

There was no objection.

Mr. RAHALL. Mr. Chairman, in evaluating this amendment, I would ask that Members first read section 3 of the underlying bill which states, "Nothing in this Act shall prohibit or hinder the development, production, conveyance, or transmission of energy." So by its own terms, H.R. 1286 will have no impact whatsoever on energy production.

The Pearce amendment would require the Secretary to assess the impact this trail designation will have on energy production. In other words, the Pearce amendment would require the Secretary to study impacts that would never exist. That's similar to a requirement that the secretary study the Tooth Fairy or the Easter Bunny. The bill says there will be no impacts, so studying them is impossible. Such a report would read in its entirety, "We find no impacts on energy production because the bill prohibits them." Period. The end.

It is my hope that this amendment is simply a platform, and I think the sponsor of it has already used it for that to restate some of their talking points on energy production. It's my hope that no one could ever seriously suggest assessing the energy resources that might lie under George Washington's front lawn.

The first part of this amendment is completely unnecessary because the underlying language in the bill makes impacts on energy production a non-issue. The second part of this amendment contemplates oil rigs and wind farms in places that we would never allow them to be built.

So once again, as with the previous amendment, this amendment is not necessary. Therefore, I will not object to it.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 15, as follows:

[Roll No. 482]

AYES—424

Abercrombie	Bean	Boozman
Ackerman	Becerra	Bordallo
Aderholt	Berkley	Boren
Akin	Berman	Boucher
Alexander	Berry	Boustany
Allen	Biggart	Boyd (FL)
Altmire	Bilbray	Boyd (KS)
Arcuri	Bilirakis	Brady (PA)
Baca	Bishop (GA)	Brady (TX)
Bachmann	Bishop (NY)	Braley (IA)
Bachus	Bishop (UT)	Broun (GA)
Baird	Blackburn	Brown (SC)
Baldwin	Blumenauer	Brown, Corrine
Barrett (SC)	Blunt	Buchanan
Barrow	Boehner	Burgess
Bartlett (MD)	Bonner	Burton (IN)
Barton (TX)	Bono Mack	Butterfield

Buyer	Goodlatte	McCollum (MN)
Calvert	Gordon	McCotter
Camp (MI)	Granger	McCrery
Campbell (CA)	Graves	McDermott
Cannon	Green, Al	McGovern
Cantor	Green, Gene	McHenry
Capito	Grijalva	McHugh
Capps	Gutierrez	McIntyre
Capuano	Hall (NY)	McKeon
Cardoza	Hall (TX)	McMorris
Carnahan	Hare	Rodgers
Carney	Harman	McNerney
Carson	Hastings (FL)	McNulty
Carter	Hastings (WA)	Meek (FL)
Castle	Hayes	Meeks (NY)
Castor	Heller	Melancon
Cazayoux	Hensarling	Mica
Chabot	Herger	Michaud
Chandler	Herth Sandlin	Miller (FL)
Childers	Higgins	Miller (MI)
Christensen	Hinchey	Miller (NC)
Clarke	Hinojosa	Miller, Gary
Clay	Hirono	Miller, George
Cleaver	Hobson	Mitchell
Clyburn	Hodes	Mollohan
Coble	Hoekstra	Moore (KS)
Cohen	Holden	Moore (WI)
Cole (OK)	Holt	Moran (KS)
Conaway	Honda	Moran (VA)
Cooper	Hooley	Murphy (CT)
Costa	Hoyer	Murphy, Patrick
Costello	Hunter	Murphy, Tim
Courtney	Inglis (SC)	Murtha
Cramer	Insee	Musgrave
Crenshaw	Israel	Myrick
Crowley	Issa	Nadler
Cubin	Jackson (IL)	Napolitano
Cuellar	Jackson-Lee	Neal (MA)
Culberson	(TX)	Neugebauer
Cummings	Jefferson	Norton
Davis (AL)	Johnson (GA)	Nunes
Davis (CA)	Johnson (IL)	Oberstar
Davis (IL)	Johnson, E. B.	Obey
Davis (KY)	Johnson, Sam	Olver
Davis, David	Jones (NC)	Ortiz
Davis, Lincoln	Jones (OH)	Pallone
Davis, Tom	Jordan	Pascarell
Deal (GA)	Kagen	Pastor
DeFazio	Kanjorski	Paul
DeGette	Kaptur	Payne
Delahunt	Keller	Pearce
DeLauro	Kennedy	Pence
Dent	Kildee	Perlmutter
Diaz-Balart, L.	Kilpatrick	Peterson (MN)
Diaz-Balart, M.	Kind	Peterson (PA)
Dicks	King (IA)	Petri
Dingell	King (NY)	Pitts
Doggett	Kingston	Platts
Donnelly	Kirk	Poe
Doolittle	Klein (FL)	Pomeroy
Doyle	Kline (MN)	Porter
Drake	Knollenberg	Price (GA)
Dreier	Kucinich	Price (NC)
Duncan	Kuhl (NY)	Putnam
Edwards (MD)	LaHood	Radanovich
Edwards (TX)	Lamborn	Rahall
Ehlers	Lampson	Ramstad
Ellison	Langevin	Rangel
Ellsworth	Larsen (WA)	Regula
Emanuel	Larson (CT)	Rehberg
Emerson	Latham	Reichert
Engel	LaTourette	Renzi
English (PA)	Latta	Reyes
Eshoo	Lee	Reynolds
Etheridge	Levin	Richardson
Everett	Lewis (CA)	Rodriguez
Fallin	Lewis (GA)	Rogers (AL)
Farr	Lewis (KY)	Rogers (KY)
Fattah	Linder	Rogers (MI)
Feeney	Lipinski	Rohrabacher
Ferguson	LoBiondo	Ros-Lehtinen
Filner	Loeb sack	Roskam
Flake	Lofgren, Zoe	Ross
Forbes	Lowey	Rothman
Fossella	Lucas	Roybal-Allard
Foster	Lungren, Daniel	Royce
Fox	E.	Ruppersberger
Frank (MA)	Lynch	Ryan (OH)
Franks (AZ)	Mack	Ryan (WI)
Galleghy	Mahoney (FL)	Salazar
Garrett (NJ)	Maloney (NY)	Sali
Gerlach	Manullo	Sánchez, Linda
Giffords	Markey	T.
Gilchrest	Marshall	Sanchez, Loretta
Gillibrand	Matheson	Sarbanes
Gingrey	Matsui	Saxton
Gohmert	McCarthy (CA)	Scalise
Gonzalez	McCarthy (NY)	Schakowsky
Goode	McCaul (TX)	Schiff

Schmidt	Speier	Walberg
Schwartz	Spratt	Walden (OR)
Scott (GA)	Stark	Walsh (NY)
Scott (VA)	Stearns	Walz (MN)
Sensenbrenner	Stupak	Wamp
Serrano	Sullivan	Wasserman
Sessions	Sutton	Schultz
Sestak	Tancredo	Waters
Shadegg	Tanner	Watson
Shays	Tauscher	Watt
Shea-Porter	Taylor	Weiner
Sherman	Terry	Welch (VT)
Shimkus	Thompson (CA)	Weld (FL)
Shuler	Thompson (MS)	Weller
Shuster	Thornberry	Westmoreland
Simpson	Tiahrt	Wexler
Sires	Tiberi	Whitfield (KY)
Skelton	Tierney	Wilson (NM)
Slaughter	Towns	Wilson (OH)
Smith (NE)	Tsongas	Wilson (SC)
Smith (NJ)	Turner	Wittman (VA)
Smith (TX)	Udall (CO)	Wolf
Smith (WA)	Udall (NM)	Woolsey
Snyder	Upton	Wu
Solis	Van Hollen	Yarmuth
Souder	Velázquez	Young (AK)
Space	Visclosky	Young (FL)

NOT VOTING—15

Andrews	Fortenberry	Pickering
Boswell	Fortuño	Pryce (OH)
Brown-Waite,	Frelinghuysen	Rush
Ginny	Hill	Waxman
Conyers	Hulshof	
Faleomavaega	Marchant	

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Messrs. YARMUTH, WITTMAN of Virginia, HOEKSTRA, HOYER, HODES, MCINTYRE, SOUDER and NADLER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. SALAZAR, 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. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail, pursuant to House Resolution 1317, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. RAHALL. Madam Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Wednesday, July 9, 2008:

House Resolution 1313, and House Resolution 1315.

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

There was no objection.

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

There was no objection.

WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL DESIGNATION ACT—Continued

The SPEAKER pro tempore. Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. 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 MS. FALLIN

Ms. FALLIN. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mr. FALLIN. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Fallin moves to recommit the bill H.R. 1286 to the Committee on Natural Resources with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

Amend section 3 to read as follows:

**SEC. 3. ENERGY.**

Section 7 of the National Trails System Act (16 U.S.C. 1246) is amended by adding at the end the following new subsection:

“(1) Nothing in this Act shall prohibit or hinder the development, production, conveyance, or transmission of energy.”

Mr. RAHALL. Madam Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentlewoman from Oklahoma is recognized for 5 minutes.

Ms. FALLIN. Madam Speaker, America has slammed into an energy wall in the past 18 months, with gas prices escalating 70 percent since the beginning of the 110th Congress when the current Democratic leadership took control. Americans are now paying over \$4 and change for a gallon of gasoline. This dire situation affects not only drivers, but ripples through all commerce of the United States, from the cost of food, to building materials, to tourism, to jobs, to health care, and in short, our economic security. Increased supply from our own American resources is one tool that we have in our tool box to help us get out of this mess.

This is a bipartisan solution, as demonstrated by Speaker PELOSI's recent request to President Bush to release oil from the Strategic Petroleum Reserve to help funnel more product to American refineries, and thus more gas to local gas stations.

While this is a small step in a positive direction, the Democratic-controlled House of Representatives has only compounded the problem of American energy supplies. The current leadership has scheduled and passed over a dozen bills from the Committee on Natural Resources alone restricting or potentially restricting energy development on the public lands of the United States. We also expect a package of over 60 more bills from the Senate before we adjourn, most of which will impact energy exploration and development on public lands.

The Democratic leadership of the House of Representatives has also failed to lift the congressional moratoria on the development of oil and natural gas resources from the Outer Continental Shelf. It has blocked access to over 1 million acres of uranium-rich lands in the southwestern United States, fuel which could be harnessed to produce clean, air-friendly nuclear energy. It has locked up oil shale and stopped energy transmission corridors across public lands. It has even tried to stop wind energy.

While this trail bill before us may seem like small potatoes, it is indicative of a larger problem. The more lands we place off-limits to multiple uses, including energy development, then the more we have to rely on others for our economic feedstock of energy.

This trail will affect lands and waters in more than nine States in very populous eastern areas and the mid-Atlantic region of America. At least, thanks to Congressman PEARCE's amendment, we will know exactly what energy resources will be impacted by this designation. This is not true for all trails designated under the National Trails Act.

Currently, there are thousands of miles of trails affecting every region of the United States, and with the trend in legislative activity in this Congress, we can certainly expect many more in the near future.

This motion to recommit will ensure that we do not inadvertently cut off crucial energy supplies during the current crisis when we designate trails under the National Trails Act. It expands on language authored by Congressman ROB WITTMAN, now in section three of the bill, which was readily accepted by both Democrats and Republicans during the markup of H.R. 1286 in the Committee on Natural Resources just 2 weeks ago. What is good for the Washington-Rochambeau trail should be good for all trails, wherever located.

And, Madam Speaker, as I just mentioned, this House just voted unanimously on an amendment by Congressman PEARCE for an energy assessment on this trail, so why should we prohibit or hinder the development, the production, the conveyance, or transmission of energy on any trail in the United States?

I ask for your support.

Ms. GIFFORDS. Madam Speaker, I would like to submit for the RECORD the following concerns and suggestions regarding certain sections of S. 2284, the Senate version of the Flood Insurance Reform and Modernization Act. These specific concerns were expressed to me by officials from the town of Marana, Arizona. They relate to the potential adverse effects these sections could have on the Marana community. I urge my House and Senate colleagues to take all of these concerns into consideration while negotiating the final version of this bill.

The specific concerns relating to Section 6 are the reason I voted “no” on the Republican Motion To Instruct Conferees that was offered on the floor today.

The town of Marana's concerns are as follows:

1. Section 6, Reform of Premium Rate Structure: Much of this Section seeks to disallow preFIRM (Flood Insurance Rate Map) rates for second homes, repetitive loss structures, substantially improved structures, commercial structures, and others. However, the current language could have unintended, adverse consequences. Of concern to Marana is Subsection (g)(1), which states:

“(g) No Extension of Subsidy to New Policies or Lapsed Policies.—The Director shall not provide flood insurance to prospective insureds at rates less than those estimated under subsection (a)(1), as required by paragraph (2) of that subsection, for—(1) any property not insured by the flood insurance program as of the date of enactment of the Flood Insurance Reform and Modernization Act of 2008;” . . .

We are concerned that Subsection (g)(1) would preclude the writing of any new pre-FIRM policies after the enactment of the legislation. This could negatively affect residences that were built pre-FIRM but then placed into a floodplain by a subsequent map change after the legislation is enacted.

2. Section 7, Mandatory Coverage Areas: The intent of this Section appears to be the accurate portrayal of risk behind man-made flood control structures. Subsection 107(b)(1) reads as follows:

(1) include any area previously identified by the Director as an area having special flood hazards under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a);

This language would essentially require properties located in areas that had once been designated as floodplain, but since removed from the floodplain, to continue to carry mandatory flood insurance. Marana would like to point out that many Letters of Map Revision (LOMR) incorporate better information (hydrology or topography) than was available when the maps were originally created. These types of LOMRs do not involve physical construction and therefore the areas removed are not typically residual risk areas. Areas that are at a residual risk after a LOMR from a physical change would be accounted for in Subsection 107(b)(2), which reads as follows:

(2) require the expansion of areas of special flood hazards to include areas of residual risk, including areas that are located behind levees, dams, and other man-made structures

We recommend this language be revised. It is problematic in that it equates residual risk areas to Special Flood Hazard Areas (SFHAs). SFHAs are high hazard areas requiring normal flood insurance. Residual Risk areas typically require less flood insurance or preferred risk policies. Also, the language is not clear regarding man-made structures that are distinct flood control structures.