like to yield him 5 minutes.

Mr. SAXTON. I want to thank Mr. HUNTER for yielding time.

Mr. Chairman, there has been a lot said here tonight about bipartisanship and working together, and it's absolutely been a fantastic experience for the last 2 years we've worked under the leadership of our good friend, IKE SKELTON. I might say that one of the reasons that this bipartisanship works so well is very simply because we're all friends. We're friends in the committee, we're friends in the hallway, we're friends in our offices, and we are friends here on the floor, and we're friends when we're not in session.

And so we appreciate the opportunity to be here tonight on the floor in that spirit.

I might also thank my good friend from California (Mr. HUNTER) for the kind remarks that he offered with regard to my service. But I want to say something, too, about Mr. HUNTER, because for the last several years before IKE SKELTON, Mr. HUNTER was our chairman, and now he's our ranking member. Following in the footsteps of Floyd Spence and Bob Stump, DUNCAN HUNTER picked up the job of being chairman and continued to set the tone for the bipartisanship that is a hallmark of the Armed Services Committee.

Perhaps as only Ronald Reagan could have said it years ago when I first came to Congress, he said, You know, a lot of things are important around here, but there is nothing that's more important, maybe there are some things that are as important, but nothing is more important than our national security.

And the bipartisanship with which the Armed Services Committee, under the leadership of both Mr. SKELTON and Mr. HUNTER and their predecessors, has approached this issue is very, very important. I would like to thank the gentleman for the great job that he's done, as well as my friend, IKE SKELTON.

Force protection is a very important element of this bill. We know that force protection has changed a great deal because of the threat that we face in Iraq and Afghanistan of an conventional nature.

In this bill we upgraded the funding available for the Mine-Resistant Ambush-Protected Vehicle, the MRAP. We have $947 million to upgrade the armor on Humvees, and $2.2 million for the Abrams tank upgrades, the Bradley fighting vehicle, as well as the Stryker. And so we once again put our soldiers first and are providing the protection for them that they need.

One of my pet projects in the years that I have been on the committee has been the moving forward of the C–17, and here again, we've got funding or we've got authorization here for 15 additional C–17s, and hopefully we will continue to move forward with that.

There is one area that I have a concern about in this bill, but it's a whole lot better than it could have been when it started. Our great friend, NEIL ABERCROMBIE, compromised with us on the Future Combat System.

While it's important to provide force protection for today's Army, it's also important to get ready for tomorrow's Army. And while the Air Force, as well as the Marine Corps, as Mr. HUNTER pointed out, adopted a revolutionary system known as the V–22, which is a fixed-wing aircraft. It can take off vertically and can fly twice as fast as a helicopter. That was revolutionary. In the Air Force, we have revolutionary systems, the F–22, the Joint Strike Fighter, which are revolutionary because they can do things that we never dreamed that we could do before.

The Army has been an evolutionary developer, and the FCS, the Future Combat System, is the first, in my time here, revolutionary system adopted by the Army. We cut the funding for the Future Combat System by $233 million. I think that's a mistake. This is a big year for the FCS, and in my view, we should have funded it altogether. $3.6 billion is a lot of money. That's the total authorization for the FCS this

year. A 5 or 10 percent cut may not seem much, but this is the make-it-or-break-it year. This is the year we study the progress we've made with FCS and decide whether to go forward with it or not. A bad year to make a cut in my estimation.

Mr. Chairman, I appreciate very much the opportunity to be here tonight under these circumstances. This is a good bill. I am certainly going to support it, and as Mr. HUNTER suggested, this should be a unanimous vote, and I urge the House to make it so.

Mr. SKELTON. Mr. Chairman, at this time I yield 5 minutes to the chairwoman of the Subcommittee on Military Personnel, the gentlelady, our friend and colleague, Mrs. DAVIS.

Mrs. DAVIS of California. Mr. Chairman, as the chairwoman of the Military Personnel Subcommittee, I'm pleased to support H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

As my colleagues and the other subcommittee Chairs have noted and will note, I think, as they speak, this bill is a bipartisan effort. I want to recognize the committee chair, of course, Mr. IKE SKELTON, and the ranking member, Mr. DUNCAN HUNTER, for their exemplary leadership.

I would also like to recognize my ranking member on the subcommittee, Mr. MCHUGH, for his support. I also want to thank our dedicated staffs on both sides of the aisle for extraordinary work.

Each year has been extremely challenging to meet all of the wishes that we seek for those who are serving in harm's way. And this year was certainly no exception. However, the defense bill before us continues to enhance and improve the quality of life for our servicemembers and their families who are bearing the brunt of 6 years of war.

Let me highlight some of the important initiatives that we address. The committee supported the President's proposal to increase end strength for the Army and Marine Corps and restores the military to civilian conversions within the medical community that were prohibited in last year's bill.

The bill includes a 3.9 percent pay raise which is one-half of 1 percent above both the President's budget request and private sector raises as measured by the Employment Cost Index, the ECI. This is the 10th consecutive year of pay raises above ECI, and this raise will further reduce the gap between military and private sector raises from 3.4 percent to 2.9 percent from a high of 13.5 percent during fiscal year 1999.

The bill establishes a tuition-assistance program for eligible military spouses to develop careers that are portable as they move with their servicemember from base to base.

The bill also authorizes a career intermission pilot program that would allow those who are seeking a military career time-off from active duty for a period of several years in order to pursue other life achievements.

The reserve components have moved from a strategic force to an integral and vital part of the operational force, particularly in the Army. The bill would increase full-time manning for the Army National Guard to 30,450 and the Army Reserve to 17,070.

The bill prohibits TRICARE health and pharmacy fee increases proposed in the President's budget. I'm pleased that we were successful in finding the offsets necessary to prohibit the fee increases to protect our military beneficiaries.

However, the committee remains concerned that the department continues to put forward proposals that place the focus solely on our military retirees and fails to address other cost drivers within the system. So we must work together to find a fair and equitable solution that protects our beneficiaries and ensures the financial viability of the military health care system for the future. The bill begins efforts to improve the health care readiness of our force and their families by establishing preventive health care programs.

Mr. Chairman, the bill before the Members today is a good bill, and Members can be proud of what we are doing for the troops and their families.

I urge my colleagues to support the bill.

Mr. HUNTER. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Maryland who is the ranking member on the Seapower and Expeditionary Forces subcommittee, Mr. BARTLETT.

Mr. BARTLETT of Maryland. Mr. Chairman, I strongly encourage my colleagues to support the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. As ranking member of the Seapower and Expeditionary Forces Subcommittee, I applaud the efforts of Chairman TAYLOR and his staff who have done an excellent job of meeting the needs of our sailors, aviators and marines.

I also want to thank my staff who did a great job. They helped prepare this statement and so they modestly did not include themselves. Thank you, staff, very much.

The bill accelerates the planned refueling complex overhaul of the USS *Theodore Roosevelt*. It fully funds the next generation carrier, the fiscal year 2009 Virginia class submarine and provides procurement for a second Virginia class submarine in both fiscal years 2010 and 2011. The bill also authorizes two T-AKEs and two Littoral combat ships.

There are several areas where the committee disagreed with the President's budget requests. For example, the bill would not allow the Navy to terminate the LPD–17 production line. The bill would slow the pace of the DDG 1000 destroyer program while providing the Navy with the flexibility to reevaluate its options for service combatants and reduce risk for the next generation cruiser.

On the aviation side, the bill continues to support the alternative engine for the Joint Strike Fighter. It also provides additional funding to address emergent P–3 aircraft repair issues.

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With regard to Marine Corps programs, the chairman and I share concerns and the same goals about the Expeditionary Fighting Vehicle and its survivability. The Marine Corps has responded to our concerns by making design changes that will improve its survivability by 50 percent over the baseline. But I believe that more can be done. I have asked the chairman if we can continue to examine this bill's proposed $40 million cut to the EFV program to ensure we achieve this important goal.

The bill extends the committee's prior work to expand nuclear propulsion for shipbuilding. Last year, we required the Navy to include integrated nuclear propulsion for the next generation cruiser. This year, the bill would require that future amphibious assault vessels also include nuclear power.

The Navy's 2007 study on alternative energy for ship propulsion indicated that the break-even price for nuclear propulsion for amphibious ships was a market price of $178 per barrel of oil. We're creeping up to that number. Oil hit a new record of $133 a barrel today.

Finally, Mr. Chairman, I would like to note that several of our colleagues, all three of them sitting in the Chamber in front of me, are retiring at the end of this Congress. My very good friend, DUNCAN HUNTER; good friend, JIM SAXTON; and my classmate, TERRY EVERETT, thank you all very much for what you have done for your country, for our servicemen and -women. You have my deepest respect and gratitude.

Mr. Chairman, I ask my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to my colleague, my friend, the gentleman from Washington, who is also the chairman of the Subcommittee on Terrorism and Conventional Threats and Capabilities, Mr. SMITH.

(Mr. SMITH of Washington asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Washington. Thank you, Mr. Chairman.

I want to start by thanking Chairman SKELTON and Ranking Member HUNTER for the work they have done, not just on this bill but during the 12 years that I've been in Congress and even before then.

Their leadership on this committee I think should be an inspiration to all of us in the way they approach these very important issues. To begin with, they set a tone of bipartisanship. We worked together in an open process that I think gives us the high quality product

that we wind up with. And that's not to say that we don't disagree, occasionally along party lines, but we do so in a very open, very honest way, in a way that I think addresses the issues and the way that Congress should perform. I want to thank Chairman SKELTON and Ranking Member HUNTER for his time as ranking member and time as chairman as well for doing that.

I think this year's bill is a particularly good product and representative of that fine work. We have heard many different pieces of it already. I just want to highlight two in the general bill.

First of all, the $2 billion in additional money that we put in to deal with readiness, a major challenge right now for our Armed Forces, particularly the Army and the Marines. Our forces are really under a great deal of strain because of their deployments in Iraq and Afghanistan. Maintaining readiness has been a major challenge and concern, and this bill puts that concern up front and funds it in a way that will help us begin to deal with the problem.

Also, equally as importantly, it prioritizes our troops by giving them a 3.9 percent pay raise, to recognize the hard work and sacrifice that they perform for us and support them in every way that we possibly can.

With that, I want to highlight some of what we've done on our subcommittee, the Subcommittee on Terrorism, Unconventional Threats, and Capabilities. We have four main areas that we focus on.

The first of those is the Special Operations Command over which we have jurisdiction, and I want to pause at this moment in the general remarks and thank Representative SAXTON who, though he is not the ranking member on this committee now, serves on the committee and was the first Chair. As Representative HUNTER has pointed out, the special operations forces were a particular concern of Representative SAXTON. He has a done a great deal in our efforts to expand that force, meet their needs and expand their capabilities, and more than that, he has been a great Member, not just of this subcommittee but of this committee for his career in Congress. He will be missed, and I very much appreciated working with him.

What we have done primarily for special operations forces in the bill this year is fund as many of their unfunded requirements as we possibly can. They have been at an incredibly rapid tempo in Iraq and Afghanistan and elsewhere. Continuing to fund their needs is the top priority of our subcommittee.

The other area that we focus on is irregular warfare, and there are a number of different pieces to this. But I think it's a critical part of our defense bill because it is emerging as one of the most continuous pieces of the fight, counterinsurgency efforts, counterterrorism efforts, things that were not prior to 9/11 part of our lexicon to the degree that they are now.

We take steps to make that a higher priority by raising it to the Assistant Secretary level at the DOD and also by helping to fund human terrain teams. Our subcommittee received excellent testimony about what these human terrain teams are doing to go in and understand the culture in Afghanistan, in Iraq. We actually employ anthropologists and others who are experts in culture so that our forces can know who they're dealing with when they go in. This is a critical element of what we're working on.

We also, thirdly, focus on harnessing technological innovation. We fund it, to begin with, $1.69 billion worth of R&D for science and technology, and we also focus on harnessing new technologies as quickly as possible by developing a clearinghouse for that. The procurement process in the DOD can be a lengthy process at times. We want to get these technologies out in the field as quickly as possible when they are most useful.

We're also asking the Department to focus on the recruitment of IT professionals, the people with the brains to help us with cyber security and elsewhere. As you might guess, the DOD does not pay as much as these people might be able to earn in the private sector. So we have to aggressively go out there and recruit folks to make sure that we have the top IT professionals within the DOD. Our bill focuses on that as well.

Lastly, we focus on improving DOD's homeland defense capabilities, a role of our subcommittee, by funding the Defense Threat Reduction Agency and the chemical/biological defense programs and by increasing their funds and making sure that they have what is necessary to protect us here in the homeland, within the DOD, working in cooperation with the Department of Homeland Security.

Again, I want to thank Representative SAXTON for his work and also Representative THORNBERRY, who is the ranking member on this subcommittee. He has been great to work with, very smart, very talented, works in a bipartisan way. All of the issues that I have just listed have been made possible in large part because of his input. I appreciate working with him as well.

Again, I want to thank the chairman and Ranking Member HUNTER for the way they run this committee. It makes me proud to be in Congress every year I have the opportunity to serve with them.

Thank you very much.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman who just spoke for his great work on this bill, and I yield for 4 minutes to the gentleman from Alabama, who is the ranking member on the Strategic Subcommittee, formerly the chairman, and again a guy who has spent thousands of hours in closed-door sessions, with no press releases attached and no cameras present. He's a guy that's pretty easy to elbow out of the way at a press conference because he usually isn't there. But he has served countless hours in the service of this country, understanding some pretty complex things about space and national security, and he is the gentleman from Alabama, Mr. TERRY EVERETT, and the country needs more people like this gentleman.

Mr. EVERETT. I thank you, Mr. Chairman, and I'd like to thank my good friend, Mr. HUNTER, for yielding to me and thank him for his leadership and his friendship.

I was honored that when this subcommittee was originally formed, Mr. HUNTER asked me to be the first chairman of this subcommittee. It was a great pleasure and it's been a real love for me.

I would also say that Mr. HUNTER has served this Nation and his constituents in California with great distinction. He's served this Nation with great distinction.

Mr. Chairman, I rise today in support of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

I would also like to congratulate Strategic Forces Subcommittee Chairman TAUSCHER. This subcommittee handles some very technical, complex and sometimes controversial issues. Missile defense, space, and nuclear weapons are difficult issues to work through. But together, with the understanding and leadership of Chairman TAUSCHER, we have developed legislation where we agree on far more than we disagree.

This year's bill contains many sound measures that provide key capabilities to the warfighter and strengthen our strategic forces.

I am particularly pleased with the support this bill provides to national security space. The bill addresses many important issues including: continued awareness of the growing threat to space and emphasis on mitigating vulnerabilities; the need to war-game and exercise the loss of space capabilities; full funding for key acquisition programs such as advanced extremely high frequency, WGS, SBIRS and GPS–3, that reflect a measured approach to space acquisition; and protection of the T–SAT budget request, while the Department reevaluates architecture options after their decision to reduce this program by $4 billion.

The mark makes positive strides in the area of atomic energy defense activities by: adding funding to research enhanced surety for existing weapons systems; and directing the Secretaries of Defense and Energy to report on steps they are taking to enhance inventory controls for nuclear weapons.

I am disappointed the Reliable Replacement Warhead study wasn't directly funded. Our nuclear deterrent is aging, while the rest of the world's nuclear powers are modernizing theirs. The commander of U.S. Strategic Command testified that we are accepting significant future risks with our legacy Cold War stockpile.

The American public may not realize this, but the current administration has implemented the largest nuclear stockpile reductions since the end of the Cold War and has an extensive nonproliferation program to reflect the evolving proliferation threat.

A reliable, modernized nuclear stockpile that includes RRW holds the promise of allowing us to further lower our nuclear weapons numbers, while continuing to provide a strong deterrent for the United States and our allies.

Our missile defense deliberations proved the most challenging. While we agreed on many provisions, such as full support for Patriot PAC–3, Aegis and THAAD, there are a few provisions that the minority could not concur with.

I am deeply concerned about the 50 percent cut to European missile defense contained in the bill. I believe this sends the wrong signal to our allies and emboldens Iran.

The CHAIRMAN. The gentleman's time has expired.

Mr. HUNTER. I yield the gentleman another minute.

Mr. EVERETT. While Congress puts the brakes on this effort to protect the American people, our forward-deployed forces, and our allies, Iran has stepped on the accelerator. Iran continues to: expand its arsenal of short- and longer-range ballistic missiles, install advanced centrifuges to enrich uranium, and evade questions on past nuclear weapons research.

Our NATO allies recognize this threat and, in April 2008, provided unanimous endorsement of the European missile defense proposal. In a few weeks, the Czech Republic plans to sign agreements with the U.S. to host the missile tracking radar.

This is a critical time for the U.S. to continue its leadership. In addition to NATO, we have key allies such as Israel and Japan who are relying on U.S. commitments to missile defense. I am, therefore, disappointed that the committee would not accept my amendment to restore funding to this effort, particularly after significant progress is being made to meet the conditions outlined in last year's legislation.

As the Secretary General of NATO said at a speech on May 5, ''In tomorrow's uncertain world, we cannot wait for threats to mature before deciding how to counter them.''

I also remain concerned about China's actions in space. According to the Pentagon's annual China military report, its undeclared and unexplained January 2007 anti-satellite test is only one part of a larger Chinese counterspace program to prevent the use of space. Thus, I was strongly disappointed and troubled that my amendment to direct an independent study to examine the feasibility of space-based defense concepts was not supported in our committee markup. Such a system might also provide another layer of defense against ballistic missile threats.

In the final analysis, there is far more in this bill that we agree on than disagree on.

The CHAIRMAN. The gentleman's time has again expired.

Mr. HUNTER. I yield the gentleman an additional minute.

Mr. EVERETT. I would, however, caution Members from further reducing funding for missile defense. These programs have already been cut by over $700 million. Any further reductions to these important programs would have very detrimental effects to our national defense.

I think the programs in our subcommittee's jurisdiction are some of the most exciting things our Nation does. It is important that we not lose sight of the vital role our space, missile defense, and nuclear deterrent capabilities play in our national security.

I would like to thank the other members of the subcommittee and the staff for their hard work in making this bill a quality product. I intend to support it, and I ask the Members to support it.

Again, I would like to congratulate Chairman TAUSCHER for the work that she's done on making this a very good mark, and also I'd like to congratulate my good friend IKE SKELTON for his leadership.

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Mr. SKELTON. At this time, I yield 5 minutes to my good friend and colleague, the gentleman from Mississippi (Mr. TAYLOR), who is also the chairman of the Subcommittee on Seapower and Expeditionary Forces.

Mr. TAYLOR. I want to thank the distinguished chairman, and quite possibly the best committee chairman we've had on the House Armed Services Committee in my 20 years, Chairman IKE SKELTON.

I rise today in strong support of H.R. 5658, the National Defense Authorization Act of 2009. The bill before the House today represents the strong bipartisan effort of the House Armed Services Committee under the leadership of our very capable chairman, IKE SKELTON.

For Navy and Marine Corps programs, this bill recommends several initiatives not in the administration's budget request that we believe will enhance the ability of the sea services to protect our Nation. These initiatives include:

Full funding for the eight ships in the President's request, with authorization to build an additional four.

The funds for $1.8 billion to fully fund a 10th LPD class amphibious assault ship, a vessel that is the number one priority of the Commandant of the Marine Corps.

We would pause the DDG 1000 program to allow the Chief of Naval Operations the flexibility to restore the production of the DDG–51 class destroyers, or continue the 1000 program.

Advanced procurement funding for long lead components to accelerate the production of Virginia class submarines to two per year beginning in fiscal year 2010 instead of fiscal year 2011.

Authorization for the final two vessels in the Lewis and Clark T–AKE dry cargo ammunition ship class.

$14.6 billion for the procurement of 206 aircraft, including eight Joint Strike Fighters, 45 F/A–18 series aircraft, 30 Marine Corps MV–22s, 49 MH–60 series helicopters, 44 T–6 JPATS training aircraft, and two KC 130J cargo aircraft.

We would include $247 million for the continued funding of the Joint Strike Fighter competitive engine program; $448 million for emergent aircraft wing repairs to the P–3C fleet of reconnaissance aircraft.

We also include important legislative proposals that would direct the Secretary of the Navy to design and construct the next class of amphibious warships with an integrated nuclear power system.

Mr. Chairman, today the price of oil went to approximately $130 a barrel. Less than half of the oil that our Nation uses is produced within the United States of America. It makes no sense at all, you have aircraft carriers that could go 30 years without refueling, if those ships that support our aircraft carriers have to refuel every 3 to 5 days.

We would authorize the commencement of the complex refueling overhaul of the USS Roosevelt. We would authorize economic inflation adjustments to the statutory cost cap of the Littoral combat ship based on the realities of cost escalations in the materials to build those ships.

We would require accountability of obligations in the National Defense Sealift Fund. I want to thank one of our new Members, Admiral Sestak, for helping to make that happen.

For the committee's oversight of the activities of the Maritime Administration of the Department of Transportation, we authorize the request for funding the Maritime Security Program, the Vessel Disposal Program, and the operations and maintenance included in the Merchant Marine Academy.

We would authorize $30 million for the Maritime Guaranteed Loan Program, commonly referred to as title XI loans. We would authorize the Secretary of Transportation to increase student initiative payments at the various State maritime academies.

And we would prohibit the transfer of government-owned vessels for the purpose of scrapping or dismantling in foreign shipyards.

Mr. Chairman, I would also like to thank my good friend and ranking member, the gentleman from Maryland, the Honorable ROSCOE BARTLETT. I have been honored to have him as my working business partner. He has been a great partner in helping to rebuild our Nation's fleet.

I urge my colleagues to vote ''yes'' in support of this bill.

I now recognize the gentleman from Maine for the purpose of a colloquy.

Mr. ALLEN. I thank the gentleman for yielding.

I appreciate the opportunity to discuss an important subject, the fine men and women of Bath Iron Works, one of two shipyards in my district.

These skilled men and women are a national asset and the reason for our proud slogan that ''Bath built is best built.'' It is on their behalf I would like to ask the gentleman about the committee mark for the DDG 1000 program.

Mr. TAYLOR. I appreciate the gentleman's questions. I would remind the gentleman, and all Members of this body, that from the earlier days of our Republic we have had at least six major naval shipyards. In the early days, there was concern that maybe the British or the French may come back and reoccupy our country. In the case of the Washington Navy Yard, they did. It made sense then, it made sense now.

I am committed to the industrial base of those yards that build our surface combatants, both in Maine and on the gulf coast. The DDG–51 has been a phenomenal platform.

The Acting CHAIRMAN (Mr. ELLISON). The time of the gentleman has expired.

Mr. SKELTON. I yield 2 additional minutes to the gentleman from Mississippi.

Mr. TAYLOR. The 51 has been a proven platform; we've had over 50 of those ships constructed. It has turned out to be a bargain for the taxpayer.

I do have concerns about the DDG 1000 program and some possible cost overruns associated with it. That is why for the stability of the fleet and for the purposes of trying to get the fleet up to 313 ships, we are going to give the Chief of Naval Operations the option of either pursuing the third DDG 1000, or DDG–51s, keeping in mind that the Navy can buy two DDG–51s for the price of every 1000.

Mr. ALLEN. It is my understanding that the committee is on record for full funding of any vessels in fiscal year 2010 that the Navy decides to build using fiscal 2009 advanced procurement funding which is provided in this bill.

Mr. TAYLOR. Again, the gentleman is correct.

Mr. ALLEN. I thank the gentleman.

You said this, but it's also my understanding that the committee is giving the Navy the option of either shifting back to the DDG–51 program or continuing with the DDG 1000 program; is that right?

Mr. TAYLOR. That's correct. And I would also remind the gentleman that we are working with the Chief of Naval Operations. He has come to us with a proposal. To extend the life of one of our oldest carriers, he would have to spend approximately $2 billion to get an additional 6 months out of that carrier. We are working with the Chief of Naval Operations to give him the option of, instead of spending $2 billion to get an additional 6 months, of taking that $2 billion and applying that money towards an additional surface combatant. And that would certainly help the fleet, and I think it would certainly help Bath Shipyard.

Mr. ALLEN. I appreciate the explanation of the gentleman. And I look forward to working with him to ensure that our Navy gets the finest warship that our combined shipyards can provide.

Mr. TAYLOR. I want to thank the chairman. And I want to encourage all the Members of this body to support the House authorization.

Mr. HUNTER. I want to thank the gentleman who chairs the Seapower Subcommittee for the great work that he has done and turn to another gentleman, the gentleman from New York (Mr. MCHUGH), who has served for many years, first as chairman, and then ranking member of this very important Personnel Subcommittee which oversees the policies of those 2.5 million Americans who serve in uniform. The gentleman from New York has done a great job, and I would like to yield 4 minutes to Mr. MCHUGH.

Mr. MCHUGH. I thank the gentleman from California for his gracious comments.

Let me start off by returning the favor. This is a monumental bill if for no other reason than it bears the name of the gentleman from California, DUNCAN HUNTER. It also is a bill that represents the departure of two other very senior members of the Defense Committee, the great gentleman from New Jersey, JIM SAXTON, and my classmate, TERRY EVERETT, from the great State of Alabama. All three of these gentlemen have served this committee in the grade tradition in which it is steeped so deeply, and that is of bipartisanship, and of the focus that the important thing, the only thing is to field the finest military the world has ever seen. And through their collective service, they have, indeed, done that.

I want to thank the gentleman from Missouri, the distinguished chairman, for moving the resolution that ultimately named this bill after my dear friend, my great leader, DUNCAN HUNTER, but also, I think, forms the basis of what can only be described as a very, very good bill.

To Chairwoman DAVIS, the gentlelady with whom I have deeply enjoyed serving, I want to commend her for bringing to the floor tonight a Personnel piece, a mark that is predicated upon bipartisanship, predicated upon openness. And I thank her for allowing all of us, myself, of course, but equally, if not more importantly, the other members of the subcommittee and the full committee on both sides of the aisle, the opportunity to have meaningful input to its outcome.

You heard her talk very eloquently, very adequately, very reasonably and correctly about the very, very positive provisions of this Personnel mark. Increases end strength, something this subcommittee has been working on for a number of years to relieve the pressure on those men and women who step forward, who have paid the price of stop loss, who have paid the price of extended deployments. This will help them immeasurably.

The active role of the Army Guard and Reserve and their role in this, so important, the increases to that.

The pay increases that continue the efforts that we had begun some years ago, where the pay gap between the private and the military sectors was 13 percent and has now been taken below 3 percent, that we intend, I hope, collectively, to fully continue education and training opportunities for military spouses, recognizing they are part of this battle as well.

From impact aid to survivor indemnity allowances to TRICARE fees, and on and on and on, this is a bill that every Member of this House should, and I deeply hope will, support.

I said this is a very, very good bill. In all honesty, it could have been a great bill. It could have been a great bill except for a number of important, but I think insufficient, responses to the challenges we had.

A problem that I faced, when I had the honor of being the chairman of the Personnel Subcommittee, was predicated upon the administration's, I would maintain, ill-advised proposal to begin the necessary path toward reforming the cost of military health care on the backs of the recipients. They have proposed it again this year.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. DUNCAN. I yield 2 additional minutes.

Mr. MCHUGH. It was a serious challenge that was resolved in a way that I can honestly say can only be described as a budgetary gimmick. Rather than using all the tools available to it, the Democratic leadership—not the leadership on this committee, but the Democrat leadership of this House—chose, instead, to take from the retirees, those who have already served, a hit of 1 percent of one month of their retiree pay. They had other options and tools available to them, and I honestly believe they took the easy way. I hope we can, from this point forward, use the opportunity of conference and discussion with the administration and, of course, with the Senate to find a better resolution.

Also, I think the fact that the House Budget Resolution that was supposed to be passed today, but I assume will be passed in the very near future, offered a hope, offered the opportunity for the Budget chairman to make decisions about reallocations to address such things as the widows tax, to address other kinds of problems, were not utilized. And we lost a very important opportunity that, whatever one may think about the Democrat Budget Resolution, provided for the first time hope, provided for the first time opportunity, and that has been squandered.

Still, in the days ahead, I think we can take this very, very good bill and elevate it to a great bill.

For the purposes of tonight, however, for the purposes of those who worked hard on it, the gentleman from Missouri, the gentleman from California, all of our subcommittee chairmen and ranking members, this is a bill that reflects, in very fine form, the bipartisan approach of one of the grandest committees, one of the most important committees under the Constitution this House has ever created, the Armed Services Committee, and it deserves our support.

Mr. SKELTON. Mr. Chairman, I recognize, for purposes of a unanimous consent request, the gentleman from Ohio.

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Chairman, I rise today in opposition to H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

The United States military is unmatched. I therefore maintain that the defense-industrial complex follows a misguided strategy of buying weapons that provide Americans with no increased safety.

We need to provide for the traditional sense of security by first ensuring economic security, health security, and job security for all. The roots of terrorism begin not in hatred, but in desperation. All people, no matter their ethnicity, seek the basic necessities such as food, clothes, shelter, good health, and the ability to earn a decent living. If you can level this playing field, there is no desperation that may potentially evolve into radical hatred.

I will support a defense budget that matches real threats to our security with appropriate defensive measures. Our foreign policy should promote economic stability worldwide, thereby eliminating the roots of terrorism, which stem from desperation. This bill does the opposite by continuing policies of fear and aggression.

The advocates of advanced weapons systems fail to understand these new systems do not match up an effective defense capability with the terrorist threats. Only a new approach to foreign policy can effectively mitigate the terrorist threat.

The ever-rising cost of our military is not financially sustainable. Since 2001 this body has appropriated over $700 billion for all war-related expenses. This bill will provide an additional $70 billion in emergency funding for operations in Iraq and Afghanistan. But as we know, the Administration is asking for hundreds of billions of additional funds that this body is expected to consider in the near future.

Now more than ever it is clear that this Administration's occupation and reconstruction of Iraq has failed. The war, waged under false pretenses, has decimated Iraq. Destruction has permeated most of the country. War has taken a very heavy, very real toll. There is increasing concern that militias in Iraq are arising to meet the humanitarian needs of the Iraqi people. I have urged this body to stop this illegal war. We must honor our troops by bringing them home. I cannot support any measure that continues the illegal occupation of Iraq and continues to undercut our nation's credibility.

The greatest tragedy of this war is the 4,080 American soldiers that have been killed. Tens of thousands more have been injured. Estimates conclude that 1,000,000 innocent Iraqis have died as a result of the U.S. invasion.

Furthermore, the claimed ballistic missile threat is grossly exaggerated. Terrorists do not possess ballistic missiles and the few nation states that do have such missiles have no desire to face the retaliation of our ballistic missiles.

Accordingly, I thank the Committee for undercutting the President's request of $954 million for the European Ground-Based Mid-Course Defense (GMD) program. However, this bill still authorizes $582 million for the European GMD despite a lack of assurance that the system will work or make our national more safe. Funding for the European GMD should be removed entirely.

The Administration claims the system is necessary to defend the U.S. from a long-range ballistic missile attack from Iran. However, Iran is unlikely to pose such a threat to the United States in the foreseeable future due to the immense technical difficulties that Iran would have to overcome to create a long-range ballistic missile capable of reaching the U.S.

In fact, it is conceivable that the U.S. will have its own technical difficulties to overcome before such a system can be proven viable. The Test and Evaluation department of the Pentagon cautions that many more tests under realistic conditions would be needed before conceding our capability to shoot down an offensive missile.

The citizens of the Czech Republic and Poland clearly reject the proposed agreement. Public opinion polls in the Czech Republic and Poland reflect strong opposition to the placement of the radar and interceptors in their respective countries and strained their relations with Russia. The GMD proposal has by some accounts exacerbated U.S.-Russia relations. The U.S. has shared information but not meaningfully cooperated with Russia in these negotiations. Because the Czech Republic and Poland fall within the boundaries of former Russian influence, U.S. action with regard to the GMD have been perceived by Russia as an intrusion. There can be no doubt that U.S. efforts to impose the GMD are perceived as an obstruction to the diplomatic ties between our nations.

A total of $9.3 billion will go to the Department of Energy for nuclear weapons activities, $1.455 billion of these funds will wisely go to Nonproliferation programs and I thank my colleagues for their work to increase these programs by $208 million above the President's request. However, this still leaves roughly $7.9 billion that supports and maintains nuclear stockpiles.

The U.S. Administration has established a record of unilateralism and that undercuts our nation's credibility in the eyes of other nations. In just under eight years the U.S. Administration had backtracked on international treaties and conventions. The U.S. has rejected the Comprehensive Test Ban Treaty, refused to sign the Land Mine Treaty, withdrawn from the Anti Ballistic Missile Treaty, unsigned the Kyoto Protocol, and blocked a verification protocol for the Biological Weapons Convention. It is time for the U.S. to uphold international law. It is time for the U.S. to stand for dialogue and diplomacy. It is time for the United States to rethink our policies and set upon a new strategy of strength through peace.

Mr. SKELTON. Mr. Chairman, before I recognize the gentlelady from California, I yield 30 seconds to the gentleman from Mississippi.

Mr. TAYLOR. I thank the chairman.

I was very much in the wrong for failing to mention the great work of your committee staff, headed by Ms. Conaton, and in particular Captain Will Ebbs of the Seapower Subcommittee. Thank you for the opportunity for correcting my mistake. I do want to very much compliment the men and women of the House Armed Services Committee staff who have helped put this package together.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentlelady from California (Ms. LORETTA SANCHEZ), who is also a senior member of the Armed Services Committee.

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Ms. LORETTA SANCHEZ of California. I wish to thank Chairman SKELTON for his hard work and leadership in developing this important piece of legislation.

And, Mr. Chairman, I would also like to say to the gentlemen who are retiring this year, I think just on the top row of our committee, we are probably losing collectively about 65 years of experience on this committee, and it has been my pleasure over the last 12 years to serve on this committee with you all, and you will sorely be missed and the institutional knowledge that you carry will be missed also. So we have a lot of good colleagues who are leaving the Congress this year.

This legislation provides critical support to our Armed Forces through many important initiatives. I'm proud that the legislation, for example, provides a 3.9 percent across-the-board pay raise for the members of our services. And in addition, H.R. 5658 prohibits the implementation of the President's proposals to increase health care co-pays and cost sharing for beneficiaries of the TRICARE health care and pharmacy services.

This bill also takes a step in providing for the first time ever the military preventative health care programs, which will improve the lives of our servicemembers, of our retirees, and family members. Preventative health care has been proven to improve individuals' long-term health and to provide substantial cost savings since healthier people require less medical service. And I'm very pleased that Chairwoman DAVIS proposed this innovative health care program and that it is also paid for.

This bill also includes several proposals that I sought to have included. And as the ranking woman on the Armed Services Committee, I am proud that one of these provisions establishes a centralized case-level database of information about sexual assaults that involve our servicemembers. The database will be consistent with all privacy guidelines and restrictions while tracking information about the nature of assaults and the outcome of any legal proceedings in connection with the assault.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Mr. SKELTON. Mr. Chairman, I yield the gentlewoman 30 seconds.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, this is a very important step towards ensuring accountability for sexual assaults involving our servicemembers.

I'm also very proud that per my request this bill requires the Department of Defense to conduct a study of its bandwidth needs for the near and long term. This study will help us ensure that the department has the capability to operate the advanced information technology systems that our military relies on.

I urge my colleagues to support this bill. It really is a great bill. And thank you to all of our Chair people and ranking members for having made it such a great bill.

Mr. SKELTON. Mr. Chairman, at this time I yield 5 minutes to my colleague and friend the gentleman from Texas (Mr. ORTIZ), the chairman of the Subcommittee on Readiness.

Mr. ORTIZ. Mr. Chairman, I rise in support of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. The bill before us today reflects our concern about the continuing decline in the readiness posture of our Armed Forces.

And I would like to thank the ranking member of my subcommittee, Mr. FORBES from Virginia, for his help in bringing together this excellent bill. He played a very key role and was very instrumental in putting the readiness and military construction bill together. I would like to say thank you for a great job.

Also, Chairman SKELTON.

And my good friend who is going to be retiring soon. DUNCAN, you and I have gone through a lot. Thank you for all the work that you've done, and we hope to continue on.

More than 6 years of continuous combat operations have strained readiness. This strain is manifesting itself in more aspects of our military forces. The bill authorizes $143 million for operation and maintenance. To address the readiness shortfalls in equipment, training, and maintenance, we have added $932 million to the Army, Navy, Air Force, Marine Corps, National Guard, and Reserve operations and maintenance accounts.

In addition, we have added funds for Army training, pre-positioned stocks, and aircraft maintenance in our authorization of the fiscal year 2009 supplemental.

In response to the Defense Department's increasing reliance on contractor services, this bill requires a comprehensive analysis of what constitutes an ''inherently governmental function.'' It requires the Office of Management and Budget to develop a single definition that may be used consistently by all Federal agencies.

The bill includes provisions to address civilians deployed in combat zones. It gives DOD authority to extend the waiver of limitations on premium pay. It also asks for a thorough review of the medical policies and treatment procedures for civilians deployed to support military operations.

To address depot workloads following equipment reset, the bill requires the Department of Defense to contract for an independent assessment of the depot capability that will be needed in the future.

The bill takes several actions related to energy and environmental policy. It authorizes $80 million for energy conservation projects and updates installation energy reporting requirements.

For military construction, base realignment, and closure and family housing in fiscal year 2009, the bill authorizes more than $24 billion.

The bill includes several provisions related to BRAC. In the time since the 2005 BRAC Commission reported its recommendations, we have seen costs increase almost 50 percent and the savings have declined. If a future administration were to request a new round of closures, the BRAC process will need to be dramatically different. As such, this year's bill repeals the BRAC Commission and the process that arrived at the 2005 decisions. At the same time, we remain steadfast to completing the 2005 BRAC round on time, by September, 2011, and have fully funded the administration's request.

To address our alarm at finding our troops in run-drown and broken barracks, the bill directs that $500 million in the fiscal year 2009 supplemental be used to arrest the declining state of military facilities.

The bill also does many good things for South Texas, which I represent. I am pleased that the replacement of the main production facility at Corpus Christi Army Depot was authorized. Corpus Christi Army Depot is the cornerstone of aviation readiness for the Department of Defense. It is vital that the current outdated facility be replaced so that dedicated employees of Corpus Christi Army Depot can continue to deliver products to the military in the most efficient and timely manner.

I support H.R. 5658, and I am proud of what this bill does to restore strength to our military. This is a very responsible bill. However, I'm disappointed that our committee adopted an amendment to provide the Department of Defense funding for the southwest border wall. I hope that in the future, defense funding will not be used to build walls.

That said, this is a good bill. The chairman of the full committee and the ranking member have done an outstanding job.

RANDY FORBES, thank you for your dedication and your input.

Mr. HUNTER. Mr. Chairman, I want to add my thanks to the great gentleman from Texas for his hard work.

Mr. Chairman, I yield 3 minutes to another gentleman from Texas (Mr. THORNBERRY), who has done a great job in working through the very difficult issues of the Terrorism Subcommittee.

Mr. THORNBERRY. Mr. Chairman, first let me express my gratitude and my admiration for those senior members of the committee who are leaving Congress, the gentleman from Alabama (Mr. EVERETT); the gentleman from New Jersey (Mr. SAXTON); and the gentleman from California, our former Chair (Mr. HUNTER), for whom this bill is appropriately named. It has certainly been an honor for me to work with and to learn from each of them over the years as they worked to protect the country's security.

Mr. Chairman, the portion of this bill produced by the Terrorism and Unconventional Threats and Capabilities Subcommittee, which has been very ably led by Chairman SMITH, I think is worthy of all Members' support. It enables the Special Operations command forces to remain on the cutting edge of our fight against terrorists with the equipment and the resources and the authorities that they need. This portion of the bill supports the research activities at DARPA and at the individual services, which are the foundation of our future military and therefore the foundation of our future security. This portion of the bill makes decisions in a host of other areas from information technology to chem-bio defense and force protection, and I think it makes good decisions.

I want to say I also appreciate particularly the comments of Chairman SKELTON regarding the importance of the inter-agency process and the efforts of him and Chairman SMITH on strategic communications. Both of those things are absolutely essential for the fight against terrorists as well as for the country's broader security.

Mr. Chairman, I think this is a good bill, and as others have said, it deserves full support in this House. I don't think you can bring a bill to the floor, however, that looks after the country's national security and particularly a portion that talks about terrorists without acknowledging that this Congress is about to go on recess without doing two of the most important things that it could do in the fight against terrorists and to protect our country's security.

It seems this week we have had time to debate a bill to pay foreigners to take care of potentially rare dogs and cats. We have had time to debate and vote on a bill to commemorate Frank Sinatra. But we have not had time this week to debate and vote on a clean supplemental that can become law that will fund the troops who are actually on the front lines of this fight. We have not had time, we have not been able to vote, on the Senate FISA modernization bill, which is absolutely essential both for the troops and for protecting us here at home.

So this is a good bill. This committee has done good work. But I think it challenges all of us in this broader fight against terrorists to do all of our work and to do all that is our responsibility to defend the country, and I hope we do.

Mr. SKELTON. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, at this point I would like to yield 3 minutes to the gentleman from Missouri (Mr. AKIN), ranking member of Oversight.

Mr. AKIN. Thank you, Congressman HUNTER, for yielding. Let me just take a moment to thank you also for your great leadership on this committee through the many years. What a fantastic teacher you've been to some of the newer members. I'm so thankful for your leadership, your patience.

And also the gentleman from Mr. EVERETT's district, Mr. SAXTON, great leadership.

Then I would also like to say, Chairman SKELTON, thank you very much. You make the people from Missouri proud for the way that you've continued the good tone of the committee. I think it was really a classy thing to name this bill after Congressman HUNTER, and it just shows the quality of leadership that you've provided, and so I want to thank you, Mr. Chairman, as well.

As the Subcommittee on Oversight and Investigations, Dr. SNYDER has been doing a great job. We've had a chance to look into a number of different subjects, particularly progress in the reconstruction efforts in Afghanistan and Iraq. This bill contains some of the things that we discovered particularly in the importance of Provincial Reconstruction Teams and the important work that's been done on that subcommittee.

I would just like to say that there's a lot of criticism of Congress. In fact, I think our popularity rating publicly is maybe not too good. But on the other hand, I think what the public would really like to see is they'd like to see us stop bickering and just plain solve some programs. I think this committee and the subcommittees have been largely a good example of that, and that's because of the tone of the leadership that we've seen.

As others have before, I have my opinions about how this bill could be improved, and there are several areas that I am concerned with. The first are the significant cuts to missile defense and particularly the missile defense that needs to be built in Poland and the Czech Republic. I believe that that missile defense is critical for the defense of our country from Iran and also some Western European nations from Iran.

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I think it's the wrong time to be cutting missile defense. We have just had a very successful demonstration of this technology, as we shot down a rogue satellite that had a lot of hydrazine in the fuel tank, and we were able to get rid of that threat very effectively.

So aside from missile defense, there's one other area that I am distressed about, and that is the only comprehensive major Army modernization program in the last 30 or 40 years, which we now know as Future Combat System. That has also had a number of hundred million dollars removed from it. It's something we have discussed in committee. I think it's a wrong decision. Next year, we are going to make a go or no-go on this overall program, and to be continuing to slash and cut away at that budget, I think, is counterproductive.

This said, my only other complaint is there's just not enough money in this budget to fund defense the way I wish we could. But if there are constituents who would like to see people who are just rolling up their sleeves and solving problems, all they need to do is come to the authorizing committee of the Armed Services.

Mr. SKELTON. I yield 5 minutes to my friend, the gentleman from Hawaii (Mr. ABERCROMBIE), who's also the chairman of the Subcommittee on Air and Land Forces.

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Chairman, I have the honor to serve as the chairman of the Air and Land Forces Subcommittee of our Armed Services Committee. I would like first to thank my own personal archbishop, Doug Roach, and all the acolytes on the Air and Land subcommittee, the subcommittee staff. They do a terrific job working with IKE SKELTON's overall staff, led by Erin. I cannot tell you what a pleasure it is every day to be working with them in the manner in which they conduct themselves; professional, disciplined, focused, something I wish I could say about myself more often than I do.

Again, on the personal comment side, I want to thank my good friend, DUNCAN HUNTER. Always, without fail, in all these years, attentive, polite, always welcoming commentary and seeking advice. We may say farewell to you, DUNCAN, but we will not be saying goodbye.

Finally, Mr. JIM SAXTON, whom I don't see on the floor today. JIM SAXTON may have his position taken, but no one is going to replace him in this Congress. He has been my friend. He has been my mentor. I have served as a ranking member on various committees, not just here, but on other committees, as well as having the opportunity to chair. I never considered myself a ranking member or a chairman where JIM SAXTON was concerned. We were colleagues.

This bill is about balancing the capabilities and readiness of our current military forces with future required military capabilities. Our military personnel is at risk each and every day. The first priority is to make sure the men and women in uniform are properly supported by ensuring our military programs adequately support current military requirements.

We cannot short-change our personnel in Iraq and Afghanistan in their need for adequate equipment and the needs of our National Guard units here at home for what they may require to respond to potential national disasters. Promised future capabilities that have already been delayed because of overly optimistic and unmet schedules cannot subsume meeting today's demonstrated needs.

The Air and Land Forces Subcommittee's jurisdiction includes $90 billion in Army and Air Force programs. Our objective, Mr. Chairman, is clear, to ensure that our military personnel get the best available equipment as soon as it has been properly tested, equipment like armored vehicles, body armor, improvised explosive device jammers, unmanned aerial vehicles, small arms, and night vision devices.

We address key requirements: An increase in Army procurement and research of $557 million over the budget request, procurement and research where it's needed now, demonstrating the commitment of the Armed Services Committee to meeting these many needs. The Army in particular is carrying the heaviest burden of all the services in the war in which we are now engaged. This bill shifts funding to critical Army priorities now; $2.6 billion to fund sustainments costs for the tactical vehicle referred to as the MRAP, Mine Resistant Ambush Protected Vehicle, to better protect our personnel against mines and improvised explosive devices; $2.7 billion for counterimprovised explosive device programs, $949 million for Humvees, $783 million for body armor; $800 million for funding for much-needed National Guard and Reserve equipment.

Yes, we have reallocated funds in this budget where we have to meet the needs of the serving Army and Air Force today.

Fifteen C–17 strategic airlift aircraft added, at a cost of $3.9 billion dollars. It maintains the C–17 production line and sustains the strategic airlift fleet. Joint Strike Fighter competitive engine program has been funded for $526 million to provide necessary competition of two producers of engines for that program; $246 million added for systems to counter rocket and mortar attacks on our forces.

To fund these priorities, we had to make reallocation choices to fund the highest priorities. Some programs will have to make adjustments. No program is adversely compromised. On the contrary, increased accountability and increased oversight are the result.

In closing, I want to thank the distinguished chairman, all the ranking members of the full committee and the subcommittees, and may I say, Mr. SKELTON, as I close, that it is a particular pleasure and an honor to serve with you. As I stand here today, I am thinking of Suzie Skelton. I know how proud she is of you.

Mr. HUNTER. Mr. Chairman, I want to add my thanks to the gentleman from Hawaii for his excellent work, and I want to yield 3 minutes to the gentleman from Virginia (Mr. FORBES),

who is the ranking member of the Readiness Subcommittee.

Mr. FORBES. It's my pleasure to rise in strong support of this bill tonight. I also want to express my feelings about what a rare moment this is in Congress when you can have a committee like this where the members on both sides of the aisle have such friendships, where they are able to work together in a bipartisan solution to defend this country, and where they can pass a bill of this magnitude unanimously, and that is due in large measure to the leadership of our chairman, Chairman SKELTON, also to the leadership of our ranking member, DUNCAN HUNTER, and to the chairman of our Readiness subcommittee, the gentleman from Texas (Mr. ORTIZ).

We've heard a lot of people today talk about the great leadership of DUNCAN HUNTER. The truth is that we could stand here all night and we wouldn't say enough because there is and has been no greater champion for the men and women that we have in uniform and for the national defense of this country than DUNCAN HUNTER. DUNCAN, we appreciate your great work.

This is a good bill. This bill provides more than $550 million in funding above the President's request to address much-needed equipment, repairs, and maintenance that will particularly help the National Guard and the Reserves. When you add that to the additional depot maintenance provided in the bill, it's a great step towards restoring readiness.

Additionally, the bill provide $650 million to increase funding to repair aging barracks for the Army and Marine Corps. We also send a clear message that this committee and this Congress is going to fully fund and implement the 2005 Base Realignment and Closure round by the September, 2011 deadline, and we are not going to forget the communities that are impacted by BRAC, especially those that will have large increases of students because we are going to provide the new Federal education funds immediately rather than making them wait for the next year.

While so many of the provisions make this a good bill, there are two points where I think we can do better, and I hope we do so in the conference with the Senate. In the first case, this bill explicitly prohibits public-private competition for 3 years, competitions that could have saved the military billions of dollars and avoided costs which they could use for additional weapons, additional personnel, additional benefits. The government does not have a monopoly on good ideas. If a company can prove in a fair and open competition that it can do the government's work for less, that company should have the opportunity.

In the second case, there is a very well-intended provision to ensure we have world class facilities at the new Naval Medical Center in Bethesda, Maryland, and at Fort Belvoir, Virginia. Unfortunately, the more we have learned about the impact of this provision, the more I am concerned that it would result in broken construction contracts and delays that would cost the taxpayers millions of dollars in redesign and construction costs, with no tangible benefit to our servicemen and women.

With those exceptions, I am extremely proud of this bill, and I urge all my colleagues to vote ''yes'' on the bill, as it will do much to restore the readiness of our military.

Mr. SKELTON. I yield 5 minutes to my good friend, the gentleman from Arkansas (Mr. SNYDER), who's also the chairman of the Subcommittee on Oversight and Investigations.

Mr. SNYDER. Power, Mr. Chairman, is the goal of a good defense bill for this country. Every nation wants to be powerful enough to keep safe. Not every dispute, however, is resolved by military power, not every hope for the future is achieved by military power. Power is more than just military power. It's economic, diplomatic, the moral authority that a nation has.

Secretary Robert Gates, our Secretary of Defense, has done, I think, two very admirable things as Secretary of Defense. One, he has restored the confidence in the decision-making process in the Pentagon. Second, he has pointed to the broad aspects of power for this country. We are all very familiar with his speech to Kansas State back in November of last year, in which he called for dramatic increases, not in the Defense Department, but dramatic increases in the State Department, dramatic increases in budget, dramatic increases in staff.

He called for the staff and funding for the USAID, the Agency for International Development. Mr. SKELTON arranged for Secretary Gates and Secretary Rice to testify before our full Armed Services Committee on the importance of interagency communication and collaboration, not just within the Pentagon, but between the State Department and the Defense and USAID and the other agencies in the government because it is important to our national defense, to our overall concept of power, not just military power.

Well, this bill contains some provisions that deal with some of these issues. First of all, some time ago this body, the House, passed H.R. 1084, Representative SAM FARR's bill, that came out of the Foreign Affairs Committee. It deals with the whole issue of establishing a Civilian Reserve Board to deal with the fact that we sometimes need civilian employees to go into areas of instability and even of war. But we haven't been able to have the kind of personnel we wanted and the numbers in the time that we need.

So we passed this bill, but it's been hung up in the Senate by one Senator. So just by unanimous agreement of the Democrats and Republicans on the Armed Services Committee and with the consent and advocacy of Mr. BERMAN, that was included as part of this bill, unchanged from how it was passed before, and so it will now have a second chance to go to the Senate and be passed.

I am also looking forward to the fact that tomorrow, Mr. SKELTON, along with Mr. BERMAN and Ms. LOWEY, will be introducing an amendment that will establish a standing advisory panel on improving integration between the Department of Defense, Department of State, and the United States Agency for International Development on matters of national security.

I will always remember one of my constituents, a veterinarian from Arkansas, who served in both Afghanistan and then a year in Iraq. She sent me an e-mail about halfway through her year in Iraq, in which she said, and we were talking about this issue of interagency cooperation, she said, I sometimes think and feel that the differences in divisions between the agencies of the United States Government are greater than the differences between us and the Iraqis. That is saying something in terms of inhibiting our ability to have the kind of national defense we want. So I applaud Mr. BERMAN and Mr. SKELTON and Ms. LOWEY for doing this amendment.

This bill is about military families, it's about our men and women in uniform. We do a lot of things in this bill for military families in great detail. But it's also time for this country, and I hope it will occur in our Presidential debate that will be going on over the next several months, but it certainly needs to occur in this Congress and in our committee. It's time to step back and look at the big picture. What should the grand national security strategy involving all components of our power, and all the threats out there, what should the grand strategy be for this country to face and achieve over the next 5 years and 10 years and 15 and 20 years. Chairman SKELTON and I and Subcommittee Chairman AKIN and I have been talking about these issues and hope to start some efforts to look at these big pictures.

Finally, I want to commend both Chairman SKELTON, but the three Republican Members that are leaving us. DUNCAN HUNTER, who, when former Chairman Floyd Spence was ill, stepped in as the acting chairman with a great generous spirit and in a very graceful manner to take over for our beloved and ailing Floyd Spence, and then also serve with distinction as chairman, and perhaps partly because of his fine military service as a young man. Mr. EVERETT, we will be missing his contributions.

I finally want to say a word about JIM SAXTON of New Jersey because I was his ranking member when I think it was Speaker Hastert established a panel on terrorism.

□ 2045

Before there was ever a September 11, 2001, JIM SAXTON was leading a series of

classified briefings and hearings on the threat of terrorism and the threat of al Qaeda, long before any of us learned to pronounce the phrase ''al Qaeda,'' and I commend him for the work that he has done. I would just say that I think this is a great bill and applaud the work.

Mr. SKELTON. Let me add, if I may, an additional 30 seconds, Mr. Chairman. The gentleman spoke about the need to study strategy. After we passed the Goldwater-Nichols Act in 1986, I chaired a panel on professional military education that did a great deal in upgrading the Senior and Immediate War Colleges. The Senior War Colleges really are the bosom of where strategic thought, both military as well as diplomatic, is taught and is learned. Sometimes the lessons that are so plain to those in the War Colleges do not seem to be learned by others in responsible positions. That is why I think the thought of working on strategic thought itself is an excellent one, and I commend the gentleman.

Mr. HUNTER. Mr. Chairman, the last gentleman who spoke, I want to thank him for his kind words. But I am reminded that the chairman has been the guardian of professional military education and his work has been to try to make sure that our officers have a context in which they can place the activities in this very real war that many of them are engaged in in our history and to see situations that have gone before and to gain insights from that history, and I want to applaud the chairman for that.

I want to yield 3 minutes to another gentleman who has been a great worker on this committee and a leader, a guy who has moved over from the Rules Committee, finally traded up and got back to the Armed Services Committee, the gentleman from Georgia (Dr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. I want to thank Chairman SKELTON, Ranking Member HUNTER, and my subcommittee chairman, NEIL ABERCROMBIE, and Ranking Member JIM SAXTON, for their tireless efforts on behalf of our soldiers, sailors, airmen and marines who continue to bravely defend us at both home and abroad.

While it is not a perfect bill, this legislation covers a wide scope of issues that are of vital importance to the armed services, both the active and reserve component, and it clearly addresses the most pressing needs of our troops in the most trying times that we face in America.

Mr. Chairman, I am pleased that the Armed Services Committee voted unanimously and on a bipartisan basis to support another program critical to our national security. Section 943 of this bill states that the Western Hemisphere Institute for Security Cooperation, WHINSEC, is one of the most effective mechanisms that the United States has to build relationships with future leaders throughout our hemisphere and influence the human rights and democracy trajectory of countries in Latin America and the Caribbean and mitigate the growing influence of non-hemispheric powers.

It is especially important to remember that WHINSEC may be the only medium we ever have to engage the future military and political leaders of Latin American countries, who are, by the way, America's closest neighbors and can serve as our closest allies. If we were not to engage with these nations, the void would be filled by countries with starkly different values than our own regarding democracy, and, yes, human rights, and I am talking about countries like Venezuela and China, whose influence in the region, as we know, is growing.

The WHINSEC school in Columbus, Georgia, at Fort Benning, the home of the infantry, was formerly part of my congressional district. I am very proud to continue to serve on the Board of Visitors of the school.

Mr. Chairman, I also want to further mention how pleased I am of the work of the committee this year to authorize funding for 20 F–22 Raptors in line with the current multiyear contract, and also to authorize the advanced procurement funds needed for a follow-on lot in 2010. The F–22 is the world's most capable fighter, and these funds go a long way towards providing stability for our forces and ensuring that America maintains air dominance for the foreseeable future.

There is so much to be proud of in this bill, and I again commend Chairman SKELTON and Ranking Member HUNTER for their efforts to keep this bill focused on the needs of the warfighter. I would also like to take this opportunity, Mr. Chairman, to recognize Ranking Member HUNTER, Air and Land Forces Subcommittee Ranking Member SAXTON, and the ranking member of the Strategic Forces Subcommittee, TERRY EVERETT of Alabama, for all their contributions, both to the Armed Services Committee and to the Congress over the years.

The Acting CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HUNTER. I yield the gentleman an additional 30 seconds.

Mr. GINGREY. All of these Members have been a source of wisdom and guidance to me, my colleagues on the committee and to the Nation, and they will be sorely missed.

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 2 minutes to my friend and colleague, the gentleman from Connecticut (Mr. COURTNEY), a member of the House Armed Services Committee.

Mr. COURTNEY. Mr. Chairman, I rise in strong support of the Hunter defense authorization bill, whose primary mission under the leadership of Chairman SKELTON is to restore military readiness to America's Armed Forces. As has been stated earlier this evening, the bill focuses on investing in short-term readiness, with increased commitment and investment to reset the ground troops of this country as well as the National Guard. But as Mr. HUNTER indicated in his opening remarks, it also looks over the horizon to deal with military readiness issues that are not being addressed and have been neglected for far too long.

One of those is the size of the American Navy. When the Bush administration took office in 2002, the size of America's Navy was 315 ships and submarines. It has declined to 276, and, shockingly, that number is going to in fact accelerate, because we are basically living off a legacy fleet that was built during the Reagan area.

Last year, I was proud to be part of an effort that turned around this decline. We invested $588 million in advance procurement to the Virginia class submarine program, the most successful shipbuilding program according to both the Navy and outside experts, and this year we continue that effort with Mr. HUNTER's leadership on a motion at the committee to add to the Seapower Subcommittee's $300 million advance procurement. His motion, the Hunter-Courtney amendment, added $422 million, and we are now moving the Navy's shipbuilding schedule to two submarines a year starting in 2010 with this legislation.

The industrial base is ready for this challenge. We know that from again the testimony from both Virginia and Connecticut. My district is the home of the Electric Boat, which is, again, one of the most successful shipbuilders in the country in terms of the Virginia class program. The last submarine, the USS New Hampshire, was delivered with 1 million fewer man-hours in terms of production compared to the prior submarine that they built.

This investment which this legislation represents will allow this country to again be ready for long-term challenges. The world is changing, there are new maritime forces that are growing in different parts of the world, and I strongly urge support and passage of the Hunter defense authorization bill.

Mr. HUNTER. Mr. Chairman, I thank the gentleman who just spoke for his kind remarks.

I want to yield 2 minutes to another gentleman who has come back from the Rules Committee, traded up to come back to the Armed Services Committee, the gentleman who has such a large set of military facilities in his district and pays so much attention to those facilities and to the national issue of security, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Chairman, I thank the gentleman for yielding. Let me say to the gentleman that coming back to the Armed Services Committee from Rules is as close to a resurrection experience that I expect to have on this side of the veil.

I am particularly pleased to rise in support of this legislation, H.R. 5658,

the National Defense Authorization Act, and I am particularly pleased that it is named for my good friend and our distinguished colleague, Mr. HUNTER, who served our country in so many ways, in uniform, in Congress, and certainly with great distinction and great fairness on both sides with both sides of the aisle as former chairman of our committee.

I particularly want to thank our current chairman, Mr. SKELTON, who presides so professionally with such personal integrity and so thoughtfully over this important committee, and our staff, which does great work on a bipartisan basis.

This committee really does work the way that I think most Americans wish Congress worked, and I think it sets an outstanding example that I wish others would follow.

There is very much in this bill, Mr. Chairman, that is excellent. I am particularly pleased with the increase in family support, the focus on additional barracks, the additional money in the research, development, testing, evaluation and procurement accounts, the $70 billion set aside for continuing operations in Iraq and Afghanistan, and a commitment to address the rest of the needs that our men and women in the field have. When we have forces deployed, whether we agree with the purpose or not, they should never, ever doubt our commitment to seeing that they have everything they need, fully and in a timely fashion, and this committee does its best to do that.

But there are some disappointments in this bill as well, Mr. Chairman. I am particularly disappointed, like my friend Mr. AKIN, in the cut in the Future Combat System funding of $233 billion from the request that the President sent forward. We are going to regret that on some battlefield in some dangerous place at some point in the future. I am particularly disappointed that we did not in a serious fashion deal with Mr. SAXTON's amendment that was offered.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. HUNTER. I yield the gentleman 1 additional minute.

Mr. COLE of Oklahoma. I thank the gentleman.

Mr. Chairman, I am particularly disappointed that we did not deal in a serious fashion in my opinion with Mr. SAXTON's amendment, which would have set a baseline of 4 percent of our GNP for future military funding. That is something we know we need to do. We know in this committee on a bipartisan basis that we spend too little. That is a mistake we have made on both sides of the aisle. It is a bipartisan mistake.

We cut far too much during the 1990s. History teaches us and our chairman often appropriately lectures us that contingencies will come that we do not understand and do not anticipate, and we know from the bitter lessons of history that if we have not prepared through sustained investment in our military, we can never make up lost ground with hasty and ill-thought out appropriations in the short-term. I wish we had done that. I hope we will do that in the amendment process.

But, Mr. Chairman, the perfect cannot be the enemy of the good, and this bill is very, very good and is a product of genuine bipartisan cooperation. So I am very proud to support it and very proud to urge other Members of the Congress to vote for it.

Mrs. TAUSCHER. Mr. Chairman, at this time I yield 1 minute to my friend and colleague, the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I want to take this minute to highlight one particular provision of this bill that is very important to me.

Like many Americans last year, I was outraged to learn that the Pentagon was denying combat wounded veterans their enlistment bonuses, apparently in the belief that they had not fulfilled their obligations to the military because they had been wounded in service to this country. Well, like most people in this House, I think that if you have been injured in service to this country, you have done more than we ever could have asked you to do. You have borne every burden and you have fulfilled your obligation.

So I introduced the Veterans Guaranteed Bonus Act to ensure that every combat wounded veteran gets the enlistment bonus that they deserve. That legislation has been included in its entirety in this legislation that we are passing today. I thank Chairman SKELTON for including it in the bill, and I encourage my colleagues to support it to remedy this grave injustice.

Mr. HUNTER. Mr. Chairman, I would like to yield 3 minutes to the distinguished gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Thank you, Mr. HUNTER.

You know, Mr. Chairman, there has been a lot said tonight about DUNCAN HUNTER. I guess the only thing I can add is simply to repeat that this man served his country in Vietnam as an Army Ranger. He served 26 years in this House, part of the time in the majority, served as chairman of the Armed Services Committee, and has now served a total of 28 years in this Congress. His entire life has been about service to this country and the cause of human freedom, and I truly believe that future generations will have a greater hope to live in freedom because this man lived, and I salute him with all of my heart.

Mr. Chairman, I also support this bill. I only rise to associate some of my feelings with those expressed by TERRY EVERETT, the ranking member of the Strategic Forces Subcommittee, when he was concerned that the amendments that he offered to raise and restore some of the missile defense cuts in the mark had not taken place.

He was especially concerned about the European site, the money that was cut there, that it sends a message to Poland and other places like that that are already in a very, very dangerous position politically and in such a delicate situation that they may in fact lose the project because of the message that we send to them.

□ 2100

I believe it is very important that we realize that the missile defense site in Poland is not just about missile defense, it is about devaluing an entire nuclear missile program in the hands of an Iranian nation.

Mr. Chairman, the very first purpose of this government is to defend its citizens in peace, and I believe one of the greatest threats to human peace in the world is a nuclear Iran.

In spite of what we have heard in the media, Iran continues to enrich uranium which could give them an atomic bomb in less than 3 years. The IAEA has reported that in the 9-month period between February and November of 2007, the number of centrifuges enriching uranium operating at its Natanz enrichment facility tripled from 1,000 to now approximately 3,000 centrifuges.

The Director of National Intelligence, Mike McConnell, earlier this year said to the Senate Intelligence Committee that he concurred with the Israeli intelligence report stating that this many centrifuges operating continuously would produce enough fissile material for a nuclear weapon in less than 2 years. We now know that Iran is increasing its number of operational centrifuges from 3,000 to 9,000. Moreover, Mr. Chairman, Iran is now beginning to manufacture its own centrifuge, the IR2, which improves on the advanced P2 centrifuge that was used in Pakistan to build its existing nuclear arsenal. It is capable of producing enriched uranium two to three times faster than the older models.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. HUNTER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FRANKS of Arizona. Mr. Chairman, some of the most dangerous and lethal weapons our soldiers are facing in Iraq right now are there because Iran gave it to them. Osama bin Laden said: It is our religious duty to gain nuclear weapons.

If Iran is allowed to proliferate nuclear weapons into the hands of terrorists, any sense or concept of peace that we have experienced in this country so far could be gone in a blinding flash in the center of one of our major cities, maybe even in Washington, DC. And yet this majority has prevented us from voting on a military contingency plan to prevent Iran from gaining this deadly capability.

Mr. Chairman, very simply, the highway of history is littered with the dangers of strategic ambiguity, and I believe our best hope of preventing a nuclear Iran is to help them understand that we are prepared to do whatever is necessary, including a military contingency, if they continue to pursue their nuclear capability.

I hope that our children are not faced with the consequences of that strategic ambiguity. We need to be very, very clear. We need to vote on the amendment to improve this bill tomorrow.

Mrs. TAUSCHER. Mr. Chairman, at this time I am happy to yield 2 minutes to my friend and colleague from Massachusetts (Ms. TSONGAS), a new member of the Armed Services Committee.

Ms. TSONGAS. Mr. Chairman, I rise today in strong support of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. I want to thank Chairman SKELTON and Ranking Member HUNTER for their leadership on this legislation. As a new member of the House and of the committee, it has been a pleasure participating in the bipartisan and respectful process that both of you have created.

H.R. 5658 addresses our immediate readiness challenges while maintaining our commitment to modernization that will keep our country safe and deter threats in the future.

We are all in agreement that operations in Iraq and Afghanistan are having a severe impact on our readiness. This legislation puts us on track to restore our readiness and our capability to respond to emerging threats around the world. It also increases our capabilities in Afghanistan by providing performance standards for Provincial Reconstruction Teams, training and equipping the Afghan National Security Forces, and increasing the Commanders Emergency Response Fund. And this bill takes significant strides to improve the quality of life for our men and women in uniform and their families. H.R. 5658 includes a 3.9 percent pay increase. It rejects on a bipartisan basis the proposed increases in TRICARE fees and copays.

Finally, I appreciate that the committee included a provision that I have advocated for that would give flexibility to the Department of Defense to increase the loan repayment amount for medical personnel in the National Guard and Reserve.

Mr. Chairman, as my colleagues on the Armed Services Committee have stated, this is a good bill. It addresses the readiness needs of our military, keeps us on track for modernization to meet future threats, and takes care of our military personnel and their families. I urge my colleagues to support this bill.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I also want to add my congratulations and words of appreciation to our chairman and ranking member for the terrific job they did on this year's defense authorization act.

The members of our Armed Forces, whether during times of war or peace, deserve the wholehearted support and moral and financial commitment and support from its citizens and its government. I believe this support from this committee of our men and women in uniform is undeniable. This bill does support the national defense mission, the individual servicemember, and the military family. However, it is not complete. We are continually increasing the demands of this voluntary force, but our budget does not provide the needed resources for the military with a growing responsibility and mission.

Some of these shortcomings includes cuts to future combat systems, cuts to anti-missile defense systems, and the Marines are getting cuts in the Expeditionary Fighting Vehicle. This vehicle would replace the aging 38-year-old Amphibious Assault Vehicle that they currently rely on in getting from their ships to the shore and exposes our Navy to unnecessary risks, and I am concerned about these cuts.

But there are a lot of things to be in favor of in this bill. With respect to SOCOM, these warfighters, as you know, operate throughout the globe conducting missions that most of us will never hear about but are absolutely essential and critical to defend against the unconventional threats and preventing additional threats and crises around the globe.

We support these warfighters, these magnificent warfighters by fully funding their requirements. In addition, we added some $186 million to provide for their unfunded requirements that they have on those lists for surveillance capabilities and personnel protection gear. We also authorized 26 human terrain teams that they have requested, and supports our National Guard with some $800 million in additional money for equipment.

With respect to our troops and their family welfare, we are in complete agreement that the individual marine, sailor, soldier, and airman is our most valuable national security asset. They stand between this Nation and those who wish to do us harm and, along with their families, sacrifice daily in defense of this Nation and our freedoms. This bill reflects our commitment and responsibility to ensure that they are taken care of. We are giving them a 3.9 percent pay raise, some $650 million to improve barracks, and the elimination of all temporary barracks between now and 2015.

We are going to add to their force, to their numbers so that they can spread their responsibilities across a greater number of soldiers and marines. We are re-equipping and resetting these forces with additional funding provided for unfunded readiness initiatives, for training shortfalls within the Army and Marine Corps. In addition we are providing gear in the field to be used immediately with MRAPs, additional body armor, and up-armored Humvees.

Mr. Chairman, while we may disagree with how these assets, tools, and, most importantly, this personnel are used, there should be no disagreement that we should provide this Nation with the personnel, assets, and tools to protect this country with overwhelming force to counter any and all threats. This bill moves us toward that goal, and I urge my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentlelady from New Hampshire (Ms. SHEA-PORTER), who is also a member of our Armed Services Committee.

Ms. SHEA-PORTER. I rise today in support of this bill, and I thank Chairman SKELTON and Ranking Member HUNTER for bringing it to the floor and for their great work. I want to also thank Chairman ORTIZ and Chairwoman DAVIS for their work during the subcommittee markup and the committee staff for their hard work throughout the process.

Mr. Chairman, this is an excellent bill that will have a tremendous impact on our servicemembers and their families, and I am proud to support it. As a former military spouse, I know how much our troops and their families depend on the strong support from Congress.

In this year's bill, we grow the military, adding 7,000 soldiers, 5,000 marines, 1,000 sailors, and 450 airmen to take the pressure off the current military. We add a 3.9 percent pay increase and increase existing bonuses. We provide nearly $25 billion for the defense health program without increasing TRICARE fees. We increase benefits for Guardsmen and Reservists as well. These actions are the way that we show that we do support the troops and their families, and this is the way we thank them for their service.

We designate money to keep F–22 fighters and C–17s rolling off the production line. These two programs are vital to our Air Force. We add a second Virginia class sub and the resources in our shipyard system to maintain them. We include more than $12 million for cold weather clothing systems that keep our men and women warm in the mountains of Afghanistan. In this year's bill we provide our Army aviation assets with advanced self-protection systems that keep our soldiers safe in harm's way.

We also fund programs at home, like the Swimmer Detection Network that protects our Los Angeles and Virginia class submarines at Portsmouth Naval Shipyard in my district. We fund military construction projects at our shipyards and depots that are vital to our Nation's defenses, and we add billions for housing at our bases that ensure our servicemembers and their families are safe and comfortable.

I am proud that we worked together in a truly bipartisan manner to produce this bill that cares for our soldiers, sailors, airmen, and marines and their families. I urge the House to pass this bill.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 3 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN of Virginia. Mr. Chairman, I rise in strong support of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009,

and I would like to thank Chairman SKELTON and Ranking Member HUNTER for their extraordinary leadership and their bipartisan manner in which this bill was crafted, and also would like to recognize Ranking Member HUNTER's extraordinary legacy of leadership as he leaves us as his duty on this committee expires.

I would like to take a moment to highlight some of the important aspects of this bill. Nothing is more vital to our Nation's forward presence and security than the aircraft carrier, and it remains unacceptable to allow the total number of aircraft carriers to diminish.

Maintaining the statutory requirement of 11 aircraft carriers is essential to maintaining our superiority on the high seas, and we must continue to develop the industrial base and promote shipbuilding to establish a floor, not a ceiling, of 313 ships in our Navy. I urge support for this important aspect of this bill.

I would also like to take a moment to discuss the importance of directed energy and electromagnetic weapons systems, a top priority of the Chief of Naval Operations' unfunded priority list. Increased funding for this research, development, testing, and evaluation will accelerate the installation and deployment of critical ship self-defense improvements. The weapons systems we are developing through this directed energy program will counter rockets, artillery, mortar, and unmanned aerial vehicles for ship and expeditionary base defense, and will ensure the safety of our fighting men and women. Such funding promotes Navy objectives, and the development of directed energy weapons will provide unique capability against emerging asymmetric threats, thereby increasing our Nation's effectiveness on the global war on terror.

Lastly, I would like to discuss the importance of basing our defense budget on 4 percent of GDP, and I hope that we are able to address this in the future as that is one important part of this bill that is lacking.

I would also like to talk about the importance of submarines in our national defense. Assessing the feasibility and cost of actions to maximize the service life and number of Los Angeles class submarines and assessing the attack submarine force structure requirement in the 2009 Quadrennial Defense Review and basing such an assessment on combatant commander requirements are important aspects of this bill. Submarines have been a central component of our naval forces for over a century, and today the submarine helps our Navy conduct numerous operations around the world. Our national defense demands that we have a strong and capable naval fleet, and we must maximize the use of the very capable Los Angeles class submarine and base our force structure on what commanders in the field and on the seas need to accomplish their diverse joint missions. We must keep our number of submarines high, and this aspect of the bill would be a positive step in strengthening our Nation's fighting forces.

I am honored to do my role in supporting the men, women, and equipment of our Nation's military.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. FRANKS of Arizona. I yield the gentleman 1 additional minute.

Mr. WITTMAN of Virginia. Our military should be able to meet its operational requirements at all priority levels, and I request your support on these important aspects of this bill.

Mr. SKELTON. I yield 2 minutes to my good friend, the gentlelady from California (Mrs. CAPPS) for the purposes of a colloquy.

Mrs. CAPPS. I thank the gentleman.

Mr. Chairman, I rise to ask for your assistance to help alleviate the shortage of qualified and experienced nurse instructors in the United States, including in the military. Right now, we are told that the limiting factor in increasing the number of nurses to try to head off the looming nurse shortage is the number of faculty available in our nursing schools.

Mr. SKELTON. I thank the gentlelady for raising this very important issue, and assure the gentlelady that I certainly share her concerns. The Department of Defense is facing the same shortage of nurses as we are across the Nation. However, the need for the Department is more directly felt as we are at war, and our military nurses are caring for our wounded and injured in addition to all their other duties.

□ 2115

Let me say to the gentlelady that we have taken serious, substantive steps to increase the number of nurses, both in the military and in the civilian community. In this bill we have mandated the establishment of a Department of Defense School of Nursing, following the successful models of the Uniformed Services University of Health Sciences to produce medical doctors, the Interservice Physician Assistant Program to produce physician assistants for the military, and the Army's new School of Social Work, which will enroll its first class this summer.

Although the graduates of the Department of Defense School of Nursing will initially provide much needed care for our troops, I'm confident that following their military service they will continue to serve our Nation as nurses in civilian communities.

Finally, we've included a demonstration project to encourage retired military nurses to become faculty members at civilian schools of nursing to help alleviate the nurse instructor shortage of which you speak.

Mrs. CAPPS. I want to thank the chairman for his excellent leadership in improving health care for our servicemen and women, and especially appreciate his inclusion of a demonstration project in the National Defense Authorization Act.

The Acting CHAIRMAN. The time of the gentlewoman from California has expired.

Mr. SKELTON. I yield the gentlewoman an additional 30 seconds.

Mrs. CAPPS. Like you, I feel that military nurses are especially equipped to take on the leadership role required of a nurse instructor. We need to ensure that we meet our mutual goal of increasing the capacity of colleges of nursing in order to graduate more nurses who can fill current vacancies that are widespread, both in the military and civilian sectors. I believe that this type of program can be a model for other programs to alleviate shortage of nurse faculty, and would ask the chairman to keep an open mind to other approaches to alleviating the nursing shortage. And I appreciate the urgency created during a time of war.

Mr. SKELTON. Let me assure the gentlelady that we look forward to the results of the demonstration project, and I'm always open of course to practical approaches to address the military nursing shortage.

Mrs. CAPPS. I thank the esteemed chairman for his efforts.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from North Carolina (Mr. ETHERIDGE) for the purposes of a colloquy.

Mr. ETHERIDGE. Chairman SKELTON, let me thank you for your friendship and for your extraordinary leadership on the Committee on Armed Services. I appreciate your willingness to engage me in the important topic of suicide prevention in our military forces.

As you know, earlier this year, my constituent, Master Sergeant (retired) Christopher Scheuerman, testified before the Subcommittee on Military Personnel about the tragic circumstances surrounding the suicide of his son, Private First Class Jason Drew Scheuerman. Jason was deployed with the 3rd Infantry Division at Forward Operating Base Normandy in Iraq, and died from a self-inflicted gunshot wound from his M16 rifle. Jason showed clear signs of mental distress, but the system failed Jason.

Recent reports indicate the Army suicide rate is the highest in 26 years of record keeping. While there are many outstanding mental health professionals in the Army system, the command structure creates an inherent conflict of interest and a lack of independent objectivity.

Servicemembers are currently allowed a second civilian opinion, but often find it nearly impossible to access an outside mental health provider. I appreciate the fact that this bill addresses the issue of suicide prevention by directing the Secretary to consider how the military can make a second opinion more accessible, including the possibility of providing a second medical evaluation in combat theater by

telephonic evaluation. I know that that is a somewhat controversial suggestion, but we must find a way to stop preventable suicides like Jason Scheuerman. We owe our servicemen and women no less.

Mr. Chairman, I would like to continue to work with you, Chairwoman DAVIS and Ranking Member MCHUGH on this important issue, and I hope that the Secretary will undertake this study immediately so that it is possible for our troubled servicemembers to obtain a second civilian health opinion.

Mr. SKELTON. I thank the gentleman for raising this very important issue. The Department of Defense has made many improvements to its suicide prevention programs, but more can be done. I look forward to working with the gentleman.

Mr. ETHERIDGE. I thank the gentleman for his time and help.

Mr. HUNTER. Mr. Chairman, we have, I believe, no more speakers left, so at this time let me just say that our ranking members and our chairmen have covered the waterfront of what this bill does. They've taken it from personnel, the pay raise that the chairman started off talking about, the 3.9 percent pay raise, the end strength increases in the Army and Marine Corps, the quality of life increases that we've delivered to our people in uniform, to the equipment side, to the force protection that we are sending additional to Afghanistan and to Iraq, MRAPs, extra armor capability, extra technical capability to be able to defend our forces and help them accomplish the mission, to the modernization side, the platforms that we are building with the modernization part of this budget, to the readiness part of this budget, which is so critical to ongoing operations, and to some of the technical aspects of the budget that I think the Strategic Subcommittee spoke to so effectively, including the programs that involve space, involve missile defense. And so, Mr. Chairman, I think we've described the bill fairly effectively.

And I think also we've described the people. At least I want to make sure we understand how wonderful the people are who put this bill together, not only the ranking members and the chairmen of the subcommittee and our great chairman of the full committee, Ike Skelton, the man from Missouri, but also the wonderful staff that we have that's worked long hours to put together what is a very large bill, in many cases, very technical, and yet they did it with great precision, and we owe them a debt of gratitude.

Let me just say in my closing seconds here, Mr. Chairman, that I talked about the horizon that I think we face in terms of military challenges. I think that part of that horizon must require a focus on China. The fact that China is now outbuilding the U.S. in submarines by more than 3–1, with their acquisitions from the Russians, it's much more. They're acquiring great technical capability, and they are building an industrial base that, in many areas, such as building warships, could outstrip the United States very quickly in production.

And just as our great chairman mentioned, that it takes more than just a military to win wars and to carry out foreign policy, it's going to take some changes in policy to maintain the United States as a premier military force in the world. Some of those changes are going to require changes in our tax law, in our tariff law that will allow our industrial base to stay in the United States, that will stop these companies that are key to national security who are being advised right now by their financial advisors to move their production offshore, changes in our law that will cause them to stay in the United States, because the environment, the business environment in the United States and the tax environment will be such that they will not be induced to move offshore.

Also, with respect to the hemorrhage of technical information which is going on with the acquisition of American companies on a very selected basis by companies and by nations that are targeting American military technology. This committee has moved toward stopping that hemorrhage by adopting several important provisions with respect to security, site security at companies that do classified information. But there's much more work to be done there, and I know that the committee is moving in that direction and undertaking a great strides in that direction. But that's a direction that's going to require the participation of the entire body, Mr. Chairman, in fact, the entire government. So we have a big challenge ahead of us.

Again, I want to thank the chairman for putting together a bill that passed unanimously out of the Armed Services Committee, and should pass unanimously off the House floor. So once again, a job well done to the gentleman from Missouri.

I would yield back the balance of my time.

The Acting CHAIRMAN. The gentleman from Missouri is advised that he has 1 minute remaining.

Mr. SKELTON. I thank the gentleman from California. And I must add that this is properly named for Duncan Hunter in honor of the hard work that you've done through the years. Thank you.

When you put a bill together like this that's $531 billion of taxpayer money for national security, there are unseen hands that have helped glue this together bit by bit and part by part. And that's the unsung but very valuable and absolutely terrific staff of the Armed Services Committee under the direction of Erin Conaton, and I particularly wish to complement her on her hard work. Everyone on this staff is outstanding and an expert in his or her field, and I want them to know that they are appreciated, and that we're very grateful for their work.

This will close out the general debate on this bill. It's an excellent bill, and I think that in truth and fact it has made a great stride toward increasing the readiness of our troops. People in the country should take a great deal of comfort in knowing that there's such bipartisanship on this committee. So I thank the gentleman from California.

I am very, very proud of the members of this committee, the Armed Services Committee.

Mr. ETHERIDGE. Mr. Chairman, I rise today in support of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009. This legislation authorizes $601.4 billion for defense programs in FY 2009, including $70 billion in emergency funds authorized specifically to support operations in Iraq and Afghanistan. This is funding that is critical to our nation's defense, as well as to the troops serving so valiantly in the wars being waged on two fronts.

Thanks in a large part to the leadership of Chairman SKELTON, this legislation provides greater funding than had been requested by the President for equipment depleted by the war in Iraq, including new combat vehicles, new battle gear for the Army National Guard and reserves, military pay raises, and shipbuilding.

H.R. 5658 authorizes $25.4 billion for defense health-care programs, and blocks the president's plan to raise user fees for programs such as Tricare and deductibles for service members and military retirees. This legislation will also authorize an increase of 7,000 active-duty Army personnel, and provide for 5,000 more Marine Corps personnel than current levels.

This legislation also provides for a 3.5 percent pay raise for active duty military, rolls back proposed benefit reductions to spousal benefits, and increases funding for military housing upgraded for bases like Fort Bragg, North Carolina, located in my district.

Mr. Chairman this is a good bill for our troops. It is our duty, our charge as members of this body, to ensure that those who protect and defend our nation in this all-volunteer army receive the best health care, pay, and living conditions that we can provide for them. We owe this to them.

I support this legislation and I would urge my colleagues to do the same.

Mr. MANZULLO. Mr. Chairman, I would like to thank my colleagues on the House Armed Services Committee, specifically my good friend, Representative DUNCAN HUNTER of California, for including a provision in the Fiscal Year 2009 Defense Authorization bill that finally provides for consideration of our Nation's defense industrial base when contracting officials evaluate major Federal defense contract proposals.

Few people are aware that the Pentagon is prevented by law from including defense industrial base considerations when deciding to award a major defense contract. A contract award determination is made primarily by examining which party has the ''best value'' in terms of price, quality, quantity, and delivery. However, how many jobs a particular contract would produce or retain in America or how many suppliers would be able to stay in business in America because of a particular contract is currently not part of the ''best value'' evaluation by the Pentagon. Most believe that

the Buy American Act protects the interests of American workers. However, because of a series of Memorandums of Understanding, MOUs, signed years ago between the Pentagon and other foreign defense agencies, a product can be made completely in Europe and be considered as if made in America and thus compliant with the Buy American Act. In return, U.S. defense articles are supposed to be considered by European procurement officials on the same grounds as European products. However, Europe protected its economic interests in these agreements by including European defense industrial base protections as one criterion in their source selection process. This didn't used to be a problem in the past. However, with the consolidation of major prime defense contractors in the United States and the relatively recent creation of the European Aeronautic Defense and Space Company, EADS, there has been more and more conflict in major U.S. defense procurements.

Section 805 of H.R. 5658 seeks to copy Europe's example. It simply allows the Pentagon to consider impacts on the U.S. industrial base during source selection for major defense acquisition programs. This section also authorizes defense acquisition officials to impose penalties on a contractor who misleads the Government regarding potential domestic industrial base impacts.

The bill also asks the Secretary of Defense to notify congressional defense committees at least 30 days before requesting a proposal for any major defense acquisition program that will not use a domestic industrial base evaluation factor during the source selection process. It also includes second and third level suppliers as part of the defense industrial base because the health of this sector of the economy cannot be measured solely by looking at the stock price of the large prime defense contractors.

As someone who voted for every free trade agreement since being elected to Congress in 1992, this section is not protectionism. Back in 1776, Adam Smith argued in his celebrated "Wealth of Nations"; that "(i)t is of importance that the kingdom should depend as little as possible upon its neighbors for the manufactures necessary for its defense." He supported a bounty—or a tax—on the export of British sailcloth and gunpowder to prevent other nations and potential enemies from benefiting from Great Britain's advantage in these products. If the founder of modern-day capitalism and free trade supported an exception to the free flow of trade in defense goods, then domestic sourcing preferences to protect our national security and defense industrial base must be considered consistent with the very foundation of free trade and capitalism.

Congress has a duty to be concerned with our nation's ability to build the weapons and equipment necessary to defend itself. Any argument founded merely on shopping for the best value without considering the larger defense industrial base will leave our great nation exposed and vulnerable. A nation that cannot produce the materials necessary for its defense will eventually become a second-rate power.

Now, some analysts have argued that we should not press for more domestic sourcing of defense articles because Europe and other nations buy more U.S. defense technology that we buy from them. These statistics, however, fail to account for the offsets in defense sales required by other governments, including our friends in Europe.

According to a 2007 report entitled Offsets in Defense Trade prepared by the Bureau of Industry and Security of the Department of Commerce, over 98 percent of all U.S. defense sales to Europe were "offset" from 1993 to 2006. In other words, for every dollar a European government spent on U.S. defense equipment, the U.S. prime defense contractors had to provide 98 cents in industrial compensation arrangements to that government. These compensation arrangements range from requiring re-locating a share of the production of that defense item to that country to marketing that country's goods in the United States. However, the United States is prohibited by law to require of a foreign defense contractor to "offset" part of the cost of the proposed acquisition. thus, our two-way defense trade with Europe is already heavily weighted in their favor.

Finally, Section 805 of H.R. 5658 will not launch a trade war because there have been several occasions in the past when European governments refused to buy from American companies because of their own defense industrial base concerns. In 2003, Pratt & Whitney lost a bid to EuroProp International (EPI) to supply the engine for the A400M European military troop transport plane despite the fact that their initial bid was 20 percent lower, they had a higher quality engine, and they committed to build a new assembly line in Europe and include 75 percent European content in the engine. According to the Financial Times on June 13, 2003, Airbus effectively declared Pratt & Whitney the winner until European governments intervened and promised financial support to EPI so it could drop its price and clinch the deal with a redesigned engine in order to keep all the work in Europe.

Similarly, in 2003, when Italy wanted to build a new fleet of search and rescue helicopters, Skirosky and MD Helicopters were interested in bidding on the contract but were not even given the opportunity. The Italian government decided instead to award the contract without any competition to their national helicopter company—Augusta/Westland—on the grounds of "homeland security."

Mr. Chairman, encouraging the Pentagon to consider the defense industrial base as one factor in their contract decision-making process will help us safeguard over the long-term the knowledge and innovation that make our defense industry the best in the world. I urge my colleagues to support H.R. 5658 and, in particular, Section 805, throughout the legislative process.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURPHY of Connecticut) having assumed the chair, Mr. ELLISON, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, had come to no resolution thereon.

NATIONAL PUBLIC WORKS WEEK

The SPEAKER pro tempore (Mr. ELLISON). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1137.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1137.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 309.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 309.

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.

□ 2130

MOTORCYCLE SAFETY AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 339, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 339, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF BICYCLING IN TRANSPORTATION AND RECREATION

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 305.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 305.

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.

LET OUR VETERANS REST IN PEACE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3480, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3480, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes.''.

A motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS TO PROVISION GRANTING SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 2829.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the Senate bill, S. 2829.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXTENDING PROGRAM RELATING TO WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5571, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5571, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes.''.

A motion to reconsider was laid on the table.

NATIONAL AUTISM AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1106.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the resolution, H. Res. 1106.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–666) on the resolution (H. Res. 1218) providing for further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SENSE OF HOUSE REGARDING ESTABLISHMENT OF A NATIONAL BRAIN TUMOR AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1124, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 1124, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REDUCING MATERNAL MORTALITY BOTH AT HOME AND ABROAD

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1022, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 1022, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING ESTABLISHMENT OF A BEBE MOORE CAMPBELL NATIONAL MINORITY MENTAL HEALTH AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 134, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 134, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

NATIONAL OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 369, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 369, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

VETERANS PAIN CARE ACT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, today I rise because I am introducing the Veterans Pain Care Act of 2008. This bill will require the Secretary of the VA to develop and implement a comprehensive policy on pain management for veterans enrolled in the VA health care system and to carry out a program of research, training and education on acute and chronic pain.

Modern warfare leads to serious, but survivable, injuries. While advances in medical technology have saved lives, many of our wounded soldiers have been afflicted by acute and chronic pain. Pain is a leading cause of disability among veterans. As a result, providing adequate pain management is a crucial component to improving veterans' welfare.

The Department of Veteran Affairs has pain care programs, but a comprehensive plan isn't consistently enforced across the system. My legislation will give the VA the necessary tools to serve the needs of our veterans.

This bill has the support of a wide range of organizations. I would like to enter into the RECORD a letter of support from 50 organizations in the Pain Care Coalition.

The Senate companion to this bill has the support of both the chairman and the ranking member of the Senate Veterans' Affairs Committee. I am hopeful that this will garner bipartisan support for this legislation in the House and be passed to support our veterans.

PAIN CARE COALITION,
Washington, DC, May 15, 2008.

Re Veterans Pain Care Act of 2008

Hon. TIM WALZ,
House of Representatives, Longworth House Office building, Washington, DC.

DEAR CONGRESSMAN WALZ: The Pain Care Coalition applauds your leadership in championing the Veterans Pain Care Act. We enthusiastically support the measure, and pledge the assistance of our organizations as you move the bill forward in the House. As your bill mirrors bi-partisan legislation under consideration in the Senate, and complements a DoD pain care initiative included in the House FY 2009 Defense Authorization bill, we are optimistic that it will receive wide support.

Pain is a huge public health problem for veterans. Virtually every service member injured in current and past conflicts experienced acute pain at the time of injury. Many others suffered acute pain in connection with non-combat related injury or disease. For too many, the acute pain progresses to a chronic pain condition that threatens the veteran's basic quality of life. These same chronic pain conditions can be cost ''drivers'' in VA health and disability systems. With prompt and aggressive treatment, much acute pain can be alleviated, and much chronic pain avoided or managed.

The Department of Veterans Affairs is doing much to provide good pain care and advance important pain research, but much, much more remains to be done. Your bill will make pain care a national priority within the VA health care programs. Millions of veterans who have served our country deserve no less.

Respectfully submitted,

RICHARD ROSENQUIST,
Chair.

CONSENSUS STATEMENT SUPPORTING THE CONGRESSIONAL MILITARY PAIN BILL AND THE VETERANS PAIN BILL

Acute and chronic pain afflicts both military personnel and veterans in proportions far exceeding the general population. Pain is the leading cause of disability among veterans. Characteristics of modern warfare produce serious, but survivable, injuries to the central and peripheral nervous systems that inflict terrible acute pain and lead to chronic pain in many cases. Providing adequate pain management is a crucial component to improving military and veteran health care. A growing number of wounded veterans are experiencing long-term problems with chronic pain; left untreated, pain can have life-long consequences.

As members of organizations dedicated to improving the lives of veterans and military personnel and organizations dedicated to improving the quality of pain management, the undersigned organizations support and urge passage of legislation to improve pain care for active duty military and veterans. In particular we support legislation which:

Requires Uniformed Service Secretaries to implement a comprehensive pain care initiative to require prompt assessment and reassessment of pain in all health setting; emphasizes assessment, diagnosis, treatment & management of pain as an integral part of military health care; and deploys acute pain services to all combat support hospitals and, where feasible, on the battlefield.

Requires Tricare plans to provide pain care services that ensure appropriate assessment, diagnosis, treatment and management of acute and chronic pain and provide comprehensive interdisciplinary services for hard to treat chronic pain patients.

Requires the Department of Veterans Affairs to implement in VA health facilities and programs a pain care initiative comparable to that required for DOD programs.

Requires the VA to increase its research effort in the areas of acute and chronic pain, including identifying priority research areas most relevant to veterans.

Requires the VA to emphasize education and training of VA personnel in pain management.

Establishes cooperative research center for acute and chronic pain, including one with a special focus on central and peripheral nervous system damage.

Directs the GAO to evaluate the consistency of military and veteran pain care services across different programs, facilities, demographic groups and geographic areas; and

Assesses the adequacy and appropriateness of pain care services based on performance measures previously adopted by the VA.

Signed:

Air Compassion for Veterans.
Alliance of State Pain Initiatives.
Alpharma Pharmaceuticals LLC.
American Academy of Pain Medicine.
American Association of Diabetes Educators.
American Cancer Society.
American RSDHope.
Ava Mina Pain Clinic.
The American Chronic Pain Association.
American Headache Society.
American Pain Foundation.
American Pain Society.
American Pharmacists Association.
American Society of Anesthesiologists.
American Society for Pain Management Nursing.
Amputee Coalition of America.
AVANCEN LLC.
Boston Scientific.
Brave New Foundation.
Cause.
Cephalon, Inc.
Comfort Care Unlimited.
Coming Home Project.
Endo Pharmaceuticals.
Florida Pain Initiative.
HealthSouth Valley of the Sun Rehabilitation Hospital.
Homes for Our Troops.
Jacob's Light Foundation, Inc.
Indiana Hospice and Palliative Care Organization.
Indiana Pain Initiative.
Iraq and Afghanistan Veterans of America.
Medtronic, Inc.
Michigan Cancer Pain Initiative.
Missouri Pain Initiative.
Montana Cancer Control Coalition.
National Fibromyalgia Research Association.
National Pain Foundation.
National Veterans Legal Services Program.
National Vulvodynia Association.
One Freedom, Inc.
Operation Helmet.
Operation Home Front.
Pain Care Coalition.
Pain Connection.
Pain Treatment Topics.
P.A.N.D.O.R.A.
Project Return to Work, Inc.
Purdue Pharma L.P.
Reflex Sympathetic Dystrophy Syndrome Association.
South Dakota Injured Workers Coalition.
St. Jude Medical's Neuromodulation Division Advanced Neuromodulation Systems.
Swords to Plowshares.
The Pathway Home (Veterans Home of California).
There is Hope . . . for Chronic Pain.
Veterans for America.
Washington—Alaska Pain Initiative.

MONEY WOULD BE BETTER SPENT TO FIND CURES AND TREATMENT FOR DISEASES, NOT FOR MORE WEAPONS OF MASS DESTRUCTION

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, in the next day or two, this House will consider funding the war in Iraq and also we will be thinking and have been thinking about our colleague in the Senate and the father of one of our Members, Senator TED KENNEDY. We will think about Hamilton Jordan, who passed away also.

Senator KENNEDY suffers from a brain tumor. Hamilton Jordan suffered from cancer. When you think about how many dollars we have spent on that war effort and what those dollars could do to cure diseases of people here on Earth, I would submit, Mr. Speaker, we need to put more money into curing disease, finding treatments and cures,

rather than funding weapons of mass destruction.

The Bible says something about beating your swords into plowshares. I would submit that if we have the ability to seek finite spots on the Earth from the air to find targets for our weapons, we should turn those scientists' efforts toward finding ways to look inside our bodies and find cures for diseases.

Mr. Speaker, I am submitting a letter to the Speaker and to the chairman of the Finance Committee to do just that.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC May 15, 2008.

Speaker NANCY PELOSI,
U.S. Capitol, Washington, DC.

Chairman DAVID OBEY,
Committee on Appropriations, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND CHAIRMAN OBEY: I am writing to request that NIH funding in the President's FY09 budget for the research of cancer, diabetes, heart disease, AIDS, Parkinson's disease and Alzheimer's disease be doubled in the final FY09 budget set forth by Congress.

The following are the estimates included in the President's FY09 Budget request for research at the National Institutes of Health (NIH):

Cancer: $5.654B.

Diabetes: $1.033B.

Heart Disease: $2.111B.

Global Fund to fight HIV/AIDS, Malaria, and Tuberculosis under National Institute of Allergy and Infectious Diseases: $300M.

Alzheimer's Disease: $644M.

Parkinson's Disease: $186M.

These debilitating diseases affect millions of people each year across the globe. Families are torn apart, emotionally and financially, by the effects of their contraction. Congress has a serious responsibility to provide adequate funding for research that could not only find promising treatments, but permanent cures.

I cannot imagine a more pressing issue than ensuring the healthy future of those we are here to represent. The disparity between the amounts of funding requested for the war in Iraq and that requested to treat deadly diseases is incomprehensible. The successful findings of research programs made possible through increased funding will not only aid people in the United States, but the rest of the world, as well. It is my hope that, by taking full advantage of the scientific resources we have here at home, we can better our relationships with research teams across the globe to reach our common goals: finding a cure and establishing peace.

As always, I remain,

Most Sincerely,

STEVE COHEN,
Member of Congress.

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.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

AN AMERICAN GI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, standing on the beaches of Normandy, he found himself silent. Like a scene ripped from the movie Saving Private Ryan, this American GI was overwhelmed with memories. Memories so vivid, so real that in an instant he was a soldier again in the 7th Army, surviving the Battle of the Bulge, fighting through the Cities of Aachen, Stuttgart, Cologne, and Bonn. The graves before him transcended time, taking him back in history to a time when freedom was on the line.

He was born in the 1920s. He grew up in the Depression of the thirties, and he grew up poor like most rural American children. Fresh vegetables were grown in the family garden behind the small frame house. His mother made sandwiches for school out of homemade bread. Store-bought bread was for the rich. He grew up belonging to the Boy Scouts, playing the trumpet in the high school band and going to church almost every Sunday.

In 1944, this 18-year-old country boy that had never been more than 50 miles from home finally found himself going through basic training in the United States Army at Camp Walters in Texas. After that, he rode the train with hundreds of other young teenagers to New York City for the hazardous ocean trip on a cramped liberty ship to fight in the great World War II.

No amount of training could have prepared him for what he was about to experience. As a teenager, he and thousands like him put life on the line for freedom. He saw the concentration camps at Dachau and the victims of the Nazis. This horror gave him a clear understanding of why America was at war. He saw incredible numbers of other teenage Americans buried in graves throughout France, but like so many of his generation, he really never discussed the details, only saying that the real heroes were the ones that never came home from Europe.

Some 64 years after the war, my hero stood before the monument at Normandy with the thousands of white crosses and Stars of David and paid tribute to his heroes. The price of freedom was enormous, the memories of the sacrifices made were overwhelming. Amidst the whirlwind of imagery flashing before his eyes, my dad began to recall life before the war and what victory in Europe meant for Americans—and what freedom means today.

After Germany surrendered, he went back to Fort Hood, Texas, expecting to be re-equipped for the land invasion of Japan. It was there he met Mom at a Wednesday night prayer meeting church service, but before he could be shipped out to Japan, the Japanese surrendered and the war was over. Not too long after that, he opened a DX service station where he pumped gas, sold tires, fixed cars, and began a family.

Deciding that he needed to go to college, he moved to West Texas and enrolled in a small Christian college called Abilene Christian College. He and his wife and two small children lived in an old converted Army barracks with other such families. He supported us by working nights at KRBC radio and climbing telephone poles for ''Ma Bell.''

He finished college, became an engineer, and worked 40-plus years for Southwestern Bell Telephone Company in Houston, Texas. He turned down a promotion and a transfer to New York City because it wasn't Texas, and as he said it was ''no place to raise a family.'' Mom and Dad still live in Houston not far from where I grew up.

After his recent trip to Normandy, he opened up a little more about the war, still humble about his contributions, but looking back on the significance of victory through the eyes of an 82-year-old man. Don't get me wrong, Mr. Speaker, he hasn't mellowed at all in these years. He still rants and raves about the east coast media, and he has a strong opinion on politics and today's fight for freedom in Iraq and Afghanistan. He gives plenty of advice to everybody, including me.

He has two computers in his home office and e-mails with his buddies all around the world. He still flies the flag on holidays. He mows his own grass, and he can fix anything. He goes to church on Sunday, and he takes Mom out to eat almost every Friday night.

On Memorial Day, we honor those who fought and died in America's wars. We don't have to look far for courage or stories of inspiration. They are all around us from the men and women who proudly wear the uniform of a U.S. warrior.

Across the Potomac River in Arlington National Cemetery are the graves of the silent warriors who, in their youth, gave their lives for our future. Down the street from the Capitol are the World War I, the World War II, the Korean, and Vietnam Memorials. Standing in front of the World War II Memorial are the pillars from each of our States and Territories. On the back wall, there appears to be a large bronze plate. Mr. Speaker, it is not a bronze plate at all but it's 4,000 bronze stars. Each star represents 100 Americans, mostly teenagers, killed in the great World War II. Four hundred thousand Americans, many still buried in the fields of Europe where they gave their lives for the rest of us.

Without the sacrifices of the Greatest Generation, America would not be the amazing country of liberty it is today. My hero, my dad, is one of the charter members of the Greatest Generation.

This Memorial Day, he and his fellow veterans at the local American Legion hall will be marching in a parade somewhere in Texas. He's the best man I ever met. Virgil Poe: good man, good father, good soldier. That's plenty for one life.

And that's just the way it is.

□ 2145

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REAFFIRMING SUPPORT OF THE HOUSE FOR LEBANON UNDER PRIME MINISTER FOUAD SINIORA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, as the representative of thousands of proud Lebanese Americans in Connecticut's Fifth Congressional District, I rise tonight in strong support of the democratically elected government of Lebanon and to condemn the recent violence perpetrated against the people of Lebanon by the terrorist group Hezbollah.

Lebanon is a vital ally in a region where we need all the allies that we can get. It is a vibrant society composed and defined by its diversity of religious and ethnic backgrounds. A culturally rich Nation renowned for its tolerance and democratic values, Lebanon stands at the crossroads of Arab tradition and Western culture.

Yes, Lebanon has struggled with the proxy wars fought inside its borders by powerful neighboring nations, but with the strong support of the United States, the strong independence and vibrant democratic tradition of Lebanon can and will continue.

Yesterday, this House considered H.R. 1149, which reaffirmed the support of this House for the democratically elected government of Lebanon, led by the governing March 14 coalition. This resolution was necessary because that government has recently come under vicious attack by Hezbollah-led opposition fighters, an outbreak of violence that has brought that country to the brink of civil war.

In response to legitimate actions by the government to protect the security of its own citizens, Hezbollah instigated riots, blocked roads, forcibly shut down media stations, and attacked the residences of prominent members of the ruling coalition. During the course of this violence, Mr. Speaker, more than 69 Lebanese citizens were killed and more than 250 were wounded.

These actions blatantly violated the commitments made by Hezbollah leader Hassan Nasrallah, who has always maintained that Hezbollah exists solely to defend Lebanon against Israel, and that its members would never take arms up against other Lebanese. That pretense is now clearly shown to the entire world to be false, as we have known it was for a very long time. Indeed, Hezbollah's primary purpose seems to be to act as the agent of Iran and Syria, which continue arming the terrorist group in order to maintain a presence in Lebanon and a military front on Israel's northern border.

This brief, but bloody, period of fighting was the worst violence Lebanon has seen since the civil war that engulfed that Nation from 1975 to 1990. It demonstrated the military strength of Hezbollah's militias, and it threatened the free media, religious tolerance, and cultural diversity that make Lebanon such an important ally of the United States. The streets of Beirut are now relatively calm, but Lebanon will remain under threat until that government becomes truly independent from foreign influence.

It has been more than 3 years since the Cedar Revolution, when the people of Lebanon took to the streets and demanded an end to Syria's occupation of that country. Unfortunately, while Syrian troops have withdrawn, its government has continued to undermine Lebanon's vibrant but fragile democracy. They do this by allowing weapons shipments to pass over their territory into Lebanon and by continuing to disrupt internal Lebanese politics.

The boiling over of tensions that have been building for months has brought the world's attention to the challenges facing Lebanon, and we must capitalize on that focus.

Last night, the government and opposition leaders concluded talks in Doha, Qatar, finally reaching an agreement that will allow for the formation of a government and the election of Michel Suleiman as President, probably as soon as this Sunday. This is a welcome development and one that bodes well for the future of Lebanon.

But a number of issues still remain unaddressed. These include the status of Hezbollah's weapons, the future of Lebanon's electoral law, and the long overdue investigation into the murder of former Prime Minister Hariri.

The Lebanese people have found a way to live side by side with all of their differences for years and years, and I for one believe that it is in the United States' best interest to do all that we can to use yesterday's political breakthrough to press for the total elimination of undue outside influence on the Lebanese government and Lebanese society.

As political negotiations move forward in Lebanon, the United States, its Arab allies, and the European Union must provide the Lebanese government with the economic, military and political support it needs. We have seen the difficulty of promoting new democracies in the Middle East; however, in Lebanon, we have the opportunity to preserve one. A window of opportunity has opened, Mr. Speaker. The United States must now work diligently and quickly with Lebanon and her allies to assure that the moment is seized.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 21, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,903 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,903 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 21, 2008, 12,903 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

(Mr. LANGEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

(Mr. WELLER of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. BARRETT) is recognized for 5 minutes.

(Mr. BARRETT of South Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

(Mr. TANCREDO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CALVERT) is recognized for 5 minutes.

(Mr. CALVERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ENERGY PRICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, let the record show that on Wednesday, May 21, oil hit $137 a barrel and closed at about $134. Natural gas has pushed by $11.50 per thousand and is approaching $12.

Yes, this chart I have shows the growth in energy costs. Price of oil continues to skyrocket. I guess the part that's surprising is, as a 12-year Member of this body, that it's not a crisis here. This Congress is not treating energy prices as if it was a crisis.

I was looking at my notes before I came down from an October time when I came down to the floor, and we talked then, as we were kind of climbing through the eighties, and that day we had hit $94 a barrel. And we all shuddered that we might be approaching $100, and here we are a few months later, not only past $100, but at $134 and actually hit $137 today.

Do we have a bipartisan task force by the House and Senate that would look at how we deal with this energy crisis and how we deal with these high prices that American consumers are struggling with? The answer is no. Do we have a special House committee looking for solutions? The answer is no.

Yesterday, the House had a bill. It was defined and named to cut costs, cut gas costs. Will it? Well, the first part of the bill dealt with trying to figure out a legal way that we can sue the OPEC countries for not producing enough oil. Now, Saudi Arabia alone produces 12 million barrels a day, and many of the other countries, 10, 9, 7, but we think they should produce more.

It's interesting, on this floor a few months ago, when we had some energy bills pass that didn't have any energy in them, we claimed that it was a new era. The era of oil was over. We were moving into the fields, the new fields, and energy dependence on foreign countries would disappear.

I've been in Congress 12 years. We've increased dependency almost 2 percent a year every year I've been here, and we're on a pattern that by 2015, if we don't change, we'll be 85 percent dependent on foreign, mostly dictatorship, unstable countries, not always friendly to us.

I think that's a serious crisis for the American people. It's a serious crisis for American businesses to compete. It's a serious crisis to our defense of this country.

I wish our governmental leaders, White House and legislative included, were half as interested in energy prices as our military was. Because when I talk to the leaders of the Air Force specifically, who use a huge amount of our energy flying our planes, they want 60 percent of their energy to be nonforeign, and they're working judiciously to do other fuels from coal and fuels from gas and trying to have other non-oil fuels because in oil we're just becoming majorly foreign dependent.

Today, the Senate determined that when they return after the May recess, they're going to deal in the week or two period with climate change. They're going to deal with carbon taxes because they think that a one-and-a-half percentage degree in temperature increase in this country, in this world, is a greater threat to our future than energy prices that most Americans can't afford, and most businesses can't compete in the global economy if they continue.

But the Senate is not talking about energy. They're talking about a climate bill and a carbon tax which will increase energy prices 25 to 30 percent. Much of America today hit $4 in gasoline. That means if the Senate acts as they say they're going to, a carbon tax

could easily, everybody agrees, could increase energy prices 20 to 30 percent. So 25 percent of $4 is another dollar so we would go to $5 gasoline. And only God knows what oil prices will be by the time they accomplish that.

Does America need to be in an energy crisis? I think not. We made a decision several decades ago, in fact 27 years ago, a very foolish decision. We locked up offshore production of energy on both coasts and in much of the gulf. Every country in the world, Ireland, Norway, Sweden, Great Britain, New Zealand, Australia, all green countries, all environmentally sensitive countries, they all produce offshore. They have different set-asides, some 20 miles, some 30 miles, some 15 miles. Eleven miles is the sight line. Once it's past 11 miles, nobody can see it. All those countries, every country produces.

Canada, thank God for Canada. We import more energy from Canada than anybody else, our friend to the north. They produce both oil and gas right off the coast of Maine, just above it, and right above the coast of Washington. And since 1913, they've been producing natural gas only in the Great Lakes, and today they're selling it to us. We get 15 percent of our natural gas from Canada, 2 percent from LNG, and the rest we produce ourselves. We could be totally self-sufficient in natural gas.

Now, a young lady said to me recently, she said, Mr. PETERSON, I make $320 a week. I lost my other job so I have to travel a fair distance now to work. I'm now paying $130 a week to drive to work. She says, I don't know how I can continue to raise my two children and make ends meet.

What she didn't know was that the small house she has, her current natural gas bill, on a monthly basis, $175—she pays balanced billing—what she doesn't know is that the $12 gas or $11.70 today we're putting in the ground now compares to $6.50 gas we were putting in the ground—and you may say, what do you mean putting in the ground? Well, we have great storage caverns, much of them in my district in Pennsylvania, where we store natural gas in old salt caverns, and then we use it in the wintertime because we can't produce, we can't pump enough out of the ground in the heating season when we use tremendous amounts of natural gas. So we're putting it in the ground in storage today.

Now, one of the major storage companies told me last week at a luncheon, they're very concerned; they have not had their storage this low in a long time, and they're very concerned because they've been unable to buy as much LNG as they want.

□ 2200

And they're very concerned. I said, why are you putting $11.50 gas in the ground? Why don't you wait until the price comes down? They said, we're afraid the price isn't going to come down. Because usually in the spring of the season, when we're not heating our homes and we're not running a lot of air conditioning, we use the least natural gas of any other time of the year. So that's when we have ample supply, the price comes down, it gets reasonable, and that's when we put it in storage for next winter.

Later year at this time, it was $6.50, later in the summer it was $5 something. And last year we had a moderate increase in natural gas prices, about 7, 8, 9, 10 percent, depending on what part of the country you were in. That was moderate. Well, those who heated with home heating oil and propane had huge increases last year. And the sad story for Americans is those who heat with propane and home heating fuel are going to have enormous increases this year on top of last year's increases. And those who heat with natural gas are going to have a major increase. We don't know how much yet.

For the first time in 2 years we have not had a storm in the Gulf, the last two summers. That's historic. We always have storms in the Gulf, hurricanes, that disrupt oil and gas supply. And when it disrupts that supply, we never replace it, so it just takes it out of the system. And whenever we have a major storm in the Gulf—when Katrina hit, gas went from, like, $4 or $5 to $14. And that year we had a huge increase in natural gas prices because that's what we had to pay.

Now, the LNG issue I mentioned, you know, I had a debate with the White House some time ago, and they felt that LNG was our answer to natural gas. I argued then, 3 years ago, and I argue now, it's not the answer. It's a little piece of the solution. Now, what is LNG? That's liquefied natural gas, we buy it from foreign countries a long ways from here. Gas is cheaper in those countries. They liquefy it. They fill these huge tankers and they come here, and then we build controversial unloading stations. They're really not unsafe, but people perceive them to be. And we were in a flurry to build more receiving stations. We found out we really haven't needed them, we're hardly using half of the capacity we have today. Why? Because we can't buy it.

When a tanker with LNG gets loaded in one of these foreign countries, countries like Japan, who don't have any gas of their own, little countries like Spain, and on and on the list goes, they outbid us. Sometimes a tanker load of gas will be coming to the States, and they will get a higher price offered and they actually turn around and go to that country. In fact, in the heating season, when we need it, we can't buy it on a bet.

So LNG has not been the silver bullet that many thought. And the Secretary of Energy went around the world trying to entice LNG for this country. And I argued that LNG is helpful, but it's not a silver bullet, it shouldn't be our solution because, folks, between major gas areas in the Midwest and in the Pennsylvania Appalachian region, recent find, offshore we have an abundant volume of natural gas.

And natural gas is the clean, green fuel. And if it was more affordable, we could be using it in our auto fleets because autos can run on natural gas with a couple thousand dollar exchange of carbonation and storage tanks and so forth, maybe $2,000 or $3,000 a vehicle. We could run all of our school buses, short haul, all of our city buses, the Washington City. Many of them are on natural gas. State College in my district has been an all natural gas district for a number of years now. All of their bus system—it's the third largest bus system in Pennsylvania—they're all on clean, green natural gas.

Natural gas should be our bridge fuel. But at $12 now, and if we have a storm in the Gulf, it would be 15 or more, those prices, it's not our solution. But it could be our solution if we would open up the OCS, if we would open up Alaska, if we would open up much of the Midwest and start producing our own clean natural gas.

I have found it astounding that there is resistance to producing energy in America. What's really happened in America, and I'll just go a little bit more on natural gas here. Here is the natural gas prices. The blue line is what commercial pays—they pay a little less than households because they use high volume—and the red line is where residents are. And folks, this is today's price at the retail. In the fall, it's going to be off of this chart. There is going to be a huge increase, I predict, and everybody agrees. We will have to make a new chart because this chart won't work. Natural gas prices.

Now, is that problematic? Yeah, it's problematic, because not only do we use natural gas to heat our homes and to run our businesses, we use it as an ingredient. Fertilizer, about 70 to 90 percent of the cost of making it is natural gas because that's what we make it out of. The corn we're growing for ethanol uses natural gas to make the fertilizer to grow the corn. If we go to a hydrogen vehicle, we will use a natural gas.

The ethanol we use in vehicles today, the biofuels, biodiesel, those plants consume huge amounts of natural gas. One was just proposed in a southern State, and their projected natural gas costs for the first year was $3.5 million and they were looking for a cheaper fuel. Natural gas is the major ingredient in petrochemicals, polymers, plastics. We use it to bend steel, melt steel. We use it to treat all kinds of products. We use it to cook. We use it to bake. We use it in many, many commercial ways.

And natural gas prices are making American businesses noncompetitive. Dow Chemical, in 2002, a petrochemical company, the biggest in the world, American company, a good company, they used $8 billion of natural gas in 2002. Then we had the big spike in gas prices. In 2006, their gas bill went to $22 billion. And I don't know what it is

today, certainly much higher. They started building their plants. These are the best blue-collar jobs left in America, petrochemical plants, fertilizer plants, polymer and plastic plants, plants that heat, treat steel and bend metal and shape things. They all use natural gas as their fuel.

And they are being endangered because natural gas is not a world price. Nobody in the world pays this price but us. It's cheaper in Canada, a little bit. They're high because of us, because they're kind of hooked at the hip. It's cheaper in Mexico. At the wholesale side, it's $1 something in Trinidad, South America. In Russia, it's just barely over one dollar.

Many parts of the world—all parts of the world, in those countries, China and India, our competitors, their natural gas prices are probably a third of ours. That puts our companies at a huge disadvantage, not just labor disadvantage, not just because of other high costs in this country, energy costs have driven more jobs out of America than any other issue, not that they wanted to leave, they just can't afford to stay.

Now, with energy prices today, I talked about the young lady and her job, driving to work and her home, we're going to have seniors—you know, just the other day I had a gentleman tell me he put a new furnace in his mother's home. But when he went to visit her last winter, she had her temperature at 58 because she felt that was all she could afford. And he said, John, what do I do? I don't want my mother living at 58 degrees, I want her to be warm. So he's looking at some sort of heater in the one room where she sits in the evening so she can be toasty warm, maybe a pellet stove or a gas stove or something that keeps that room warm but the furnace down, not heating the whole house.

I went into a hardware store 2 weeks ago and they had their coats on. It was chilly in there. It was a frosty morning, we had frost that morning. And I said, it's kind of chilly in here. And he said, well, with energy prices today, in the spring and the fall I shut my furnaces off. We're a lumber yard, we're a hardware store, people come in here dressed for the outside temperature, and so we just dress for the outside temperature in our work. It saves me $800 a month in the spring and the fall, that's 4 months, so that's $3,200 that I don't have a gas bill—that I would pay in a gas bill, $800. Now, in the winter I pay a lot more than that, but it's cold then and you have to have heat, pipes will freeze, people won't come in your store if they can see their breath.

Folks, I don't think we have any idea what we're doing to the economic future of America, what we're doing to the quality of life of the average hard-working poor American. Now, those who are middle class will complain and groan and they'll pay because they have the money.

But below the middle class and the working class and the poor in this country, when they pay their driving bill—and rural people, I represent rural, we don't have mass transit; we drive to school, we drive to work, we drive to church, we drive to the doctor, we drive to the mall, we drive everywhere. And in rural areas, when the economy shifts and you lose your job at a plant, you don't move away, you go 50 miles down the road and you get a job and then you drive to work every day. I had a lady tell me today, my gas bill per week now is $180 a week. And now when she gets her heating bill next winter, will she have enough money to raise her family, heat her home, and drive her car? Many won't.

The current energy prices have the potential of stalling this economy. I had a person who has been dealing with energy all his life. He is a government official. He told me about 9 months ago that he thought $75 oil would put us in a recession and stall the economy of this country, and in time, the world. Now he said we bounced through that. We were just by that, and we were in the $80s then. He said, my people and I may have been wrong, but there is a price that our economy cannot absorb these energy prices. And folks, $134 oil? I mean, it's almost like we're talking fantasy.

How did we get here? How did we get to this situation? Well, here's some of the things—back to natural gas for a minute. In all of these products, natural gas is used in making them—steam, power, and all of these blocks. Huge amounts of natural gas. Even the skin creams that you ladies like to keep your skin soft, that's a direct ingredient of natural gas. The feedstock for making skin softeners is natural gas.

Well, here's where we are in energy use. Let's try to figure out how we got here. You can see the big part of our energy is oil. And now, 66.5 percent of our oil comes from foreign countries. Natural gas is the next largest, and coal—well, I guess coal would be the next, but let's go to natural gas. We're 83 percent self-sufficient. We get 2 percent in fraction from LNG and about 15 percent from Canada, our good friend in the north who drills offshore where we won't.

Now, coal basically is used in this country to make electricity, and about 50 percent of our electricity in this country is made from coal. Now, nuclear has been 20 percent of the energy in our electric system, not our energy overall, but our electric system. And of course the beige line here is hydro, and that's getting smaller because we're taking dams out. The environmentalists don't want dams. All the environmental community, they don't want dams in our rivers, and a lot of them have been tore out. And we're not adding hydro anywhere, so it's a declining factor.

Now, as you look at renewables, this is scary. Renewables are wind and solar and geothermal and woody biomass. And the only one of those that actually had real measurable growth in volume is woody biomass. A little growth in wind and a little growth in solar, but the big one that has really grown measurably is woody biomass. How did that happen? Well, we have between 800,000 and 1 million Americans heating their homes with pellet stoves. That's a fuel made out of waste sawdust, a good use of biomass. We use it to heat factories. Most of the dry kilns, where you dry your lumber, that used to be heated with fuel oil and natural gas are now heated with wood waste. Many factories that are in the wood business are all heated with wood waste boilers.

I have a company in my district now that builds very efficient wood waste boilers that actually burn wood waste cleaner than natural gas; it's an amazing ceramic-lined boiler. We recently placed those in a hospital in my district, that boiler, and that hospital is going to save 70 percent on their energy bill. And they're going to be using waste sawdust and wood chips. They can even burn green wood chips, like if a tree trimmer comes through and trims the trees and grinds it up—and they usually find places to dump that—they can now blow that into a tractor trailer and use it for fuel, cardboard waste, paper waste. This hospital is going to burn all its cardboard, all its paper, all its clean fuel, and buy sawdust and wood chips. They are going to save 70 percent on their energy bill.

Woody biomass is finding a market of its own. Now, there have been a lot of windmills added, and they are going to be a lot more added. But the numbers are still, you know—I keep reading articles. I read one recently that in just a few years 100 percent of electricity could be from wind. Folks, that's just not accurate. I read an article last week that in a few years we'll have 20 percent of our electricity. Now, one of the problems, you know, the grid failed in Texas recently because they have some successful windmills. But there are two times of the day when we need a lot of energy, that's in the morning and evening, peak power. That's when we're running our homes and our factories simultaneously. We're running washers and dryers and we're running hot water and we're cooking and we're doing things, so we're using a lot of energy in the factory and at home. Those are called peaks.

□ 2215

Well, from 4 to 6 o'clock, if you just watch the weather, and I've watched it, you can have a very windy day, and between 4 and 6, for some reason, the wind calms down. There's not much breeze. So wind farms don't produce a lot of energy sometimes on a nonwindy afternoon from 4 to 6 when you need it. So what happens when it doesn't blow and it doesn't turn? You have to turn on a gas generator. For every wind and solar generator, we have to have a gas backup. Now, gas is 23 percent. Gas is now 23 percent of our electric generation. Just a decade ago, it was less

than 7. We only allowed it to be peak power. We didn't allow electricity to be made from natural gas. We thought it was too clean and perfect to fuel and there were too many other uses for it, but we've changed. Now we are at 23 percent. And on a hot summer day when you have 100 degree temperatures across America and air conditioning is just sucking up all the electricity we can produce and our grid is struggling to stay up, every power plant that only comes on when it's peak is running 24/7 when we have hot summer weather. Now, that's changed things. We have never taken gas out of storage in the summertime until last year. Last year we had 2 weeks, 2 different weeks, when it was hot enough that we were producing enough electricity with natural gas that we fully had a negative flow of gas out of our storage areas for winter instead of in.

Folks, if we were to have a terrible storm in the this year, and everybody says we're going to, and we went 2 years without it, and we would have a very hot summer where we would use a lot of peak power and a lot of natural gas for electric generation, we could be looking at unbelievable natural gas prices this fall.

Now, I know the news I'm giving you is all bad news. But, folks, it's because this Congress and three Presidents have chosen not to produce fossil fuels.

Now, I'm for every renewable source there is. I'm for hydrogen. I have been pushing hydrogen my whole time in Congress. We hope it becomes a fuel of the future. I'm for wind and solar. I'm for cellulosic ethanol because it's vital because I don't think we can get to where they want to be with biofuels with soybeans and corn. I don't think we can grow enough of it. I've been stunned that we haven't opened up a lot more farmland, but we haven't. Last year we grew 20 million more acres of corn, and corn prices went from 3 something a bushel to $6.40 and $6.50 at one point. It's just under $6 now. We doubled and tripled grain prices. Food prices are skyrocketing because we used 20 percent of our corn last year to make biofuels, and this year we're projecting to use a third of our corn, and this year we are not growing 20 million acres more; I think we are only growing 8 million acres more or we're growing 8 million acres less. Somewhere in there that number is correct. But we're not going to grow as much corn, and they're concerned now with the wet weather in the West that we are not going to get all the corn we need planted.

Now, when you use grain long term and food long term for energy source, what happens when you have a bad crop year? You're not going to have food to eat and you're not going to have warmth. That's why cellulosic ethanol is so important.

Now, cellulosic ethanol can be made out of switchgrass, it can be made out of garbage, and it can be made out of wood waste. Where I come from, we have lots of wood waste, and I think that will be of use. But I think the one that has the most potential if in the laboratory—and these are all ''ifs.'' But yet we have a mandate by 2030 that we have to have 36.5 billion gallons per year of ethanol, the first 15 made from corn and the next 20 made from cellulosic. This is a mandate, by law. This is a process where we have not yet proven we can make it cost effectively.

Folks, we are in a crisis in this country because we have chosen not to drill for gas, not to drill for oil, no new fields. We have people come up here and talk about all the unused permits, all the land that's been leased and not drilled. Folks, if it's drillable and there's money there to be made, it will be drilled. And they all talk about big oil, but 80 percent of our energy is produced by small companies, people that are in our own States. Big oil are the named marketers, but energy is basically produced by independents. But we keep talking about these terrible oil companies and they're the problem.

I think Exxon answered the question well. They were talking about their profits the other day, and they said, Folks, we would reinvest in America if offshore was open, if Alaska was open, if the Midwest was open, but you forced us to go to foreign countries. Now we have foreign countries nationalizing their oil patches and their oil refineries and their oil production systems, and big oil is being gradually pushed out, and oftentimes their investments have been captured. Sometimes they have been paid for, sometimes not. And big oil is prepared to produce here if we open up.

Folks, we need to open up oil and gas reserves in this country. We need to have six or eight coal-to-liquid plants so we're not dependent on oil forever because we are the Saudi Arabia of coal. We need to figure out how to have more nuclear plants. The 2005 bill streamlined the process, and there are about 50 nuclear plants in the permit process, and there are 3 or 4 about ready to be built. We need all 50 of them by 2030 to maintain 20 percent of the electric grid. Not an increase. Hydro will continue to decrease.

This is a chart put out by EIA of the Energy Department. I disagree with them. We have had 60 coal plants turned down, clean coal, not dirty coal, clean coal, turned down by States because of the fear of the carbon issue. All of those will be built in gas plants, and when they are all built in gas plants, you will see this blue narrow and you will see the greens widen. Natural gas is where we will be going. It's the only place we can go. It's the clean, green fuel. But, folks, for it to be affordable, we need to produce a whole lot more of it.

It's never polluted a beach. It's never caused pollution in this country. It's the cleanest fuel, no NO_X, no SO_X, a third of the CO_2. It's almost the perfect fuel. It's cleaner than biofuels. But for some reason, three Presidents and Congress for 27 years have locked up not only our shorelines but much of the middle of this country and the part of Alaska that was set aside for energy production, 2,000 acres on a 70 million acre plot to produce energy. With modern drilling they drill multiple wells on the same site, and they go many directions. You don't have nearly as many sites.

Folks, America needs energy. We need energy we can afford to pay. The working people of this country not only are not going to be able to afford to heat their homes and drive their cars, but many of them will lose their jobs because these energy prices, as I showed you earlier, $14 gas, America is the only place that someone pays $14 for gas. Every other part of the world is cheaper. Oil prices are the same everywhere. It's a world price. But for 8 years the Dow Chemicals, the manufacturers, the fertilizer companies have paid the highest prices in the world for natural gas and have been asked to compete with the rest of the world.

Energy is a crisis in America, but Congress treats it like it's not a crisis. We do goofy things like trying to sue OPEC, and we know we don't have standing to sue other countries. They don't come under our court system. We're trying to wiggle our laws around so we can sue them. That's a waste of time. We need to produce energy.

Also, I have a natural gas bill, the Outer Continental Shelf. In my bill it's natural gas only, offshore. We use the royalties for renewable research. We use royalties to clean up the Chesapeake Bay. We use royalties to clean up the Great Lakes, San Francisco Bay, the Everglades. Folks, if we would produce energy offshore, we can allocate the royalties to fund the renewables.

Today we were arguing over and fighting over the extensions for the tax incentives for wind and solar and geothermal and all the renewables. We extended them for 1 year. Our investment companies are going to spend a billion dollars on wind and solar when in a year from now, there may not be that incentive there that makes it work.

Folks, this Congress has failed us. This Congress continues to fail us. This Congress needs an energy policy. This White House needs an energy policy. And the people running for President of this United States need to prove to the Americans before they elect them that they have an energy policy that they're going to bring to this country to provide us with the gas and the oil and the renewables and clean energies and it's going to be affordable for Americans to live their lives, run their farms, run their businesses.

Folks, I've listened to hours and hours of presidential debates. Energy was seldom mentioned, and it's certainly not been a platform of the current candidates. We need a person running for President, Americans need to demand of those running for President, ''How are you going to produce?''

We have those who talk about green collar jobs. I'm for green collar jobs. But let me tell you, if we don't bring affordable energy to America, the blue collar jobs won't be here. They'll be gone, and we don't know how many of the green collar jobs. We need them both.

I'm for plants to build windmills. I'm for plants to build solar. And when we learn how to store wind and solar so that we can make it during the night when we don't need it and use it in the daytime when we need it, then it will work. But until we do that, it's on the margins. If we double wind and solar in 5 years, it will be less than 1 percent of our energy. I hope we can do that, but that's still not very much energy.

But the American public have been led to believe that we are holding renewables back, that we're not for these energy-efficient cars. There are incentives, folks, of thousands of dollars to buy energy-efficient cars. There are incentives to do wind and solar. Unfortunately, they're not long term. Those who are investing are gambling because we just renewed them a little bit at a time. We just renewed them for a year. Folks, we need to renew them for 5 to 10 years. We need to have it out there, and then if it isn't working, we stop doing that.

But, folks, there are those who say we need to conserve, and we do, and we will at these prices. But let me tell you that in a later speech sometime I'm going to show you the American people are using far less energy in America per capita today than we did a few years ago. We've done more than people give us credit for. We have more efficient appliances and more efficient engines and things than we had many years ago. We have done better than any other country in overall energy conservation. Folks, we haven't done enough, but I want to tell you $4 gasoline or $5 gasoline and $14 gas to heat our homes are going to force us to do a lot of things.

But America doesn't have to be in this situation. Yes, we need the new kind of fuels, renewable fuels. But until they are ready, we can't decide, as a Congress and a White House, that we're not going to produce.

Let me just tell you who some of the perpetrators are. The environmental groups of America own this Congress. Sierra Club rails against shale oil production. Over a trillion barrels of shale oil in the West. We can't do that.

Green Peace says we must phase out fossil fuels. Folks, how do we do that? Ninety-six percent of our energy is fossil fuels. How do we stop that? That's what we're doing. We're phasing them out before we have the replacement.

The Environmental Defense Fund: ''Power plants and smokestacks are our public health enemy number one, and we must do away with them.'' That's our jobs, our factories, folks.

□ 2230

League of Conservation Voters; coal to liquids, wrong direction. Well, should we do coal to liquids or should we do more foreign dependence on the Mid East? That is our choice.

Defenders of Wilderness; every coastal State is in harm's way when an oil rig goes up. Folks, that is not true. We haven't had an oil spill since 1969. We have never had a gas spill. When a gas well lets gas out, it goes in the air. Dissipates. Natural Resource Defense Council; coal mining destroys land. Coal plant emissions cripple and kill. We have clean coal technologies with much cleaner emissions than we have ever had, but we are turning them down and not building them. We are using old dirty coal plants because they can't build the new ones. That's our environmental policy.

Center for Biological Diversity; oil and gas drilling on public land has a devastating impact. Does it have to? It can be done right. Friends of the Earth; liquid coal is dirty and costly. Liquid coal doesn't have to be dirty and costly. We have ways of doing it.

North Africa, or South Africa, I guess, is leading the way with liquid coal. That is making gasoline and diesel out of coal. And we have lots of it. We need to be working at it and learning how to do it cleanly so we are not dependent. Folks, we are 66 percent dependent on foreign unstable countries. We have no control over prices. A storm in the gulf and we have another major spurt in energy prices.

One of our sending countries, and here's who we get our energy from. We produce 33.7 percent of our own oil, we import 66.3 percent of our oil. Canada provides 12 percent of our oil; Mexico, 9.3; non-OPEC nations, 8.9; Ecuador, 1.3; Saudi Arabia, 9.6 percent; Venezuela, 7.5. Our friend, Venezuela, 7.5 percent of our oil comes from there. Nigeria, a stable country, questionable, 7.2; Angola 3.3 percent; Iraq 3.2; Algeria, 3.1; Kuwait, 1.2; other OPEC is .06. That is our oil. That's where we get our oil from.

Folks, we don't have to be dependent on it. America is rich in resources. Natural gas should be our bridge. Clean vehicles on natural gas. Natural gas should be the fuel of the future, and our industries shouldn't have to pay the highest price in the world for natural gas so they are forced to leave here. Americans shouldn't be forced to live in homes that are cold in the wintertime because they can't afford to heat them. People should be able to afford to drive to work.

Folks, it's a crisis in America. It should be a crisis in this Congress. Today, the White House again spoke about we need to produce more energy. Tomorrow I am going to write the President a letter. You know, if he means that, he needs to lift the Outer Continental Shelf moratorium, because we don't have one moratorium, we have a legislative one by Congress for 27 years and we have had a Presidential one for 27 years, and he can lift it in a moment. That is how it was put there.

Bush I put it there for 5 years until we assessed the Outer Continental Shelf, what was there. We have never assessed that. We have never allowed seismographic out there. Then Clinton came in and extended it to 2012, and also vetoed the Alaskan bill, ANWR, which would be producing major oil for us today. He vetoed that. Bush II has ignored it and refused to talk about the OCS.

Folks, we have three Presidents and a Congress with a 27-year history of not producing affordable available energy in America, and we are the only country in the world to lock up the Outer Continental Shelf, we are the only country in the world that has locked up most of our internal resources.

Congress and Presidents have been our problem. Congress needs to get the message that it's time to stop being our problem, and we need to have a President that leads us to energy, affordable available energy for America.

PROGRESS IN PASSING LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Thank you, Mr. Speaker. It's an honor to be before the House once again, and I think it's important that we get a chance to come to the floor and not only share with the Members the 30–Something Working Group, some of the issues that we have worked on in the past, but those issues that we will continue to focus on in the future.

With this being the ''political season'' for those Presidential candidates, there's still a lot of work to be done here in the Nation's Capital on policy issues that are facing real consideration before this House and before the Senate. One may focus on what is happening in the campaign trail. But I want to share with the Members tonight, Mr. Speaker, on what has taken place here in the Democratic House of Representatives, majority, and also how this House has worked with a number of our Republican colleagues on the other side in passing major legislation that has made it to the floor that would allow Republicans and all Members of the House to work together on issues that the American people are hoping that we can come together on.

This House has made progress in passing some 177 pieces of key legislation, more than 70 percent with a significant bipartisan vote. As it relates to the recent past of the last three terms that I have been here, we have never seen those kind of numbers before. It's important that Members on both sides of the aisle are able to come together on legislation that all of our constituents can agree on and that we can illustrate to those that are out there that are saying, Well, you know, can Democrats and Republicans work together, can Democrats put forth legislation that Republicans can vote for,

can Republicans vote for measures that Democrats bring to the floor, and I think through the leadership of the Speaker and the majority leader and also the majority whip and Democratic caucus and the vice chair and the rest of our leadership, the proof is in the pudding.

I want to say that the 177 measures that have gone through this House and the 70 percent that have passed with a significant bipartisan vote is what the American people called for, what they wanted. So many Members of the House ran on, I am going to Washington, DC to represent you, I am going to Washington, DC to make sure that you pass sensible legislation, and I am not necessarily running to be a part of the Democratic caucus or to be a part of the Republican caucus or carry a special-interest interest.

I think that when we looked at the new direction that the American people were looking for back in the 2006 elections in November, they got it. Measures that would have never made it to the House floor have made it to the House floor.

I have to speak of a number of my colleagues that were on the floor prior to our new Democratic majority back in the Republican-led Congress that said, If you give us the opportunity to lead, we will lead in a way that you will be proud and that you would feel good about the leadership that you have in the House of Representatives. We were not only—I mean we weren't speaking to just independents, we weren't even speaking to just Democrats. We were speaking to all Americans, including Republicans and those that could not even vote yet, that they would have a voice on this floor, that they would have an opportunity to see a majority that would allow legislation to come to the floor that would change their lives.

I also would like to say out of the 177 key measures that were passed, 125 of those measures had the support of more than 50 Republicans in this House.

Now, Mr. Speaker, you're a part of our new majority makers that are here. I think that it's important that we reflect on the past so we can see what the future is going to be about. I see a bright future in this House, you see a bright future in this Congress, and I think if the American people engage themselves as Americans and not as Democrats or Republicans or independents or Green party, or what have you, saying that they are looking for a House that would provide the kind of opportunities that they deserve for a Congress, for a government, provide the opportunity that they deserve, and they can find faith in what the 30–Something Working Group will share with you tonight.

These bipartisan votes that have been signed by the President include the Economic Stimulus Act, College Cost Reduction and Access Act, the 9/11 Commission Recommendations. For instance, let me put a pin right there. The 9/11 Commission recommendations was supported and was a bipartisan commission that brought about these recommendations under a Republican President, a Republican Congress, that the Republican Congress would not endorse and would not pass and the President did not support. But once this Democratic Congress allowed that legislation to come to the floor as part of our Six in 06 measure, we were able to get bipartisan support for that measure, and the President signed. So it goes to show that being in the majority does help.

Also, the Innovation Agenda bill, the Lobbying and Ethics Reform, minimum wage, a bill for improving and expanding Head Start, and historic energy independence and security bill that reduced dependency on foreign oil, I think it's very, very important that we focus on those issues.

Now, Mr. Speaker, I think it's important that we look at the future because we have so many issues that are before us even before we finish this 110th Congress. We have to start to focus not only on how we are going to find ourselves bringing our men and women home, and there was a vote last week that was very historic. Never before since I have been here in this House that the House has voted in the majority to not continue to fund the failed policies of the Bush administration as relates to the war in Iraq.

I also think that it's important that as we continue to consider how we are going to approach on an emergency supplemental, approach the emergency supplemental that the President has asked for to continue to fund the war in Iraq, that if I could put it this way on Navy terms, If we shoot a shot over the bow of those individuals that are in Iraq, what I may call the Iraqi parliament, and let them know that the United States of America will not continue to give a blank check to the fact that they have not made the political reforms that they need to make so that the U.S. taxpayer dollar will be spent in an appropriate way to enable the Iraqi government to stand up on their own feet so that we are able to provide the necessary resources to our constituents here in our country and here in our districts.

I also think that it's important, Mr. Speaker, as we start to look at these issues, we look at the largest increase in veteran funding in the history of the Veterans Affairs Department, preparing for our men and women to come back so they can receive the kind of assistance that they deserve because they allow us to salute one flag.

I think it's also important, Mr. Speaker, and also for the Members who realize that even though we may disagree on a number of issues, and they are a number of issues that we disagree on, we can, if you ever heard this, agree to disagree.

□ 2245

But when it comes down to the votes here on this House floor for our folks back home, I think it is important that we hold their hopes and their dreams paramount in that debate. And because of the kind of leadership that we have within our caucus, some 177 key votes, 125 of those votes receiving over 50 percent Republican support, it goes to show you or show the American people and also Members of Congress how we can come together on behalf of the greater good.

I know that Mr. MURPHY has joined us, and I want to yield some time to him so that he can share as not only a new Majority Maker, but also as a member of the majority, as we look at the future, as we look at bipartisanship that we speak so highly of, that we should reflect on what Mr. RYAN and I said when we first started working on 30-Something some 6 years ago, that bipartisanship can only happen when the majority allows it to happen.

I think the evidence, the evidence of not only the CONGRESSIONAL RECORD, but the evidence of our words that we have laid on the CONGRESSIONAL RECORD over the years, is that we hold paramount bipartisanship, that we hold opportunity, that we hold inclusion. So if it is someone, an American somewhere in a super-Republican district saying do I have a voice in Congress, will the Democratic majority allow my voice to be heard, will the values of my community be heard in Congress and will it be allowed to pass the House of Representatives and the Senate, I think the proof is in the pudding.

I am hoping on the 30-Something website we can have this information placed on that website, so that Americans can go and check the record for themselves.

One thing I take great pride in personally, Members, is that the 30-Something Working Group, we go through a lot of research and the members of our group believe in fact versus fiction. We bring fact to the House floor. We do not bring fiction. That is what the American people are calling for.

Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you very much, Mr. MEEK. The honor is also to be part of the 30-Something Working Group and to get to spend the precious moments on the floor with you and Mr. RYAN, Ms. WASSERMAN SCHULTZ and Mr. ALTMIRE and others who can't be here this evening.

As you noted, I am a new Member of Congress. I came from the Connecticut State legislature. I came here with some degree of trepidation, because coming from the Connecticut State legislature, a place in which partisanship has its day, but certainly is not the rule, the reputation of this place, at least under the last 12 years of Republican rule, struck fear into the hearts of a lot of new Members, because we came from experiences, at least those of us who came from experiences in the State legislature, where

the rule was that we reached out and worked across the aisle. The rule was that to get anything done, you needed to have Republican and Democratic support.

The reason that in Connecticut the State legislature enjoys a level of support and approval that the United States Congress has not traditionally had is in part because on the most important stuff, in Connecticut we found a way to do that.

I was the chair of the Public Health Committee for several years in the Connecticut legislature and we passed the Nation's first stem cell investment law. We did it with a Republican Governor. We did it on a bill that was introduced by a Republican senator and a Republican member of the House, even though Democrats had near veto-proof majorities in both chambers. We did it with Republicans and Democrats. Frankly, it didn't matter what the letter was after your name, R or D. It was the right thing to do. So I came down here as a member of the new Democratic majority wondering whether there was going to be a chance for that same type of cooperation.

As you pointed out, Mr. MEEK, we saw it immediately in those first 100 hours. In the agenda we put forth on energy, on the minimum wage, on student loans, on ethics, we had Republicans and Democrats standing together.

Now, that hasn't happened every day here on the House floor, and the times it doesn't are the moments in which CNN and MSNBC and the talk show pundits jump on it. But, really, when you talk about the big things that have passed here, you have seen this House coming together. You saw it on the farm bill most recently, and you saw it today.

For anyone that was lucky enough to be here on the House floor, Mr. MEEK, maybe you mentioned it, to see the debate on the defense authorization bill, it was a pretty remarkable bipartisan affair. In fact, the bill is named after the Republican ranking member of the Armed Services Committee, Mr. HUNTER, probably something that average voters out there who hear about the conflict that happens in this House every day wouldn't have expected. But there is, I hope, a growing spirit here on the House floor that we can cross the aisle that literally exists here on the House floor in order to pass important things.

But we need more of it. We need more of it because the most important issues for our constituents can't happen unless we have the votes here all too often to overcome the President's veto. We did that today with an incredibly important farm bill that begins the process of transferring unjustifiable subsidies for American farmers and turns them around to funding for conservation programs and nutrition programs. We are going to stand up to the President when it comes to sensible farm policy. But we need more of that.

When it comes to the GI Bill, which is this Congress' landmark effort to once again recommit ourselves to a notion that this Nation stood upon in the wake of World War II, that every returning GI from the field of battle should have access to a quality education in a school of their choosing in their State, we have withdrawn from that commitment since World War II, and this House and our compatriots in the Senate are attempting to make that commitment once again.

The funding for returning GIs has withered to the point that that commitment no longer exists. If you want to come back and you can go to school, maybe you will get a little bit of help, but you are still going to have to pay a significant amount of money, and you are probably going to have to do it part-time, because there has been historically not enough money for living expenses for those GIs.

We think if we are going to ask you to be a full-time warrior for this country in Iraq or Afghanistan, we should allow you to be a full-time student when you come back to the United States. We should be able to pay your way to the most expensive State college in your State, but we should also give you a stipend in order to make that journey through college education full time. If we are asking men and women to fight and die for us, to sustain injuries that change their lives on the field of battle, we should support them when they come home by providing them with educational benefits.

But we don't have the votes here on the House floor today to override that presidential veto, Mr. MEEK. So we need more of that bipartisan cooperation that we have seen. Democrats are willing to stand up for returning veterans to give them a new GI Bill. We stood in lockstep as the majority party here last week to do that. We had 30 or 40-some odd of our Republican colleagues join us in that effort, but that is not enough to get past the threatened presidential veto.

I can't explain to you why the President doesn't think it is the right thing to do, to stand up for our GIs when they come back home. He has stretched our militarily to the breaking point, and he is not willing to sustain them when they come back to the United States.

We clearly believe that one of the most important things that we can do in this Congress between now and the adjournment is pass that GI Bill and recruit enough of our colleagues on the Republican side so that we can overturn that veto. We have shown that we can do it. We did it on the farm bill. We have done it before.

We have also shown that we can go out and make our case to the American public so that the President changes his mind. The President, if you remember, Mr. Speaker, first threatened he was going to veto the college affordability bill, which transferred subsidies for banks into subsidies for students, lowering the student loan interest rate in half from 6.8 percent to 3.4 percent. The President said he was going to veto that. But when we went out there and made the case to the American public and asked them to make the case to the President that this was the right thing to do in a tough economy for millions of students and families out there that needed a little help, he changed his mind and signed that bill.

Just recently, after making a lot of noise in opposition to our efforts to suspend deposits into the Strategic Petroleum Reserve and put that oil instead out on to the market to lower gas prices by anywhere, who knows, from 5 cents to 20 cents, a small but meaningful decrease through the suspension of deposits into the SPR, after making a lot of noise that the President was going to oppose or veto that legislation, he ended up signing it.

So when it comes to the GI Bill, we have got two tasks ahead of us. Let's try to build the bipartisan consensus that we have had here on many days in the House of Representatives. Let's try to push beyond the 30 or 40 Republican Members that have supported the bill so far so that we don't have to worry about a presidential veto. But let's go out and talk to veterans organizations, to talk to military families, to talk to our educational institutions.

Let's grow a coalition over the coming weeks and months so that the President has the opportunity to change his mind, so the President has the opportunity to stand with us on the side of returning service men and women for the educational benefits that they deserve. Just like our grandparents, our parents, got that benefit when they came back from World War II, let's do it again for the thousands upon thousands of GIs returning every month from the field of battle in Iraq and Afghanistan.

Mr. MEEK, you led off on the right note. There is an amazing amount of bipartisan cooperation happening here, but we have got to extend it to some of the most important measures that we can pass between now and the end of this historic legislative session.

Mr. MEEK of Florida. You know, Mr. MURPHY, I think it is important, and I think we can do a little back and forth here in the spirit of bipartisanship. I see one of our Republican colleagues who would like to share a few things a little later on, and we don't want to take all of the time, because we definitely want to hear from the Republican side this evening in the spirit of what we are doing here.

But I think it is important, Mr. Speaker and Mr. MURPHY, I think that as we look at what is happening now, we know that we have an historic Presidential election that is taking place. And we are still in the primary mode, but it has a general election spirit that is there. There are slogans out there, ''yes, we can,'' and ''yes, we will,'' and ''change that you deserve.''

It is interesting, because the President is still trying to play a major role.

We know that he will be commander-in-chief until January, but I think it is important, especially for some of our friends on the Republican side, that they pay very close attention to the past to understand the future.

There was a day and time when the American people were not really paying close attention to what is going on here in Washington, DC There was a time that young people who are concerned about tomorrow more than anyone else in this country were not paying attention to the likes of many of the individuals that are paying attention to politics now.

I remember one of the general demographics was 50-plus in the country. You have to make sure that you meet the needs of those individuals. But now that goes from 50-plus all the way down to 17½, where Americans can register, and then at 18 they will get their voter registration card. So we have a full kind of age range there of folks that are paying attention to what is happening here.

I remember in the early days with Mr. RYAN and I, and then when Ms. WASSERMAN SCHULTZ got here, Mr. RYAN and Ms. WASSERMAN SCHULTZ and myself, and now the Majority Makers such as yourself and others are now coming to the floor. But back in the early days we used to share with our friends on the Republican side, you have a choice to make. Either are you are going to be on the New Direction agenda and give the American people what they deserve versus the special interests, or, Mr. Speaker, those Members will be watching the Congress on C–SPAN and other television outlets that would allow them to view what we are doing here on the floor at home while we are here voting.

We are in the majority now. We have won three special elections in quote-unquote ''Republican'' districts that were seen as Republican districts. But what I believe in and what I have subscribed to is the American spirit over politics. I believe people are now looking at their families and looking at their children and looking at their grandparents and looking at themselves in the mirror and saying, am I using the power that I possess with my voter registration card towards the benefit of my family, my community, my State, my country? Am I using that to the full advantage that I have as an American citizen? Or am I voting a party, or a personality, or what is politically quote-unquote ''correct''?

□ 2300

And I think that question has come back in many of these districts and throughout the country of saying, I have to vote what is best for my children, for my parents, for my grandparents, for myself, for the fact that the economic situation is bad, for the fact that I don't have health care for so many Americans.

I have traveled this country, Mr. Speaker, on Presidential election and I have paid attention to what is going on. And every time the question is asked: How many people without health care? A super majority of the people put their hands up. Of course, I don't put my hands up because I am a Member of Congress and I have health care. But my constituents didn't say, hey, you know, KENDRICK, we are going to vote for you to be in Congress so that you can have a health care plan for you and your family. We love you that much. Don't worry about us. And they didn't vote for any of us for that reason. I don't think any Member of Congress ran for office saying, I am running to make sure that I can have health care, and then maybe you will have health care.

But for some reason, some of our friends on the other side of the aisle didn't get that message or they have forgotten the message. But I am hoping, as we start looking at these issues, that, Mr. MURPHY and Mr. Speaker and members, that more Republicans start understanding that this is not the Republican or executive committee back in their county or in their parish or whatever the case may be; that this is the U.S. Congress, and they may have been Federalized by the people in their district, Democrats, Republicans, and Independents, in a general election to come here, provide the kind of representation that they woke up early one Tuesday morning looking for.

I say all of that to say this: That if it was about politics, Mr. MURPHY, members, we would be home now. We would say nothing. We would allow the Republican minority to continue to get further and further and further in the minority. But the American spirit within our Democratic majority allows the 177 bipartisan votes, that we celebrate the 125 bipartisan votes, over 50 Republican members voting for Democratic measures that would never have made it to the floor on the Republican Congress.

The record speaks for itself. I am so happy and so glad that we have the kind of leadership, we have the kind of caucus that says, you know something? We are going to move in a new direction that the American people have called for, Mr. MURPHY. Some people call it change now. Change is the big word of this election, because people have had a taste of change already in this House and in the Senate. They want that change in the White House.

Now, I want us to kind of go back and forth here, but I just want to share a little bit of the record because some work has been done here. I think it is important that we look at the kind of fight that—and I am going to call some of the things out that you have identified.

We have the new GI bill that extends benefits to veterans, and it provides and restores the full 4-year college scholarships for Iraq and Afghanistan veterans, and the President has threatened that he is going to veto that.

My question is, to the Republican minority, are you going to follow the President with this whole veto issue? If he does, will you leader up and override his veto?

Because I can tell you, Mr. Speaker, if we have an override once a week, maybe, just maybe—because the President is not running for election again. I just want to let my Republican colleagues know, they are. Some of them are, those that are not retiring. That they may want to pay attention to what the American people are saying versus what may be coming from the White House, because it hasn't worked, because they are in the minority right now.

I think it is also important for the responsible timeline for redeployment that requires Iraqis to pay their fair share of the restoration and other Iraqi policy restrictions that was in H.R. 2642, which is the 2008 supplemental that the President has threatened to veto again. Will our Republican colleagues write the Republican and say, listen, we are already in bad shape as a Republican minority in the Congress, we can't follow you on this. We will join Democrats and override your veto.

That is the American spirit. That is not saying, well, I am going to be a good Republican. Because it is important that we understand that folks didn't elect us to be good Republicans or good Democrats saying, well, I am going to follow the President because the President says that it should happen. The first version of the 2007 supplemental, the President vetoed the bill on May 1. I think it is important that folks understand this and the opportunities that we have to continue to build on the bipartisanship.

The responsible timeline for redeployment of troops, another bill that passed, H.R. 4156, the President has threatened that he is going to veto that. Also, H.R. 2956, that carries some of the same language. I mean, we are putting these bills out there. That bill passed 223–201. The President is threatening he is going to veto that.

Mr. MURPHY of Connecticut. Let's just step back. There is no question when you are talking about where do American people stand on the redeployment of the troops out of Iraq. None of these bills suggest to do it tomorrow or the week after. This is the responsible redeployment of troops out of Iraq. Do it in a planful way that maintains the safety of those troops as they leave, and tries to do our best to try to maintain a stable government that we leave behind. There is no question where the American people stand on that. That is not just you and me listening to people when we go back home; that is also every poll that we have seen of the American public over the last 2 years.

There is no question, Mr. MEEK, where people stand on the GI bill. The numbers are off the charts when you ask folks if they think that this country should guarantee a college education to every returning warrior from Iraq and Afghanistan. There is no guesswork involved here.

Now, I don't know where the President gets his direction from on his veto threats. But for all of us that are sitting here deciding whether we vote for these things in the first place or override the President's veto when they come back, there is no research that has to be done in the public opinion. There are no guesses that have to be made. This is all just common sense, whether you are listening to it when you go back to the district or you are reading the public opinion polls, Mr. MEEK.

Mr. MEEK of Florida. Public opinion polls and what the American people want are pretty much the same thing, but also common sense kicks in at some point. I mean, if I was very—hypothetically speaking, Mr. Speaker, and I do mean very hypothetically. If I was a Republican Member of Congress at this point, I would kind of think, hmm, let's see, am I willing to follow the President that is going to retire and have a pension and have all of the things being a past two-term President in this country? Or am I going to stand up on what is right and what is sound as it relates to policy?

Mr. MURPHY, again, another bill, and I am making sure that the Members understand, because I think here in the 30-Something Working Group, you know, in Congress there is always some mystery about, well, you know, I didn't quite know what was in that bill.

I am sorry, let me go back. We are about to celebrate Memorial Day for those and pay tribute to those that serve this country, those that have died to allow us to salute one flag, those that allow us to be here under the illumination of the lights here, to be in a free country, to be in a country that one can stand on the floor and speak freely, Republican or Democrat, what have you; for any American or any resident of this country to speak in opposition of its government and say, I disagree; or, this is the way I feel.

Many of us Members of Congress have traveled to countries where folks don't have that privilege or that opportunity, and we try to share that kind of democracy and that freedom of those that have fallen.

I tell a story, Mr. Speaker, of my kids and I, we rode our bikes on the mall here in Washington, DC, where we leave this building and pass the Washington monument and pass the World War II memorial, and all of those States are recognized on those pillars that are around that monument and that great fountain that they have there illuminated at night. And we go on and ride on and we go to the Lincoln memorial where so many Americans go to reflect on this great President who served our country. And we run into the Last Outpost, where our veterans from Vietnam are there selling patches and keeping that last outpost open for those that are missing in action. And then we take the opportunity to go by the Korean War memorial that is there and the Vietnam wall of those that lost their lives. And so many Americans will travel to the capital city to celebrate that and to be able to recognize those individuals and celebrate their lives and their commitment to our country and on and on and on, and the number of monuments and great heroes and sheroes that are there, even women that have fought in conflicts.

I say all of that to say this: That with all of that history and all of that greatness and all of the spirit of this great country, that we have to take a step back sometimes and say, am I voting in the right direction? Am I doing the right thing? Am I listening to quote/unquote leaders that may be in our caucus or whatever the case may be? And especially on the Republican side, I think it is important because I think it is a very unique time in history and I think they need to be on the right side of history, because history has played a role in Members of Congress' reelection to Congress.

And so when I start looking at legislation that the President has decided that he is going to veto, Mr. MURPHY, I think it is important.

And I want to also on the record call out on 3159, it is again a responsible troop redeployment cycle that is based on Senator JIM WEBB's bill that enhances national security and supports our troops and families. And increasing troops are better at home in between deployment. The President has threatened that he is going to veto that.

Will our Republican colleagues, those that are not voting in a bipartisan way, will they follow the President in that veto, or will they write a letter to the President and say no way, will they write President Bush and say, on House Bill 1684, the fiscal year 2008 Homeland Security Authorization Act that the President has threatened that he is going to veto that will provide some $139.8 billion to the Department of Homeland Security to be able to protect the homeland? Will they write a letter or will they send a message to the White House that they are willing to override that veto?

At the same time, again, time after time again the Coast Guard Authorization that passed the House, H.R. 2830, which is the Coast Guard Authorization, the President, this also passed—now, this is very interesting, Mr. MURPHY. This authorization has passed the House. I am smiling because it is almost laughable if it wasn't a serious moment.

The Coast Guard plays such an important role to homeland security, especially from a State like mine in Florida, and especially as we look at the East Coast and the West Coast. They play such a very important role, and they have been asked to play a role that they have never played before in protecting the homeland. This bill, this piece of legislation passed 395–7, with 165 Republicans voting ''yea,'' or yes, the President has threatened he is going to veto that.

So Mr. MURPHY, I think you get the picture. I don't mean to go on and on and on. On every page of pages to go on and on and on, two or three times the President has said we are going to veto that piece of legislation.

We have 170 major pieces of legislation that Republicans have voted for in a bipartisan way. We have 125 pieces of legislation that over 50 Republicans have vote in the affirmative. I think that some of our friends on the other side have to get the picture. And I can tell you, and I am going to yield to you and then I am going to say one more thing and then we are going to yield back, because I want our friend to be able to have an opportunity before 12:00 midnight so he can get in his points. I think I know why that we don't have more Republicans voting in a new direction or voting for change in Washington, DC on behalf of not only their very own constituents, but also on behalf of the American people.

Mr. MURPHY of Connecticut. Mr. MEEK, the President is not running again. The President doesn't have anybody to answer to, so the President is free now to act on his own instincts, to act on his own set of advice. And that means, to the extent that this President was ever listening to the American public, he is not doing it now. He doesn't need to do it. And, as you said before, he is not up for reelection. But every Member of this House, with the exception of those people who are retiring, are.

□ 2315

And so people in the Republican Caucus, our friends on the other side of the aisle, have got to think about what's the motivations behind the President's threats here. Is it because of a political calculation where he wants to be on the right side of where the American people are, or is it because he has no one to answer to any longer?

And sometimes, you know, we get a little bit of frustration when we go back home, Mr. MEEK. People say, well, why hasn't more happened on the war coming to a close? Why haven't you done more to solve our health care problems?

Well, the answer is what happens just up Pennsylvania Avenue. We've put legislation on the President's desk to planfully exit Iraq. He vetoed it. We've put legislation on his desk twice to ensure 4 million more kids. Both times he vetoed it.

Over and over again, with the Republicans and Democrats standing together, we've put legislation on his desk, even under that threat of veto, and he has continued to stand against the American public, Mr. MEEK.

I think we can still have some victories from here to the end of the year. I still think we can have moments where this House comes together and overrides presidential veto.

I can't think of a better bill to exercise the will of the American people as expressed through this House than on

the GI Bill, giving educational benefits to troops. I have no idea why the President has decided to exercise his veto threat against that legislation. If there's anything that we should be able to come together on, it's on supporting our troops when they come back home.

I think we should have done it for those 4 million kids that should have gotten health care insurance. I think that we should have done it when it comes to the withdrawal of our troops from Iraq. But let's at least do it as one final salvo with this Democratic Congress and a Republican President when it comes to standing up for our GIs, Mr. MEEK. It would seem to be the one place, amidst a lot of the times that we disagree here. You named all the moments on which we have agreed. But the culmination of a remarkable amount of agreement, amidst a reputation of disagreement in this House, would be to pass that GI Bill with a veto-proof majority, put it on the President's desk, dare him to veto it, knowing that we're going to have the votes to override when it comes back.

Mr. MEEK of Florida. You know, Mr. MURPHY, it's very interesting. As I speak to fact versus fiction, I can't help but think of our colleague who already, quote-unquote, has the Republican nomination, one of our friends over in the Senate. And he coined something, I think, earlier this week or last week as the slogan for the forward campaign on the Republican side. Change that you Deserve.

Okay. Well, I would say to my Republican colleagues that have decided to follow the leadership, the elected leadership that they have now on the Republican side that are saying stay the course, follow the President, object, what have you. Change that you deserve, I think, is something that one should think about.

Case in point. I'm not a lawyer. I don't play one on television.

Mr. MURPHY of Connecticut. I'm a lawyer, Mr. MEEK, so if you need some help I'll walk you through it.

Mr. MEEK of Florida. That's fine. My wife's a lawyer too, so I'm kind to lawyers. But let me just say, you remember the letter that the Republican leadership wrote to the Speaker?

I don't want you to pay attention over here, I just want you to pay attention over here. The Republican leadership wrote a letter saying, you said you were going to do something about gas prices. We're waiting you to do something about gas prices in America. And we're concerned about all of this, and you have not fulfilled your promise.

And I think that it's important. If we can, I want to put something here because I don't want to have that on the chart there.

Well, let me just for the case of keeping the 30-something piece together, because I don't want to get into names, I'm just going to do this because I don't like to like point out anything as it relates to an individual Member of Congress, even if they're leadership.

But I just want to say, as it relates to doing something about gas prices, these are all the measures that we've passed here in this House that the Republican leadership decided not to vote for. But they want to criticize, and they want to encourage their leaders, I mean, their caucus to vote against change and a new direction.

Now, even the Republican nominee on the Republican side has said change that you deserve. If things were going so well and the policy was so great, why do we have to talk about change that you deserve?

Why can't we say we'll keep doing the things that we've continued to do, and we'll continue to have the problems that we have now?

I'm just saying this to my Republican colleagues, because, not that, you know, many of them are friends of mine. But I'm saying, as it relates to the policy that we have to pass, that the American people need now—we're not here for political purposes. We're here because we want to move an agenda forward.

I think it's important when we look at OPEC price fixing. These are the Republican leaders, or down the leadership line, that voted against that. And when you look at the top individual, as it relates to influence within the caucus, voted no on every last measure that Democrats have put forth, price gouging, renewable energy, energy security.

Second person in charge voted for three of the four that we have put forth before this Congress. Signed the letter.

The third person in charge voted against price gouging and also renewable energy. Those are two votes of the four that have taken place.

The fourth person in charge voted for two measures, voted against it, renewable energy and also energy security, but I said it correctly, voted for two of the measures that we put forward.

The fifth person in charge voted no on every last measure. Signed the letter.

The sixth person in charge voted against every measure that we put forth to be able to give the American people a fighting chance in this whole issue of price gouging, this whole issue of no OPEC. And we call OPEC, these are oil producing companies for price fixing, countries for price fixing, renewable energy, energy security, voted against every last one of them.

On down to the bottom, voted three times against those measures and voted two times.

I said all of that to say that I think that some of these individuals that are influencing the minds of, or the vote of those individuals within the Republican caucus that don't want to be a part of the 177 bipartisan major votes, or don't want to be a part of the 125 votes that we've taken, plus 50 Republicans that have voted for it, I think that the argument, especially when we look at the individual that is, quote-unquote, running on the Republican side for President of the United States, of saying change that you deserve, we speak fact in the 30-Something Working Group and we do not speak fiction.

If it was political, Mr. MURPHY, and I say this in closing, if it was political, we would be home right now, you know, relaxing past 11 o'clock at night.

Mr. MURPHY of Connecticut. Will the gentleman yield for 1 minute?

Mr. MEEK of Florida. Absolutely. You have the last word.

Mr. MURPHY of Connecticut. Your point is this, is that we've seen in the last 2 or 3 weeks, both the Republican minority and our Republican Presidential candidate all of a sudden start to use the word ''change.'' Well, to them it's just a word. To them it's just a part of their slogan.

To the Democratic majority in the House and the Senate, it's what we live by, it's why we're here, it's why we get up in the morning, it's why I gave up my entire life to run for the United States Congress; it's why you have given up 18 hours a day to do this job, because we're here to change the place. It happens to be in everything that we talk about because it's the definition of why we're Members of Congress.

For the Republicans here in the House and the Republican Presidential candidate, it's just a word. And that's what I think the American people are beginning to understand. That's why the American people are turning out in record numbers for our Presidential candidates on the Democratic side, and that's why we have won the last three competitive seats for special elections here in the House, because the voters out there, the American public, are figuring out that change is nothing if it's just a word coming out of your mouth. You've got to live it. You've got to breathe it, which is what we're doing here, Mr. MEEK.

Mr. MEEK of Florida. Mr. MURPHY, I want to thank you for your comments. I couldn't say it better.

Mr. Speaker, in the spirit of bipartisanship, we're going to yield back our hour earlier so my good friend from Texas will be able to share with the Members of the House what he would like to share.

So with that, Mr. Speaker, we yield back the balance of our time.

FOOD FOR FUEL

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized from this moment until midnight.

Mr. BURGESS. I thank the Speaker, and I thank the Members on the Democratic side for yielding back their time early.

Mr. Speaker, I'm going to do something a little different tonight. Normally I come down here to the floor of the House to talk about health care. But we've heard a lot recently about where this country is in regards to its

energy policy. We've heard a lot recently about the high cost of food and foodstuffs, and whether or not that has been related to this country's energy policy.

You can call it what you want. Call it Murphy's Law, Newton's Third Law, or just the plain old law of unintended consequences, but when a government as large as ours is, and I assure you, after being here for 5 years, it is an extremely large Federal Government; but when a government as large as ours mandates the use of anything, there will be downstream effects, downrange effects that sometimes you can't predict and certainly are beyond your control.

A case in point is the growing crisis of food versus fuel and the debate that rages in Congress.

Now, the early part of this month, the 5th of May, I hosted an event billed as Food vs. Fuel: Understanding the Unintended Consequences of United States Policy. I invited representatives from the farming community, food companies, consumers, domestic charities and the press in an attempt to get a 360-degree view of this issue.

Now, just for the record, I want to mention the names of the people who were kind enough to spend the morning with me earlier this month and whose opinions were represented at the round table. And it was a diversity of opinions. This was certainly not a one-sided debate.

We had Jon Doggett from the National Corn Growers Association, their Vice President of Public Policy. We had Scott Faber of the Grocery Manufacturers Association, the Vice President for Federal affairs of that group; Bob Young of the American Farm Bureau, their chief economist. Bob Young is a Ph.D economist. Candy Hill of Catholic Charities, who is a Senior Vice President for Social Policy and Government Affairs, primarily working in the domestic realm. And last but not least, Bob Davis, a reporter for the Wall Street Journal who's reported on a number of international economic issues over the years. And it was really Mr. DAVIS' reports in the Wall Street Journal that prompted my interest in this subject.

When we had assembled this panel of experts, I asked the experts, with the policy now of so much of our corn being turned into fuel, and with food shortages an inevitable result, are America's biofuel programs the cause or the effect?

Now this is kind of ironic because we just voted again on the farm bill today. But here's a poster that shows perhaps some of the consequences or the unintended consequences of putting corn in the gas tank and ignoring other needs, other uses that that ear of corn might go to.

Has Congress been fooled into a bad fuel policy at the expense of our national food supply?

I went into this round table with an open mind. We had a panel that was really evenly distributed. Certainly there was no stacked deck against anyone or in favor of any one particular policy. And perhaps it's unique for a Member of Congress to not arrive at a conclusion until looking at the data.

So this food versus fuel matchup, is, in my opinion, another example of the law of unintended or unforeseen consequences. And, of course, the symptoms are all around us. They're impossible to deny. You turn on the TV, you click on your Internet, you read about the ever escalating cost of food prices, both domestically and across the globe, and the news is frequently paired with stories of shortages, heart rending stories of shortages, and the resulting unrest that food shortages cause abroad.

On April 14, the Wall Street Journal reported ''surging commodity prices have pushed global food prices 83 percent upward in the last 3 years.''

My hometown paper, the Fort Worth Star Telegram, the newspaper of the largest city in my district, on May 2 of this year, they had an opinion piece in the Star Telegram that discussed how the indirect cost of ethanol hurt Texans at the grocery store.

□ 2330

Mr. Speaker, just recently, according to the Bureau of Logic Or Statistics, between the beginning of March and the beginning of May when I held this hearing, a dozen eggs, the price was up 35 percent; a gallon of milk, the price was up 23 percent; a loaf of bread, the price was up 16 percent.

Now, we still need to eat and so Americans are getting creative in which groceries they purchase, and they're using grocery store coupons in record rates. In 2007 alone, consumers redeemed 1.8 billion coupons, an increase of over 100 billion coupons from the previous year. Now overall, the Department of Agriculture estimates that food prices will jump 4 to 5 percent this year.

Now, those price increases may seem modest, but for the poorest Americans who spend a greater portion of their family budgets on food, it is, in fact, becoming a tremendous burden.

Cherries across the country are being challenged by the rising food prices. It's more expensive to buy food. Donations are going down, and more people are then turning to charities for assistance.

So they've got a rising population that is coming in and asking for help, and their prices that they have to pay in order to provide that help is going up. And clearly those two are on unsustainable paths.

Catholic Charities USA, one of the largest social networks in helping almost 8 million people a year, has seen a 60-percent increase in people seeking food and nutrition services across the country since 2002. In 2006 alone, Catholic charities saw a 12-percent increase in the number of individuals seeking help in order to provide food for themselves and their families.

Rising food prices are not merely a domestic issue. They have international implications as well.

Let me share this poster, and this is from a recent Washington Post series called, The Global Food Crisis, which depicts the haves versus the have-nots in the industrial world versus developing countries. And this graphic reads, ''North America helps feed the world supplying about half of the growable grain exports. People in developing countries spend up to 80 percent of their money on food. So when food prices rise sharply, partially as a result of supply changes in North America and other producing countries, the world's poor feel it the most right in the gut.''

The results of tighter supplies are reverberating literally across the globe, and they do have dire consequences. In Haiti, the capital city of Port-au-Prince, rioters have taken to the streets to protest higher food prices. The violence has gotten so significant that in fact it resulted in a governmental change in that country. Similar unrest has erupted in Egypt, Cameroon, the Ivory Coast, Senegal, and Ethiopia.

May 5 was prior to the devastating events, the cyclone in Burma and the earthquake in China. I submit that all of these problems that were of significant proportion on May 5 of this year have now gotten that much larger because of the results of those twin catastrophes, and we're only just now about to enter into hurricane season in this country.

Robert Zoellick, the president of the World Bank, estimates that 33 countries are in danger of experiencing similar unrest as a result of food prices and food shortages. While food shortages hurt people the most, they also harm American policy. One of our greatest diplomatic strengths is through foreign aid. Last week, President Bush requested an additional $770 million in emergency food assistance for poor countries responding to rising food prices that have caused social unrest in several nations.

So what is the conventional wisdom on higher grocery bills here at home and lower food stores at an international level?

In my previous life of as a physician, I was given to making diagnoses. My diagnosis in this situation, as a result of many experts saying that the United States' biofuel policy is to blame for increase in food prices and a decrease in food supplies; the argument then is that Federal mandates to produce more biofuels have, number one, diverted more crops from food to fuel, and two, increased the demand for crop building blocks like fertilizer, water, and transportation. And those inputs have increased the cost of biofuel costs like corn and soybeans and other nonbiofuel crops like rice and wheat as well.

The International Food Policy Research Institute suggests that biofuel production accounts for a quarter to a

third of the recent increases in global commodity prices. Within the United Nations, the Food and Agricultural Organization has predicted that biofuel production, assuming current mandates continue, will increase food costs by 10 to 15 percent. That's an important point: assuming current mandates continue an additional 10 to 15 percent, in addition to the 5 percent rise that we've already seen this year.

Well, let's talk a minute because there is some confusion on what is a biofuel.

If you Google ''biofuel'' on the Internet, you will find out the following: A biofuel is defined as a solid, liquid, or gas fuel containing or consisting of or derived from recently dead biological material, most commonly plants. This distinguishes it from fossil fuel which is derived from biological material that has long been dead—been dead a long time. And what are the building blocks of biofuel? Commodities like corn, soybeans, sugarcanes, vegetable oil that can be used either as food or to make biofuels.

And probably the best or most well-known biofuel is, of course, ethanol. In the United States, the primary source of ethanol is from corn currently, 95 percent. Ethanol is a type of alcohol made by fermenting and distilling simple sugars. It's the same compound that's found in our alcoholic beverages, and its primary use in the United States, as a fuel, is as an additive to gasoline.

Now, the ethanol policy in this country goes back to the Arab oil embargoes of 1973 and 1979. Since that time, the production of fuel ethanol has been encouraged through the Federal tax incentives of ethanol-blended gasoline.

In 2005 when the Republicans were in control of Congress, the Energy Policy Act established a renewable fuel standard which mandated the use of ethanol. 7.5 billion gallons of renewable fuel must be blended with the Nation's gasoline by 2012.

But then last year right at the end of the year, Congress passed the Energy Independence and Security Act which increased this renewable fuel standard to require 36 billion gallons of biofuel additives for transportation fuels by 2022.

Now, according to the United States Department of Agriculture, 3.2 billion bushels of corn will be used to produce roughly 6 billion gallons of fuel ethanol during the current corn marketing year, September 2007 through the end of August of 2008.

Well, let's talk a little bit about corn because it is important.

This poster tells a little bit about two different types of corn: field corn and sweet corn. Field corn is the most—is what is mostly grown in America. It's primarily used to feed livestock and to produce ethanol. So field corn is used for fuel, and sweet corn is used for human consumption.

This graphic also explains to some degree how the field corn is used. The pie chart there at the bottom shows a little less than half, about 47 percent of field corn, the type of corn used to produce ethanol, was used for animal feed; about a quarter, 24 percent, was used for ethanol; 19 percent was exported, and 10 percent was used for direct human consumption in various forms.

Now, those who believe biofuels are to blame for rising food prices argue that its fundamentally wrong to divert food meant for tables into gas tanks when there are those going hungry both here at home and abroad. Additionally, they argue that ethanol production is fighting off a potential environmental crisis and a potential dependence on foreign oil, but we face an actual crisis in food production in the United States.

Ethanol opponents also point to significant scientific research regarding the environmental impacts of ethanol production. And what are they? It's important to look at those environmental impacts.

Scientific research shows that the use of crop lands for biofuels actually increases greenhouse gasses through emissions from land-use change. Work by Tim Searchinger of the Georgetown Environmental Law and Policy Institute, which recently appeared in Science magazine, argues that the land-use change from forest to grassland to new cropland nearly doubles greenhouse grass emissions over 30 years and increases those greenhouse gasses for over 150 years.

The important innovation in this research is that prior studies would show a 20-percent savings in emissions neglect the impact of land-use change, and clearly the doctor's work shows that that is significant.

Now, as farmers respond to the rising demand for corn, they create new cropland, and they create that what? Out of grassland and forest. Plowing up more forest or grassland releases more of the carbon dioxide previously stored or more of carbon previously stored in plants and soils through decomposition and that which is burned when fields are cleared by burning.

Also, the loss of forests and grasslands prevents the plants from performing their own form of carbon sequestration in the stocks and leaves and roots of the plant.

Significant critiques have risen from this research. For example, Searchinger's work supposes that there's a constant yield per acre of corn, but if an acre of corn yield has increased over 300 percent since 1944, then new technologies have contributed to a 30 percent increase in the last decade. Research conducted by the National Academy of Sciences shows the biofuel mandates are contributing to air pollution, water pollution, and they do compound water shortages.

Now, on the other side, and we heard from the other side during this hearing, those who support the use of corn for ethanol. In terms of economic security, ethanol supporters argue that the production of biofuels goes a long way in helping end our dependence on foreign oil. We can grow our own fuel here at home thus supporting our domestic economy. At the same time, we don't have to rely on rogue regimes in unstable parts of the world for the vast majority of our fuel needs which enhances our national security.

The rising prices of food aren't caused by biofuel mandates, per se. Growing demand in global markets, especially China and India, drive up the price. Additionally, they point out that shortages caused by bad weather in places like Australia, and in fact they point out that—people who support the use of biofuels point out that climate change may be to blame since certain areas of the world where grain was once grown no longer have the weather to support those types of crops.

Another issue that is often brought up is meat consumption in China has risen from 25 kilograms per person in 1995 to over 50 kilograms per person in 2007. On average, it takes 5 kilograms of grain to produce 1 kilogram of meat, while the demand for meat has grown 28 kilograms per person. The resulting demand for grain has increased by 7.8 billion bushels.

So with these two conflicting and opposing viewpoints, what do you think? Is it biofuels that are causing the high grocery prices, or is it just a result of natural forces within the world? And if the issue is that increased biofuels production is contributing to the high cost of food, what would be the answer? What would be the prescription for curing that ailment?

So certainly we're going to continue to provide hunger relief both here and at home. But we could look at freezing the renewable fuel standards and rolling back some biofuel mandates, certainly providing increased incentives to make breakthroughs on cellulosic ethanol so we won't be using our food to fuel our cars.

And that may be what is at the central part of this argument. As well intentioned as the policy was in 2005 when the Republican House of Representatives dictated renewable fuel standard, and as forward-thinking as it was in December of this past year when the Democratic House increased that renewable fuel standard, it all depended upon the advancement in technology.

□ 2345

We can't continue to turn this much foodstuff into fuel for our automobiles and trucks. We depend upon this policy, depend upon the advancement, the breakdown of the cellulose in the plant wall to make ethanol and not distilling of ethanol from the starch and sugars that are contained in the grain component.

Until we achieve that breakthrough of cellulosic ethanol, and I believe it will occur one day, but until that time occurs, it is almost not reasonable to

assume that we will be able to meet the country's growing transportation fuel demands through production of ethanol, certainly by diverting our foodstuff into that product.

Another thing that we could do, and this was a point that was so eloquently stated by Mr. Davis in the Wall Street Journal, we can change the way the United States handles its delivery of foreign aid, the commodity versus cash approach. The current approach is to buy excess United States production of grain and then deliver that product to the country where the crisis exists, but if we were to shift that approach and begin supporting local agriculture in developing Nations, it could break the cycle of dependence on foreign aid and break the cycle of hunger and famine.

I don't think there's any question at this point that we have to be looking at other sources. Now, we had a pretty interesting debate on the floor of this House this past week, and we heard the Democrats talk about that in their last hour. This was the debate about the temporary stoppage of filling what's known as the Strategic Petroleum Reserve. Now it's a small amount that would actually be put back in to increase supply in this country, but for the first time, for the first time, there appeared to be genuine, bilateral, bipartisan agreement that increasing supply was a way to positively affect fuel prices here in this country.

Every other debate that we've had, certainly since I've been in Congress, when it comes down to an issue of increasing supply, generally 90 percent of the people on my side of the aisle are in favor of it, and 90 percent of the people on the other side of the aisle are opposed. ANWR is perhaps the poster child for this, and we heard a great deal about that in the hour previous to the last hour when Mr. PETERSON from Pennsylvania talked about where we would be today had then-President Clinton not vetoed the provision that would have allowed drilling in ANWR in 1996, some 12 years ago.

We're told it would take 7 to 8 to 10 years to actually deliver finished product out of ANWR into the marketplace in this country. Well, guess what, if we had started that in 1996, we'd be using that oil today, and we wouldn't be feeling the repercussions in the price at the pump that we see today. There wouldn't be the pressure on diverting food into fuel if only we'd paid attention to supply.

But maybe that day is at hand. Again, we had broad bilateral commitment, broad bipartisan commitment, both sides of the aisle in this House that said temporarily we're going to stop filling the Strategic Petroleum Reserve because, my opinion at least, there was broad bipartisan agreement that increasing supply even just a little bit would be a positive effect on prices at the pump.

So how much more good could we do if we moved off that minuscule amount and looked at some of the other ways to increase the supply? Now there's not a person in this Congress, I don't think, that feels that someday we're going to get a lot of our fuels from different sources than we see today, but right now, it's coal, it's natural gas, it's oil. That's what's available to drive our economy, and sure, we may want to pivot to a day where that energy production comes from somewhere else, but until we get there—and we are not there yet on cellulosic ethanol by a long shot, and if we turn all this stuff into ethanol for our cars, we have unintended consequences and unintended repercussions downrange and downstream that are quite severe.

So this Congress really needs to take a serious look at ways that we can increase supply because, again, apparently all agree that increasing supply is going to be a good thing as far as its effect on fuel prices in this country.

So maybe ANWR's too emotional. Maybe we can't do it. Maybe we just have to leave that one in the too-hard box for a little while, and I would say, okay, but bring us your ideas from the other side of the aisle. Let's not make it all about turning this stuff into something we can put in our automobiles. Let's make it about how do we deliver more usable energy for the American people, how do we maintain the American economy.

Is it going to be nuclear? We can talk about that. I'd love it if we talked about that. Is it going to be drilling on the Outer Continental Shelf as Mr. PETERSON outlined or in the Intermountain West, to the oil shales in Canada? The fact is, we've got reliable supplies of energy here at home, but we've put an embargo on American energy and that, quite frankly, just simply does not make any sense.

But it was a new day here in Congress this week when both sides, in a bipartisan fashion, said, by golly, increasing supply is going to be a good thing for the American energy consumer, and we're going to do that. And we only did a little bit by temporarily stopping filling the Strategic Petroleum Reserve, but maybe that new day has dawned and we're now going to have a meaningful discussion on where the common ground is, where we can meet in the middle and work on increasing that supply for the American people.

Because, quite honestly, until we get to the day of the promise of cellulosic ethanol, this is not going to be a formula for success, and in fact, unintended consequences of this behavior may have absolutely devastating and dire consequences around the world.

You know, the law of unintended consequences used to be that it took almost a generation for those unintended consequences to come home and to come back around and work their effect. But we're in a time now where the effect of unintended consequences can be felt very, very quickly.

We heard in the last hour the discussion about the reauthorization of higher education and student loans. Well, remember, we did something to student loans in September of last year. Then we had to turn around and undo it in April or May of this year because of the unintended consequences and the fact that we were driving up interest rates at the same time that availability of credit was coming down. And we were worried that no student loans were going to be available when this summer's crop of students went to apply for those loans in June, July and August.

Unintended consequences have a way of coming around extremely quickly, and the unintended consequences of increasing the renewable fuel standard that this Congress undertook in December of 2007 has very quickly come home and the repercussions and reverberations are being felt around the world, and it's leading to instability in governments in this hemisphere.

Is that something we want? We always talk about the world that we want to leave for our children. Is that the type of world we want to leave for our children where worldwide hunger and worldwide deprivation lead to instability in developing countries? I don't think so.

I think it is time that this Congress needs to take action. After all, part of this crisis is of our doing. We should understand, this Congress should understand, the leadership of this Congress should understand about unintended consequences.

Now a lot of people who serve in this House are politicians, and that's not a great surprise. And politicians have the urge to respond to public opinion and try to mold their policies to reflect public opinion. But we need to be careful when we respond like that. As policymakers, we have an obligation to enact, well, responsible policy. That's what we're sent here to do. We're sent here to find sensible solutions.

Now Congress can't control foreign demand. Congress, I don't think, can control the weather. There may be some in this body who feel that they can, but we can address the effect of unintended consequences of our biofuel policy which diverts a quarter of our national corn supply to ethanol production, a quarter, a quarter of our annual national corn supply to ethanol.

Congress and our President have nothing but good intentions—we care so deeply about people—nothing but good intentions in promoting the expansion of renewable fuels, but ethanol is not the energy security silver bullet that many people believe it to be.

Last year, we burned 24 percent of our national corn supply as fuel, and we reduced our oil consumption by almost 1 percent. Unintended consequences are almost always unenvisioned consequences as well. If you lack the vision to look over the horizon and see what's coming next, unintended consequences are likely right around the corner.

Obviously it was not the intent to cause distress both at home and

abroad, but good intentions are not sufficient cause for Congress to plant its head in the sand and ignore what is becoming increasingly obvious.

Our renewable standard is creating problems with food prices here at home and food shortages abroad. It's leading to destabilization of world governments because of the effect of hunger and deprivation in developing countries. It is time for this Congress to get it right. It's time for this Congress to reexamine those renewable fuel standards, back off for a while until the price situation stabilizes in the world market. And we have to get serious about increasing energy supply to run this economy, to run what Ronald Reagan described as the last best hope on Earth for democracy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARTER (at the request of Mr. BOEHNER) for today after 3 p.m. on account of a family medical emergency.

Mr. COBLE (at the request of Mr. BOEHNER) for today until 4:30 p.m. on account of attending the graduation ceremony at the United Stated Coast Guard Academy.

Mr. SENSENBRENNER (at the request of Mr. BOEHNER) for today until 4:30 p.m. on account of a doctor's appointment.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of a funeral in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MURPHY of Connecticut) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BARRETT of South Carolina, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. CALVERT, for 5 minutes, today and May 22.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 79. Concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on Oversight and Government Reform.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 20, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 2419. To provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, May 22, 2008, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2007 and the first quarter of 2008, pursuant to Public Law 95–384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Michael Burgess	2/20	2/24	Kuwait		[3] 328.00						328.00
			Iraq								
			Pakistan								
			Afghanistan								
Commercial Air Fare							8,022.00				8,022.00
Hon. Barbara Cubin	2/15	2/21	Brazil		1,616.00		(5)				1,616.00
Hon. Barbara Cubin	3/24	3/25	Egypt		278.00		(5)				278.00
	3/25	3/26	Afghanistan		75.00		(5)				75.00
	3/26	3/29	Pakistan		998.31		(5)				998.31
	3/29	3/30	Czech Republic		431.12		(5)				431.12
Hon. John Shimkus	1/16	1/19	Lithuania		255.00						255.00
Commercial Air Fare							8,057.39				8,057.39
Vito Fossella			England		(4)						
			France		(4)						
Commercial Air Fare							8,429.01				8,429.01
Round trip rail fare: London/Paris							434.00				434.00
Committee total					3,981.43		24,942.40				28,923.83

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Per diem used in Kuwait only.
[4] Per diem to be provided on amended report.
[5] Military air transportation.

HON. JOHN D. DINGELL, Chairman, May 8, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Tanner	12/31	1/2	New Zealand		300.00						300.00
	1/2	1/4	Antarctica								
	1/4	1/5	New Zealand		156.00						156.00
	1/5	1/7	Australia		350.00						350.00
Hon. John Larson	1/7	1/8	Canada		288.00			485.14			773.14
	1/8	1/12	United Kingdom		650.00			1,877.34			2,527.34

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jon Porter	1/7	1/9	France		376.00		8,545.21				8,921.21
	1/10	1/11	Azerbaijan		188.00						188.00
	1/11	1/15	Turkey		342.00						342.00
Hon. Phil English	1/5	1/9	France		376.00		8,545.21				8,921.21
	1/10	1/11	Azerbaijan		188.00						188.00
	1/11	1/15	Turkey		432.00						432.00
Hon. Phil English	1/18	1/19	Belgium		433.53						433.53
	1/20	1/21	Afghanistan								
	1/21	1/22	Germany		49.00						49.00
Hon. Allyson Schwartz	1/24	1/25	Kuwait		228.00		8,036.76				8,264.76
	1/25	1/25	Iraq		228.00						228.00
	1/25	1/26	Kuwait		228.00						228.00
Hon. Jerry Weller	2/16	2/18	Ecuador		590.00						590.00
	2/19	2/20	Bolivia		318.00						318.00
	2/21	2/23	Argentina		313.00						313.00
Hon. Devin Nunes	3/24	3/24	Cape Verde		242.58						242.58
	3/25	3/28	South Africa		1,468.94						1,468.94
	3/28	3/30	Ghana		528.00						528.00
	3/30	3/31	Cape Verde		295.70						295.70
Committee total					8,568.75		25,127.18	2,362.48			36,058.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES B. RANGEL, Chairman, May 14, 2008.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6741. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-06, pursuant to 31 U.S.C. 1517(a); to the Committee on Appropriations.

6742. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Authority to Carry Out Certain Prototype Projects [DFARS Case 2008-D008] (RIN: 0750-AF93) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6743. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Deletion of Obsolete Restriction on Acquisition of Vessel Propellers [DFARS Case 2007-D027] (RIN: 0750-AF91) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6744. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Excessive Pass-Through Charges [DFARS Case 2006-D057] (RIN: 0750-AF67) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6745. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the 38th report required by the FY 2000 Emergency Supplemental Act, pursuant to Public Law 106-246, section 3204(f); to the Committee on Armed Services.

6746. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Defense Priority and Allocations System (RIN: 1991-AB69) received March 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6747. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — Notice of Final Priority, Definitions, Requirements, and Selection Criteria — received May 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6748. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Materials Derived From Cattle in Human Food and Cosmetics [Docket No. 2004N-0081] (RIN: 0910-AF47) received May 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6749. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Meeteetse, Wyoming, Fruita, Colorado, Ashton, Burley, Dubois, Idaho Falls, Pocatello, Rexburg, Shelley, Soda Springs, and Weston, Idaho, Lima, Montana, American Fork, Ballard, Brigham City, Centerville, Delta, Huntington, Kaysville, Logan, Manti, Milford, Naples, Oakley, Orem, Price, Randolph, Roosevelt, Roy, Salina, South Jordan, Spanish Fork, Vernal, Wellington, and Woodruff, Utah, Diamondville, Evanston, Kemmerer, Marbleton, Superior, Thayne, and Wilson, Wyoming) [MB Docket No. 05-243 RM-11363 RM-11364 RM-11365] Received April to the Committee on Energy and Commerce.

6750. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television [MB Docket No. 07-91] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6751. A letter from the Deputy Chief, Wireline Comp. Bur., Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets [WT Docket No. 99-217] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6752. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of DTV Consumer Education Initiative [MB Docket No. 07-148] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6753. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues [CS Docket No. 00-96 CSR-5978-M] received May 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6754. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6755. A letter from the General Counsel, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6756. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6757. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6758. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6759. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6760. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6761. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine

Act during the calendar year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

6762. A letter from the Director, Office of Standards and Variances, Department of Labor, transmitting the Department's final rule — Sealing of Abandoned Areas (RIN: 1219-AB52) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6763. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''the National Park System Uniform Penalty Amendment Act''; to the Committee on Natural Resources.

6764. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To designate as wilderness certain lands within the Pictured Rocks National Lakeshore in the State of Michigan''; to the Committee on Natural Resources.

6765. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To modify the boundary of the Voyageurs National Park in the State of Minnesota''; to the Committee on Natural Resources.

6766. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To adjust the wilderness boundary at Lava Beds National Monument in the State of California, and for other purposes''; to the Committee on Natural Resources.

6767. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''the Cape Cod National Seashore Advisory Commission Reauthorization Act''; to the Committee on Natural Resources.

6768. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To rename Martin Luther King, Junior, National Historic Site in the State of Georgia, as 'Martin Luther King, Junior, National Historic Park' ''; to the Committee on Natural Resources.

6769. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''the Rio Grande Wild and Scenic River Boundary Adjustment Act of 2008''; to the Committee on Natural Resources.

6770. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To authorize the Secretary of the Interior to administer the Juan Bautista de Anza National Historic Trail in coordination with appropriate entities in Mexico, and for other purposes''; to the Committee on Natural Resources.

6771. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''Abraham Lincoln Birthplace National Historic Park Act of 2008''; to the Committee on Natural Resources.

6772. A letter from the Director, National Park Service, Department of the Interior, transmitting the Department's annual report on the accomplishments of the cultural resources programs of the National Park Service during Fiscal Year 2006; to the Committee on Natural Resources.

6773. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Seals and Insignia (RIN: 3245-AF68) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6774. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Adoption of 2007 North American Industry Classification System for Size Standards (RIN: 3245-AF66) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6775. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Graves Marked with a Private Headstone or Marker (RIN: 2900-AM93) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6776. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Certification Requirements for Imported Natural Wine (2005R-002P) [Docket No. TTB-2007-0006; T.D. TTB-70; Re: T.D. TTB-31 and Notice No. 51] (RIN: 1513-AB00) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6777. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Relief for Recipients of Certain Direct Deposits of 2008 Economic Stimulus Payments [Announcement 2008-44] received May 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6778. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the 2007 Annual Report on United Nations voting practices, pursuant to Public Law 101-246, section 406; jointly to the Committees on Foreign Affairs and Appropriations.

6779. A letter from the Chairman, National Transportation Safety Board, transmitting a legislative proposal and justification to amend the Independent Safety Board Act of 1974 to provide authorization for the National Transportation Safety Board; jointly to the Committees on Transportation and Infrastructure, Oversight and Government Reform, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 4106. A bill to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; with an amendment (Rept. 110–663). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 4791. A bill to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes; with an amendment (Rept. 110–664). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYES: Permanent Select Committee on Intelligence. H.R. 5959. A bill to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 110–665). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARDOZA: Committee on Rules. H. Res. 1218. A resolution providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes (Rept. 110–666). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HONDA (for himself, Mr. BOSWELL, Mr. COHEN, Mr. CLEAVER, Mr. DAVIS of Illinois, Mr. EHLERS, Mr. GALLEGLY, Mr. GRIJALVA, Mr. HINOJOSA, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANGEVIN, Ms. LEE, Mr. LIPINSKI, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. ROTHMAN, Ms. SUTTON, Mr. TOWNS, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEXLER, Mrs. DAVIS of California, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. HARE, Mr. COURTNEY, Mr. SARBANES, Ms. CLARKE, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6104. A bill to provide for the coordination of the Nation's science, technology, engineering, and mathematics education initiatives; to the Committee on Education and Labor, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER (for himself, Mr. JONES of North Carolina, and Mr. CARTER):

H.R. 6105. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require that concurrent resolutions on the budget limit the growth of Federal spending to the mean of annual percentage growth of wages and gross domestic product (GDP) in the United States, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK:

H.R. 6106. A bill to amend the Internal Revenue Code of 1986 to temporarily reduce the excise tax on diesel fuel and kerosene to the rate applicable to gasoline; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. BARTLETT of Maryland):

H.R. 6107. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Science and

Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK (for herself, Mr. CULBERSON, Mrs. EMERSON, Mr. CANTOR, Mr. REGULA, Mr. TERRY, Mr. SOUDER, Mr. BISHOP of Utah, Mr. KINGSTON, Mr. LINDER, and Mrs. DRAKE):

H.R. 6108. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Science and Technology, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. GRAVES):

H.R. 6109. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Wisconsin:

H.R. 6110. A bill to provide for the reform of health care, the Social Security system, the tax code for individuals and business, and the budget process; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself, Ms. WOOLSEY, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. SHEA-PORTER, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. HOLT, Mr. KILDEE, Mr. HARE, Mr. PAYNE, Mr. GRIJALVA, Mr. WU, Ms. CLARKE, Mr. TIERNEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. LOEBSACK, Mr. SCOTT of Virginia, Mr. KUCINICH, Ms. HIRONO, and Mr. HINOJOSA):

H.R. 6111. A bill to amend the Fair Labor Standards Act to require employers to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for employers who misclassify employees as non-employees, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 6112. A bill to provide for the monitoring of the long-term medical health of firefighters who responded to emergencies in certain disaster areas and for the treatment of such firefighters; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BOYDA of Kansas:

H.R. 6113. A bill to amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information; to the Committee on Oversight and Government Reform.

By Mr. DOYLE (for himself and Mr. DENT):

H.R. 6114. A bill to amend the Veterans' Benefits and Services Act of 1988 relating to testing for infection with the human immunodeficiency virus; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts:

H.R. 6115. A bill to amend title 1, United States Code, to eliminate any Federal policy on the definition of marriage; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 6116. A bill to allow homeowners of moderate-value homes who are subject to mortgage foreclosure proceedings to remain in their homes as renters; to the Committee on Financial Services.

By Mr. HILL:

H.R. 6117. A bill to require the Comptroller General of the United States to analyze the impacts of Federal regulations on small businesses; to the Committee on Small Business.

By Mr. MORAN of Virginia:

H.R. 6118. A bill to amend the charter of the Gold Star Wives of America to remove the restriction on the federally chartered corporation, and directors and officers of the corporation, attempting to influence legislation; to the Committee on the Judiciary.

By Mr. ROSS (for himself and Mr. VAN HOLLEN):

H.R. 6119. A bill to amend part B of title XVIII of the Social Security Act to make a technical correction to ensure that all physicians, as defined for purposes of the Medicare Program, are permitted to perform required face-to-face examinations and prescribe Medicare covered durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BERKLEY, Ms. BORDALLO, Mr. CASTLE, Mr. CHABOT, Mr. ELLSWORTH, Mr. LANGEVIN, Mrs. MCCARTHY of New York, and Mr. KENNEDY):

H.R. 6120. A bill to direct the Attorney General to provide grants for Internet crime prevention education; to the Committee on the Judiciary.

By Mr. TURNER (for himself, Mr. UDALL of Colorado, and Mr. PERLMUTTER):

H.R. 6121. A bill to provide for health care benefits for certain nuclear facility workers; to the Committee on Energy and Commerce.

By Mr. WALZ of Minnesota (for himself, Mr. FILNER, Mr. LOEBSACK, Mr. HALL of New York, Ms. MCCOLLUM of Minnesota, Mr. ELLISON, Mr. BRADY of Pennsylvania, Mrs. BOYDA of Kansas, Mrs. CAPPS, Mr. HINCHEY, Mr. MICHAUD, Mr. KAGEN, Mr. JOHNSON of Georgia, Mr. ANDREWS, Mr. HARE, Mr. OBERSTAR, and Mr. RAMSTAD):

H.R. 6122. A bill to direct the Secretary of Veterans Affairs to develop and implement a comprehensive policy on the management of pain experienced by veterans enrolled for health care services provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPACE (for himself, Ms. PRYCE of Ohio, Mrs. SCHMIDT, Mr. WILSON of Ohio, Ms. KAPTUR, Mr. RYAN of Ohio, Ms. SUTTON, Mr. REGULA, Mr. TIBERI, Mrs. JONES of Ohio, Mr. TURNER, and Mr. HOBSON):

H.J. Res. 86. A joint resolution recognizing the efforts of the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addiction Services to address the stigma associated with mental health and substance use disorders; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.J. Res. 87. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Ms. LEE (for herself, Mr. MCDERMOTT, Mr. GRIJALVA, and Mr. COHEN):

H. Con. Res. 360. Concurrent resolution recognizing the important social and economic contributions and accomplishments of the New Deal to our Nation on the 75th anniversary of legislation establishing the initial New Deal social and public works programs; to the Committee on Oversight and Government Reform.

By Ms. BALDWIN (for herself and Mrs. BONO MACK):

H. Res. 1217. A resolution expressing the sense of the House of Representatives that the prevention of mental disorders and substance abuse among children, youth, and young adults, and the promotion of mental health and wellness among these populations, should be a public health priority; to the Committee on Energy and Commerce.

By Mr. LATTA:

H. Res. 1219. A resolution celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. LOBIONDO, Ms. DELAURO, Mr. CALVERT, Mr. VAN HOLLEN, and Mr. DOOLITTLE.

H.R. 245: Mr. RAMSTAD and Mr. CULBERSON.

H.R. 346: Mr. CARSON.

H.R. 369: Mr. CARSON.

H.R. 418: Mrs. BACHMANN and Mr. CARSON.

H.R. 423: Mr. DINGELL.

H.R. 463: Mr. TIM MURPHY of Pennsylvania.

H.R. 506: Mr. BISHOP of Georgia.

H.R. 552: Mr. KING of Iowa and Mr. CUMMINGS.

H.R. 583: Ms. MATSUI.

H.R. 594: Mr. HILL.

H.R. 642: Mr. LANGEVIN.

H.R. 661: Mr. MICHAUD.

H.R. 715: Mrs. NAPOLITANO.

H.R. 726: Mr. CUMMINGS.

H.R. 871: Mr. SHAYS.

H.R. 971: Mr. SCOTT of Virginia.

H.R. 1032: Mr. UDALL of Colorado and Mr. ORTIZ.

H.R. 1043: Mr. PAYNE.

H.R. 1064: Mr. MARKEY.

H.R. 1069: Mr. CARSON.

H.R. 1148: Mr. ROTHMAN.

H.R. 1157: Mr. TIBERI and Mr. Cohen.

H.R. 1185: Mr. GONZALEZ.

H.R. 1193: Mr. KUHL of New York, Mr. LOEBSACK, and Mr. KAGEN.

H.R. 1283: Mr. GARRETT of New Jersey and Ms. HARMAN.

H.R. 1343: Mr. FORTENBERRY.

H.R. 1363: Mr. DELAHUNT, Mr. MURTHA, and Mr. KILDEE.

H.R. 1366: Mr. TERRY.

H.R. 1405: Mr. CROWLEY.

H.R. 1524: Mr. BISHOP of New York.

H.R. 1606: Mr. HONDA.

H.R. 1621: Mr. SALAZAR, Mr. SERRANO, and Mr. MCHUGH.

H.R. 1641: Mr. MANZULLO.

H.R. 1644: Mr. MARKEY.

H.R. 1738: Mrs. JONES of Ohio.
H.R. 1761: Mr. CHABOT.
H.R. 1881: Mr. BACHUS and Ms. MCCOLLUM of Minnesota.
H.R. 1889: Mr. CUMMINGS.
H.R. 1940: Mr. FRANKS of Arizona and Mr. LAMBORN.
H.R. 2032: Mr. VAN HOLLEN.
H.R. 2045: Mrs. JONES of Ohio and Ms. SUTTON.
H.R. 2067: Mr. PENCE.
H.R. 2073: Ms. BALDWIN.
H.R. 2183: Mr. MCCOTTER.
H.R. 2244: Mr. BOUCHER.
H.R. 2266: Mr. GONZALEZ.
H.R. 2370: Mr. WAMP, Mr. AL GREEN of Texas, and Mrs. MUSGRAVE.
H.R. 2493: Mr. WALBERG and Mr. NEUGEBAUER.
H.R. 2508: Mr. TANCREDO.
H.R. 2550: Mr. LATTA and Mr. PEARCE.
H.R. 2652: Mr. MANZULLO.
H.R. 2686: Mr. CHILDERS.
H.R. 2880: Mr. KNOLLENBERG, Mr. TIBERI, and Mr. BRADY of Pennsylvania.
H.R. 2885: Mr. HINOJOSA.
H.R. 2897: Mr. CAPUANO.
H.R. 2914: Mr. PITTS.
H.R. 2933: Mr. TIAHRT.
H.R. 2943: Mr. TIERNEY.
H.R. 2991: Mr. MICHAUD.
H.R. 3008: Mr. WALZ of Minnesota.
H.R. 3016: Mr. SESSIONS.
H.R. 3089: Mr. SAM JOHNSON of Texas.
H.R. 3132: Ms. SUTTON, and Ms. BALDWIN.
H.R. 3140: Ms. MATSUI, and Mr. SHULER.
H.R. 3202: Ms. LEE.
H.R. 3232: Ms. SOLIS.
H.R. 3245: Mr. Latta.
H.R. 3334: Mr. PICKERING.
H.R. 3404: Mr. VAN HOLLEN.
H.R. 3438: Mr. MCGOVERN, and Ms. HIRONO.
H.R. 3457: Mr. MARCHANT, and Mr. HOEKSTRA.
H.R. 3543: Mrs. NAPOLITANO, Mr. BARROW, Mr. VAN HOLLEN, Ms. HARMAN, and Mr. HODES.
H.R. 3544: Ms. JACKSON-LEE of Texas, Mr. WU, and Mr. FURTUÑO.
H.R. 3622: Mr. PATRICK MURPHY of Pennsylvania, and Mr. SALI.
H.R. 3654: Ms. JACKSON-LEE of Texas.
H.R. 3700: Mr. WEINER.
H.R. 3800: Mr. WALBERG.
H.R. 3834: Mr. CHANDLER.
H.R. 3870: Mr. WU.
H.R. 3934: Mr. GONZALEZ.
H.R. 3944: Mrs. NAPOLITANO, and Ms. ZOE LOFGREN of California.
H.R. 3995: Mr. ROSKAM.
H.R. 4044: Mr. BISHOP of New York.
H.R. 4052: Mr. WALSH of New York.
H.R. 4063: Ms. CLARKE.
H.R. 4139: Mr. WILSON of Ohio.
H.R. 4206: Mr. GONZALEZ.
H.R. 4273: Mrs. MILLER of Michigan.
H.R. 4344: Mr. KANJORSKI.
H.R. 4449: Mr. ROTHMAN.
H.R. 4461: Mr. STARK.
H.R. 4464: Mr. BILIRAKIS, and Mr. PENCE.
H.R. 4544: Ms. BEAN, Mr. BOYD of Florida, Mr. CHILDERS, Mr. CAZAYOUX, Mr. CRAMER, and Mr. TANNER.
H.R. 4651: Mr. BERMAN.
H.R. 4836: Mr. WU, Mr. FORTUÑO, and Mr. MARKEY.
H.R. 4900: Mr. SALAZAR.
H.R. 4926: Mr. DAVID DAVIS of Tennessee, Mr. HINCHEY, Mr. WALSH of New York, Mr. DAVIS of Illinois, Mr. LOEBSACK, and Mr. BUTTERFIELD.
H.R. 5229: Mr. DREIER.
H.R. 5265: Mr. DUNCAN, and Mr. BOYD of Florida.
H.R. 5315: Mr. FALEOMAVAEGA, and Mr. MATHESON.
H.R. 5352: Mr. KING of New York.
H.R. 5437: Mr. PEARCE.
H.R. 5445: Mr. YOUNG of Alaska.
H.R. 5447: Mr. HOLT.
H.R. 5454: Mr. PLATTS, Mr. LOBIONDO, Mr. ETHERIDGE, Mr. BILIRAKIS, and Mr. JONES of North Carolina.
H.R. 5469: Mr. CONYERS.
H.R. 5515: Mr. SESSIONS and Mrs. MUSGRAVE.
H.R. 5542: Mr. MCINTYRE.
H.R. 5564: Mr. MARSHALL.
H.R. 5573: Mr. MCHUGH, Mr. MITCHELL, and Mr. HOLDEN.
H.R. 5580: Mr. CARNAHAN.
H.R. 5603: Mr. HOLDEN.
H.R. 5626: Mr. WU.
H.R. 5627: Mr. HILL and Mr. CAMPBELL of California.
H.R. 5632: Mr. CARSON.
H.R. 5635: Mr. HILL.
H.R. 5646: Mr. WITTMAN of Virginia.
H.R. 5656: Mr. MILLER of Florida.
H.R. 5662: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5673: Mr. MCCOTTER.
H.R. 5674: Mr. AL GREEN of Texas, Mrs. NAPOLITANO, Ms. GIFFORDS, Mr. Rogers of Kentucky, and Mr. DAVIS of Alabama.
H.R. 5677: Mr. TURNER.
H.R. 5700: Mr. MCHUGH.
H.R. 5704: Mr. MILLER of North Carolina and Mr. PAUL.
H.R. 5721: Mr. BOOZMAN and Mr. BISHOP of Utah.
H.R. 5722: Mr. BOOZMAN.
H.R. 5731: Mrs. MUSGRAVE and Mr. LATTA.
H.R. 5734: Mrs. TAUSCHER, Mr. HINCHEY, Mr. LATHAM, Mr. MCNULTY, and Mr. BOSWELL.
H.R. 5737: Mr. REHBERG.
H.R. 5761: Mr. BILBRAY.
H.R. 5766: Mr. MCHUGH.
H.R. 5774: Mr. CARSON, Ms. WASSERMAN SCHULTZ, Ms. ESHOO, Mrs. TAUSCHER, and Mr. MCDERMOTT.
H.R. 5793: Mr. STUPAK, Mrs. CUBIN, Mr. HILL, Mr. DOYLE, and Mr. WEXLER.
H.R. 5815: Mrs. MILLER of Michigan.
H.R. 5854: Mr. KAGEN and Mr. MORAN of Virginia.
H.R. 5868: Mr. LATTA, Mr. BROWN of South Carolina, and Mr. YOUNG of Florida.
H.R. 5874: Mr. VAN HOLLEN.
H.R. 5878: Mr. RANGEL.
H.R. 5892: Mr. CARNAHAN, Mrs. NAPOLITANO, and Mr. COURTNEY.
H.R. 5895: Mr. ABERCROMBIE.
H.R. 5907: Mr. TIM MURPHY of Pennsylvania.
H.R. 5918: Mr. YOUNG of Florida.
H.R. 5925: Ms. LEE.
H.R. 5935: Mr. HOLDEN, Mrs. MYRICK, and Mr. SALAZAR.
H.R. 5944: Mr. TERRY and Mr. KINGSTON.
H.R. 5954: Mr. SALAZAR.
H.R. 5955: Mrs. MCMORRIS RODGERS and Mrs. MUSGRAVE.
H.R. 5960: Mr. SOUDER, Ms. KAPTUR, Mr. HOLDEN, and Mr. KILDEE.
H.R. 5971: Mr. PRICE of Georgia.
H.R. 5973: Mr. HALL of New York.
H.R. 5974: Mr. KLINE of Minnesota.
H.R. 5984: Mr. DREIER, Mr. MCCAUL of Texas, Mr. PLATTS, Mr. CANTOR, Mr. FRANKS of Arizona, Mr. ENGLISH of Pennsylvania, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Michigan, Mr. KINGSTON, Mr. YOUNG of Alaska, Mr. REGULA, Mr. CAMP of Michigan, and Mr. HAYES.
H.R. 6008: Mrs. MUSGRAVE.
H.R. 6023: Mr. NEUGEBAUER and Mr. GALLEGLY.
H.R. 6025: Mr. HERGER, Mr. JORDAN, Mr. CONAWAY, and Mr. SOUDER.
H.R. 6026: Mr. EVERETT, Mr. MCHUGH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KLINE of Minnesota, Mr. MCCAUL of Texas, Mr. MILLER of Florida, Mr. KELLER, Mr. BRADY of Texas, Mr. SULLIVAN, Mr. NEUGEBAUER, Mr. MANZULLO, Ms. FALLIN, Mr. BOUSTANY, Ms. GINNY BROWN-WAITE of Florida, Mr. MCKEON, Mr. MACK, Mr. CHABOT, Mr. SESSIONS, Mr. BISHOP of Utah, Mrs. MUSGRAVE, Mr. KUHL of New York, Mr. BARRETT of South Carolina, Mr. PLATTS, Mr. GINGREY, Mr. HALL of Texas, Mr. WILSON of South Carolina, Mr. SMITH of Texas, Mr. WALDEN of Oregon, Mrs. WILSON of New Mexico, Mr. BACHUS, Mr. REYNOLDS, Mr. BARTON of Texas, Mr. GALLEGLY, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. FEENEY, and Mr. CAMP of Michigan.
H.R. 6030: Mr. CALVERT.
H.R. 6045: Mr. MATHESON and Mr. LATOURETTE.
H.R. 6047: Ms. JACKSON-LEE of Texas.
H.R. 6062: Mr. CARSON.
H.R. 6068: Mr. TOWNS and Mr. COHEN.
H.R. 6075: Mr. KAGEN and Mrs. NAPOLITANO.
H.R. 6092: Mr. MILLER of Florida, Mrs. GILLIBRAND, Mr. SESTAK, Mr. ORTIZ, Mr. CONAWAY, Mr. AKIN, Mr. COLE of Oklahoma, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. KINGSTON, Mr. DEAL of Georgia, Mr. PRICE of Georgia, Mrs. MUSGRAVE, Mr. SAM JOHNSON of Texas, Mr. EVERETT, Mr. LINDER, Mr. ABERCROMBIE, Mr. HUNTER, Mr. BARTLETT of Maryland, Mr. MCKEON, Mr. TURNER, Mr. LEWIS of Georgia, Mr. HAYES, Mr. BISHOP of Utah, Mr. BARROW, Mr. BROUN of Georgia, Mr. BISHOP of Georgia, Mr. WESTMORELAND, Mr. MARSHALL, Mrs. MYRICK, and Mr. ROGERS of Alabama.
H.R. 6098: Mr. KING of New York.
H.J. Res. 22: Mr. BROUN of Georgia.
H.J. Res. 79: Mr. GRIJALVA.
H. Con. Res. 108: Mr. CARSON.
H. Con. Res. 163: Mrs. CUBIN.
H. Con. Res. 294: Mr. SALI.
H. Con. Res. 336: Mrs. NAPOLITANO, Mrs. MILLER of Michigan, and Mr. MARSHALL.
H. Con. Res. 338: Mr. PAYNE, Mr. GUTIERREZ, and Mr. CONYERS.
H. Con. Res. 341: Mr. BOUSTANY, Mr. WALBERG, Mr. FEENEY, Mr. CARNAHAN, Mr. HILL, Ms. GIFFORDS, Mr. SPACE, and Mrs. MILLER of Michigan.
H. Res. 111: Mr. CARSON.
H. Res. 881: Mr. MCHENRY, Mr. BARROW, Mr. COSTA, Mr. GORDON, Mr. PATRICK MURPHY of Pennsylvania, and Mr. MELANCON.
H. Res. 888: Mr. BRADY of Texas.
H. Res. 1008: Mr. PITTS, Mr. DOOLITTLE, and Mr. BILBRAY.
H. Res. 1056: Mr. PAYNE and Mrs. CHRISTENSEN.
H. Res. 1067: Mr. TAYLOR.
H. Res. 1106: Mr. FEENEY.
H. Res. 1139: Mr. FALEOMAVAEGA and Mr. NEAL of Massachusetts.
H. Res. 1177: Mr. HARE, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, and Mr. HONDA.
H. Res. 1179: Mr. RAMSTAD, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. BACA, and Mr. BARTLETT of Maryland.
H. Res. 1183: Mr. GONZALEZ.
H. Res. 1192: Ms. MATSUI, Mrs. NAPOLITANO, and Ms. ZOE LOFGREN of California.
H. Res. 1200: Mr. COHEN, Mr. GRIJALVA, and Mr. MCGOVERN.
H. Res. 1205: Mr. GENE GREEN of Texas and Ms. SUTTON.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6041: Mr. SAM JOHNSON of Texas.