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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 27, 2008.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Wayne Graumann, Salem Lutheran Church, Tomball, Texas, offered the following prayer:

O Father in heaven, Your very name is holy; help us to speak it with reverence and awe. May we extend the boundaries of Your goodness to those around us, and may we trust that Your provision is all that we need for today and eternity. Bless us with what we need on a daily basis, since, without Your gifts, we are helpless. When we err, cleanse us with Your forgiving love, and may the forgiveness You offer motivate us to have a forgiving spirit toward those who harm us. Do not let us be led astray by greed or pride. Graciously keep watch over us so that the destructive forces may not overpower us. You are our majestic God; all things belong to You and all praise goes to You.

Your Son taught us this form of prayer, and therefore, I offer this prayer in Jesus' name. Amen.

THE JOURNAL

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

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

Mr. POE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. POE. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. BRALEY of Iowa 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 a bill of the following title in which the concurrence of the House is requested:

S. 428. An act to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

The message also announced that pursuant to Public Law 107–12, the Chair announces, on behalf of the Majority Leader, the appointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board:

Trevor Whipple of Vermont, vice David E. Demag of Vermont.

WELCOMING REV. WAYNE GRAUMANN

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. MCCAUL) is recognized for 1 minute.

There was no objection.

Mr. MCCAUL of Texas. Mr. Speaker, I'm always inspired by the fact that we begin our business here in the Congress with a prayer to God and a pledge to this great country.

Mr. Speaker, I rise today to pay tribute to a great man, a man of God, a man of faith, a man who has devoted his entire career, indeed his entire life, to the service of his fellow man. Pastor Wayne Graumann, who offered this morning's prayer for the House of Representatives, is revered, admired, and loved by all in his congregation and by all those whose life he has touched. He is the voice and the shepherd of Salem Lutheran Church in Tomball, Texas.

Born in Granite, Oklahoma, Pastor Graumann became a pastor after completing his education at Concordia Theological Seminary in Springfield, Illinois. He eventually accepted a calling from Salem Lutheran in Tomball, Texas, and has served and strengthened his flock there for the past three decades.

Pastor Graumann has been married to his wife, Kathy, for more than 36 years. They have been blessed with two children and two beautiful grandchildren. Pastor Graumann also spends countless hours working on world missions for the health and well-being of others, particularly in Honduras, Kenya, and Mexico.

Everyone who knows Pastor Graumann knows him as a true messenger of Christ. In his words and in his deeds and, above all, in his heart, his example is a beacon of light which draws us all closer to our Creator. His faith and devotion to the life of Christ is an inspiration to us all.

I'm reminded of the Gospel of Matthew when Jesus said, ''Let your light so shine before men that they may see your good works and glorify your Father who is in heaven.''

May the peace of Christ be with you and may He hold you in the palm of his hand.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

ACHIEVEMENTS OF AFRICAN AMERICANS IN CELEBRATION OF BLACK HISTORY MONTH

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

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to honor the achievements of African Americans in celebration of Black History Month. I find it quite fitting to address the House on this particular date when, in 1869, John Menard, the first African American elected to Congress, presented his case for being unfairly denied his seat as a Representative for the Second Congressional District of Louisiana. His testimony made him the first African American to address Congress on the House floor.

Now, almost 140 years later, we bear witness to the fruits of his labor by having 41 African American Members of the U.S. House and 1 African American Member of the United States Senate. That's why I'm so proud to represent the First District of Iowa where, in this great State, we have created a legacy of diversity and our own mark in history.

Iowa was home to Lulu Johnson, the first African American woman to receive a Ph.D. It is also home to 12 of the Tuskegee Airmen. Iowa State University, my alma mater, educated George Washington Carver and also houses Jack Trice Stadium, the only division 1–A football stadium to be named in honor of an African American. Iowa State also educated the current highest ranking African American health policy adviser in the U.S. House of Representatives, Mr. Aranthan Jones.

It's these types of accomplishments that inspire me to continue to work and stand up for people of all backgrounds fighting for justice and working toward equality.

BRITAIN OLYMPIC GAG

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

Mr. PITTS. Mr. Speaker, the press in Great Britain has reported that British Olympic athletes will be required as a requirement for their inclusion on the Olympic team to sign a contract promising not to speak about China's appalling human rights record. I'm surprised and dismayed that a country with a history such as Britain's would be so short-sighted. The country that paved the way for the enumerated rights of individuals in the Magna Carta is now restricting the free speech of its athletes from condemning some of the most brutal human rights violations in the world today.

The country of William Wilberforce, the man who was so outspoken in his campaign to end the slave trade, must have forgotten its history as a society dedicated to human rights. It is deeply disappointing that our closest ally has chosen to kowtow to the Chinese regime.

Wilberforce's friend, another British statesman, Edmund Burke, once said, ''All that is necessary for the triumph of evil is for good men to do nothing.''

WE SHOULD DO AS WE SAY, NOT AS WE DO

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

Mr. COHEN. Mr. Speaker, yesterday the Turkish Government took its troops into northern Iraq and went after their nemesis, the terrorist, the PKK. They defeated, destroyed, and killed a great number of the PKK who've killed over 40,000 Turks since the 1980s and what is possibly the greatest terrorist group to attack a sovereign country.

Our Secretary of Defense Gates is going to be in Turkey today and has said he will tell the Turks to make their foray short, a matter of days, weeks, not months, and to respect the sovereignty of the Iraqi Government. I can only imagine what the Turks will tell Secretary Gates. Do as I say, not as I do. For have we respected the sovereignty of the Iraqi Government? Has our foray been short? Can we afford to lose more blood and more dollars in a losing attack in Iraq?

I submit to Secretary Gates, Mr. Speaker, we should do as we say, not as we do.

INNOVATION, NOT NEW TAXES

(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, if at first you don't succeed, try, try again.

The Democrats have failed three times to push through their energy tax increase but here it is on the floor again today. When will our neighbors across the aisle realize we cannot tax our way to energy independence? Innovation and competition, the free market forces that have led to extraordinary discovery, do not emerge from tighter bureaucracy and punitive tax policies; yet, the majority still wants to raise taxes on the American people.

The truth is that our antiquated domestic refinery capacity, a dependence on foreign oil, and a growing global demand for oil are responsible for the increase in oil prices. Raising taxes on American companies simply punishes American taxpayers by implementing a policy which will raise the price at the pump and hit us all in the wallet.

Let's expand our energy development and workable conservation programs, but let's promote innovation, not new taxes.

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

ON DEFENDING OUR CITIZENS

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

Mr. HOLT. Mr. Speaker, almost before the ink was dry on the February 22 letter to Intelligence Chairman REYES claiming that the telecommunications companies were balking at their surveillance support requests, the DNI and Attorney General were forced to admit that the companies were, in fact, cooperating with the U.S. Government surveillance activities. It is not simple patriotic duty; it's the law. They must cooperate. Under FISA, if they're compelled to cooperate, they are automatically provided immunity.

The truth is that the only time FISA phone taps have been turned off lately is when the President failed to pay the FBI phone bills. If you don't believe me, look at the Inspector General's report of the Department of Justice in 2008 this year.

The real issue before us is this: How do we produce law that provides us better intelligence and safeguards Americans' liberties? The answer is we've done it through the RESTORE Act, and the sooner that House-passed bill becomes the law of the land, the better. Requiring the government to apply to a court and demonstrate to a standard of probable cause that they know what they're doing not only protects the liberty of Americans, it produces better intelligence.

□ 1015

SAMUEL McCULLOCH, JR.—FIRST BLOOD

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

Mr. POE. Mr. Speaker, born in South Carolina in 1810, Sam McCulloch, Jr.

arrived in Texas with his father and three sisters just prior to the Texas War for Independence from Mexico.

McCulloch was a free black, and with his freedom he volunteered as a private in the Texas Army to fight for independence. On October 9, 1835, McCulloch took part in the Battle of Goliad. While storming the Mexican line, McCulloch was severely wounded when a musket ball shattered his right shoulder. Thus, Samuel McCulloch, Jr. became the first Texas casualty of the war.

After Texas won its independence and became a free Republic, Samuel McCulloch, Jr. went on to fight against the Comanches along with the Texas Rangers at the famous Battle of Plum Creek, and he served as a spy for the Texas Army when Mexico reinvaded Texas in 1842. Later, McCulloch lived as a farmer and a rancher with his family on the land that the Texas government gave him for his service to the Republic.

He died in November of 1893. He triumphed over all obstacles and voluntarily risked life and limb to establish freedom for Texas, the land he loved. During Black History Month, we honor this freedom fighter and this first to shed blood for Texas independence.

And that's just the way it is.

BALANCING SECURITY WITH CIVIL RIGHTS

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

Mr. SESTAK. Mr. Speaker, when 9/11 happened, we, as a Nation, realized that, while we used to like away games, we liked our wars over there, suddenly we were confronted with a home game, a danger right here in America. And so the discussion over the last few weeks over the wiretapping capability of the United States is absolutely critical. I know. I headed, after 9/11, the Navy's Antiterrorism Unit.

When the bill came over here from the Senate, we asked for what we should have done. Time to address two important issues. One, what's the proper oversight that we should have on those who wiretap? An Inspector General, a report to Congress and to the Surveillance Court. And second, amnesty. Do we give someone who has broken the law, the telecommunication companies, amnesty for facilitating wiretapping? We may. But first let us know, before you give someone amnesty, why they did it and what they did.

In short, right now we're operating under the same rules as President Reagan had, as the first President Bush and the second President Bush had for 6½ years. Now we need to compromise on both sides to ensure that our security is balanced with proper civil rights.

CELL PHONE BILL

(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, picture a cell phone in 1989. Back then, cell phones were huge, the size of a suitcase, and air time cost a fortune.

A law was put in place in 1989 to require that detailed log sheets be kept by employees of their cell phone use in order to document their business use. Those rules made sense back then.

Fast forward to today. Clearly, time and technology have marched on and companies give their employees cell phones and BlackBerrys with unlimited minutes. And these communication devices are really just an extension of the business day and place to anywhere at any time.

The IRS wants employees to keep detailed call sheets or be forced to include the value of cell phones and BlackBerrys in their pay. The law needs to be brought up to date with the fact that the office cell and BlackBerry is just an extension of the phone on an employee's desk. Employees and employers have better things to worry about than keeping detailed logs of calls only for tax purposes.

It's time for the Congress to pass the Mobile Cell Phone Act, H.R. 5450, and stop the IRS harassment.

ON FISA, PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

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

Mr. PERLMUTTER. Good morning, Mr. Speaker.

The Bush administration continues a daily drumbeat of fearmongering on the Foreign Intelligence Surveillance Act, wiretapping, despite its own admission over the weekend that it has access and authority to continue all surveillance.

The U.S. intelligence community has expansive authorizations for wide-ranging surveillance limited by each American's right to privacy. If any new surveillance needs to begin, the FISA Court can approve a request within minutes. But National Security Director Mike McConnell says President Bush is holding up a compromise on FISA legislation because he wants to give blanket immunity to telecommunications companies who turned over information about their customers. Once again, President Bush is putting the biggest corporations first and shrinking the constitutional rights we all enjoy as Americans.

We can protect this country and the Constitution at the same time, and that's precisely what the Democratic majority will do.

PROVIDING FOR CONSIDERATION OF H.R. 5351, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1001 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1001

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) an amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative McCrery of Louisiana or his designee, which shall be in order without intervention of any point of order (except those arising under clause 7 of rule XVI, clause 9 of rule XXI, or clause 10 of rule XXI), shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5351 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 983 is laid upon the table.

POINT OF ORDER

Mr. CONAWAY. Mr. Speaker, I make a point of order against the consideration of the resolution because it is in violation of section 426(a) of the Congressional Budget Act.

The resolution provides that all points of order against consideration of the bill are waived except those arising under clause 9 and 10 of rule XXI. This waiver of all points of order includes a waiver of section 425 of the Congressional Budget Act which causes the resolution to be in violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Texas makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Texas and a Member opposed, the gentlewoman from California, each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit:

Will the House now consider the resolution?

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Speaker, this bill that is the subject of this rule that is about to come before us includes two tax increases, one on section 199, which eliminates the oil and gas industry's ability to take advantage of this provision within the law to increase their taxes over the next 10 years by some $13 billion. There is also some tweaking with, and that's an odd word to use when it raises $4 billion, but a tweaking with the way foreign oil and gas income plays into the computation of the foreign tax credits that these companies could take advantage of.

□ 1030

Both of these violate the Unfunded Mandate Reform Act provision on private initiatives and therefore are subject to this point of order on being waived. So I think that favorable consideration of this point of order is where we should be going with respect to the private sector mandates that are waived under this rule.

Mr. Speaker, I would also at this point in time like to yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, as was mentioned, you could easily say that there are unfunded mandates in the bill. You could also say there is a particular earmark in the bill. Because the bill didn't go through regular order and we don't have a committee report to go along with it, there was not a certification that came saying that there were no earmarks in the bill.

Of particular concern is a provision that would allow New York City to keep up to $2 billion worth of the employer share of payroll taxes and invest the funds in a transportation project. This is not the first time we have seen this. The New York Liberty Zone Tax Credit earmark was included in a previous energy bill passed by the House, but it was removed by the Senate.

Now, I think we can all quibble about where the benefits go on some of these things, but it's clear that the target here is New York City. It's a targeted tax provision, and it's what we typically refer to as an earmark in the authorizing bill. And I would say that if it looks like an earmark and acts like an earmark, it is one. And it shouldn't be in this bill unless there is some kind of certification or something that is not an earmark. I just don't know how you can call it anything but that. This is just another example of how little impact Congress's steps to reform the process have actually had in the day-to-day operation of the House.

For a point of order against an earmark to be rejected, the chairman needs to simply insert a statement into the RECORD saying there are no earmarks in the bill, and then the point of order can't be lodged. Here we don't even have that kind of statement, and still we are saying a point of order can't be lodged in this regard.

So I would say that we ought to reject this bill for many reasons, not the least of which it's going to blow a $2 billion hole in the budget here for a limited specific tax provision benefiting only one group across the country.

With that, I thank the gentleman for yielding.

Mr. CONAWAY. I thank my colleague for pointing that out.

Mr. Speaker, the Congressional Budget Office on a similar, almost exact, bill, 2776, earlier in the year, clearly stated that these were unfunded mandates. They breached the threshold appropriate under the Unfunded Mandate Reform Act, and a point of order should be sustained against this bill.

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

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

This point of order is about whether or not to consider this rule and ultimately the underlying bill. In fact, I would say that it is simply an effort to try to kill this bill before we even have an opportunity to debate it. I hope my colleagues will vote ''yes'' on this procedural motion so we can consider this important legislation today.

Mr. Speaker, H.R. 5351 is about investing in clean, renewable energy and energy efficiency. It is about boosting our economy and national security while protecting our environment.

It is abundantly clear that our dependence on foreign oil has skyrocketed with much of it imported from the volatile Middle East with a price tag today of $102 a barrel. It's time to reduce our dependence on foreign oil, not only to strengthen our national security but to support domestic production of renewable energy. We need to take action now and start by considering and passing the Renewable Energy and Energy Conservation Tax bill today.

This bill is about the hardworking American families. It is about creating jobs for the American worker and about protecting their rights. If we are creating jobs in this bill, which we are, we should be making sure that workers are making prevailing wages.

The Davis-Bacon Act requires contractors to pay no less than the locally prevailing wage on Federal contract construction. Davis-Bacon was adopted in 1931, during the Hoover administration, to protect the rights of the American workforce. During the more than 70 years since its enactment, Davis-Bacon has come under fire many times but has always received support from the Congress and American families who benefit from it.

The Renewable Energy and Energy Conservation Tax Act addresses the priorities of the American people. In addition to tackling our energy crisis, H.R. 5351 complies with PAYGO rules, which is a priority of the 110th Congress. The bill is therefore paid for. Most of the funding is by reducing tax cuts to the top-earning oil companies. In order to pay for the important tax extensions and comply with PAYGO, there had to be revenue raisers. Our country is facing record deficits, and this Congress is acting responsibly.

This bill will develop a progressive energy policy that is long term, not shortsighted. It does away with the tired strategies of the past, which focused only on producing more oil at the expense of the environment and of the American taxpayer. We are heeding the calls of the American people by adopting it.

Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I oppose this point of order. I think that the gentlewoman from California made it very clear that it is appropriate and needed that we do what we're trying to do with H.R. 5351. And I want to support the rule for H.R. 5351, and I would like to thank Congresswoman MATSUI for her leadership and Chairman RANGEL for their continued work to ensure these vital tax credits are extended.

This legislation takes many needed steps to ensure the United States continues to be a major player on the renewable energy stage. This legislation extends the renewable energy production tax credit which Iowa and my district have seen firsthand the benefits of. It creates a cellulosic alcohol production tax credit which will give a 50 cent per gallon credit for cellulosic alcohol produced for use of fuel, a step to get us out of bondage to OPEC, and anybody knows we have got to do this for the salvation of this country. This legislation also extends the biodiesel production tax credit and creates a new credit for plug-in hybrid vehicles, among other things.

I'm also pleased to see that components of a bill I introduced, H.R. 5373, the Consumer and Manufacturer Energy Efficient Tax Credit Extension Act, were also included in this legislation. The underlying bill, which goes further than mine, would extend and modify the energy efficient appliance credit for 3 years and extend and modify the energy efficiency tax credits for improvements to existing homes.

I'm very pleased to see that the chairman, the gentlewoman from California (Ms. MATSUI), and the House leadership recognize these tax credits are important, not only to the environment but also to the economy. I believe that all consumers want to make more energy-efficient choices, and this legislation will help them do that. It's a win-win situation for the environment and the American consumer's pocketbook.

Iowa has been a leader for renewable energy, and I am proud to say in my district we are leading the State with a new biodiesel plant in Newton just last year and a new wind turbine plant, which provides the State with the equipment needed to supply its growing wind energy.

I am also excited that we have the opportunity to make America more energy independent, create high-tech ''green'' jobs for a ''green future,'' ensure low-income families have affordable energy costs, and I look forward to continuing to work for a more energy-efficient future.

So, again, I thank the gentlewoman for this time. And I would once again reiterate my support for this rule, that we can move on and oppose this point of order.

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

Mr. CONAWAY. Mr. Speaker, I yield myself such time as I may consume.

I was laboring under a misconception that the debate was to be limited to the point of order rather than the underlying bill itself. So since the other side has raised the issues in the bill, I'll take a couple of seconds to add some gratuitous comments about those as well rather than strictly talking about my point of order.

At a time when we are clearly dependent on foreign oil, imported foreign oil, crude oil, and natural gas, and everyone recognizes that it's a strategic vulnerability to our country, a reduction in domestic production of crude oil and natural gas seems to be very wrongheaded in the sense of trying to reduce our dependency on imported foreign oil and natural gas.

This bill will take $17 billion out of the search for crude oil and natural gas, domestic supplies in most instances, and put it towards some very worthy initiatives in terms of trying to find alternatives to that. There is no rational projection that any of these alternatives will develop in the next 15 to 20 years to supplant the need for crude oil and natural gas to drive the economy, whether you're talking about generating electricity or driving cars and trucks and airplanes. So at a time when we are fully dependent on crude oil and natural gas, it seems to make eminent sense that we ought to be encouraging domestic oil and gas companies to reinvest their profits, reinvest their moneys back in the ground.

Now, mechanically what happens with respect to the oil and gas business is when they do find crude oil and natural gas, they find reserves in the ground and there is value associated with those reserves. Typically, those producers then go to the bank and use those reserves as collateral in the ground to borrow more money to spend additional money going into the ground. So for each dollar that we increase their taxes, there is a multiple of that dollar that does not get spent on searches for crude oil and natural gas that would be used domestically. We do nothing about the restrictions on a responsible, environmentally sound development of other areas that have proven crude oil and natural gas reserves, domestic crude oil and natural gas reserves. We do nothing in this legislation to affect that.

In addition, my colleagues brought up the vaunted PAYGO rule, which is used almost every day in this Chamber. Quite frankly, these taxes have been used multiple times already in this Congress to pay for a variety of things. So if our constituents back home fully understood how theatrical the PAYGO situations with this bill really are, they would be probably offended, that that is just the typical Washington business-as-usual kinds of things that are going on.

So while this bill, I believe, creates an unfunded mandate that is in violation of the Unfunded Mandate Reform Act and it should be properly subject to this point of order, the underlying bill itself is flawed on a variety of things as well.

I will close, then, by just saying that I believe this point of order should be sustained and this rule should be defeated.

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

Ms. MATSUI. Again, Mr. Speaker, I urge my colleagues to vote ''yes'' on the motion to consider so we can debate and pass this important piece of legislation today.

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

The SPEAKER pro tempore. The question is: Will the House now consider the resolution?

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 186, not voting 18, as follows:

[Roll No. 78]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
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
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
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Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
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Stark
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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
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Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—186

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)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
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Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
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Lewis (CA)
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LoBiondo
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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	Smith (TX)	Walsh (NY)
Royce	Souder	Wamp
Ryan (WI)	Stearns	Weldon (FL)
Sali	Sullivan	Weller
Saxton	Tancredo	Westmoreland
Schmidt	Terry	Whitfield (KY)
Sensenbrenner	Thornberry	Wilson (NM)
Sessions	Tiahrt	Wilson (SC)
Shadegg	Tiberi	Wittman (VA)
Shimkus	Turner	Wolf
Shuster	Upton	Young (FL)
Simpson	Walberg	
Smith (NE)	Walden (OR)	

NOT VOTING—18

Aderholt	Gohmert	Moran (VA)
Brown-Waite, Ginny	Jones (OH)	Reyes
Cubin	Keller	Ryan (OH)
Diaz-Balart, M.	LaTourette	Smith (NJ)
Doolittle	Lungren, Daniel E.	Woolsey
Gilchrest	Miller, George	Young (AK)

□ 1108

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

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

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5351, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

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

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1001 provides for consideration of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008 under a structured rule. The rule provides 90 minutes of debate on the bill, equally divided and controlled by the Committee on Ways and Means. The rule makes in order an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD if offered by Representative MCCRERY or his designee. The substitute amendment is debatable for 1 hour. The rule also provides for one motion to recommit the bill, with or without instructions.

Mr. Speaker, today's debate is quite simple: It is about taking action on an important priority of the American people. It is about investing in renewable energy, which will chart a new direction for our country's energy policy. This bill will ensure that hardworking Americans can buy affordable energy that is environmentally sound. It restores balance to our energy policy after years of favoring Big Oil.

Mr. Speaker, hardworking American families are struggling to pay their bills in an uncertain economy. They face the growing cost of basic necessities, such as gasoline and heating oil. This is a direct result of rising oil prices.

As Members of Congress, we have a responsibility to protect our constituents from big oil companies and countries that are taking advantage of working families. The Renewable Energy and Energy Tax Conservation Act restores balance to our energy policy. For years, we have had a tax structure that favors huge oil companies over the American family.

Mr. Speaker, I believe the facts speak for themselves. Oil costs today rose to $102 a barrel for the first time in history. It is more expensive for Americans to drive their kids to school, to go to the grocery store, to heat their homes, and to vacation with their families. Americans are paying more than ever to fill up their cars, and big oil companies are reaping the profits.

In my home State of California, the price of gasoline is more than double what it was when this administration came into office. Last year, ExxonMobil posted the largest profit in American history, nearly $40 billion to one company. This equation is simple: Americans pay more; oil companies make more. This is unacceptable for the families we represent.

Unfortunately, it is perfectly acceptable for our President. This is a President who said that we don't need incentives for oil and gas companies to explore. That was back when the price of oil was $55 per barrel. It is now almost double that. It is obvious that any system that rewards the top earning oil companies and neglects our constituents and the environment ignores the priorities of the American people.

Mr. Speaker, today's legislation will correct this inequity. It will transfer some of the massive profits enjoyed by these oil companies and invest them in renewable resources that will power our economy in the future.

Our scientists have been hard at work researching ways to harness the powerful assets of our planet. We can have a healthy economy even as we preserve our natural resources and our skies. Solar, wind, and geothermal technologies are ready for the mainstream. Our legislation will help get them there.

In the case of solar, we are not just creating new incentives. We are extending successful tax breaks that have helped these industries get off the ground. Our legislation will allow public agencies to issue bonds to pay for clean energy projects. Some of the most effective public energy agencies in the country have put this provision at the top of their priority list.

This bill envisions a future where our country is no longer beholden to the oil market. It will dramatically pump up our domestic production of renewable fuels, such as biodiesel and cellulosic alcohol. The bill also contains a tax break to increase the number of alternative refueling stations so that Americans have options to fill up on the next generation of fuels.

□ 1115

This legislation recognizes that we can and must create the technologies today that we will use in the future. It harnesses our inventive American spirit to tackle our energy problems. It creates a sliding-scale tax incentive for consumers to purchase plug-in hybrid electric vehicles. It encourages investment in solar fuel cells and harnesses the power of cutting-edge technologies that produce energy from landfill gas and marine sources.

It builds on the desire of the American people for a more balanced and progressive energy policy. Making our homes and buildings more energy efficient is one of the most cost-effective ways to save money and power.

Our legislation contains significant incentives for efficiency programs. These changes will save money for constituents in the short and long run. They will also help preserve jobs. If tax incentives for wind and solar production are not extended, 116,000 American jobs will be lost. The legislation before us is critical to the health of our economy.

Most important, though, is that this legislation builds on the desire of the American people for a more balanced and progressive energy policy. The American people want us to take action to modernize our energy supply, and that is what we are doing. This bill will also help to lessen our dangerous dependence on oil from unstable parts of the world.

Earlier this month, our energy markets were disturbed by rumors that Venezuela was cutting off oil shipments. Events like these are a stark reminder that even though we are the strongest country in the world, we are also very vulnerable.

The short-sighted energy policy of the past is undermining our national security. We will only get weaker unless we change course now and invest in renewable fuels that are produced here at home, not in countries that wish us harm.

This House has heard the message that the American people have been sending us for a long time. We must overhaul our energy policy, and this bill is the second step toward this goal. We took the first step late last year when Democrats reached across the aisle. We worked in a bipartisan manner to pass the first increase in fuel economy standards in decades.

We could have done even more to restore balance to our energy policy.

Many of the provisions in today's bill were a part of last year's energy legislation passed by this House. But we were stymied by Republican obstructionism in the Senate.

I am one of the millions of Americans who want to see us do even more. People like Luquita Hutchinson from my hometown of Sacramento. She and her family are the reasons we must chart a new course forward here today.

Because of trying to balance her household budget, Luquita has stopped buying meat at the grocery store because she has to pay so much for gas at the pump. Today, in Sacramento, it's $3.35 a gallon. She has to make a choice between buying food for her family or filling up her gas tank.

It is for the sake of people like Luquita that I encourage my colleagues to support the legislation on the floor today. This bill makes us safer by reducing our dependence on foreign oil. It protects the pocketbooks of hardworking Americans like Luquita Hutchinson, and it transforms our energy policy to maximize the benefits of clean, affordable, and renewable energy. If we pass today's bill, this kind of clean energy future is within our grasp.

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

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from California (Ms. MATSUI), for the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this closed rule. I know the majority calls this a structured rule, but it's a closed rule. Technically the majority gave the minority the ability to offer a substitute amendment if the substitute amendment was printed in the CONGRESSIONAL RECORD before the end of the legislative day. The rule giving the minority the opportunity to draft a substitute was passed out of the Rules Committee at about 5:20 yesterday evening. The House finished its legislative day at 5:57, giving the minority 37 minutes in which to draft a substitute to a very complex tax issue while meeting PAYGO and germaneness requirements. I understand that at the time the House went out of session last night, minority staff from the Ways and Means Committee were talking to the Office of Legislative Counsel and the Joint Committee on Taxation in hopes of drafting a substitute amendment. But since they couldn't get all their work done in 37 minutes, the minority, in fact, was closed out and prohibited from offering any amendments under this closed rule.

What is even more disturbing is that I am informed that during consideration of the rule yesterday, the distinguished chairwoman, Ms. SLAUGHTER, informed Ranking Member DREIER that the majority would keep the House in session so that the minority would have ample time to complete work on a substitute amendment. But the question must be asked of the majority at this time: How is 37 minutes enough time to draft legislation, especially on something as complicated as an energy tax bill?

Mr. Speaker, it is not enough time. It is most unfortunate that the majority did not give the minority time to complete its work and that we are now proceeding under this closed process.

Everyone in this body seeks to leave our children and grandchildren a better world in which to live. This great Nation has made great strides in protecting human health and the environment, but, clearly, we can do more.

From 2001 to 2006, Republican-led Congresses invested nearly $12 billion to develop cleaner, cheaper and more reliable domestic renewable energy sources. This included sources such as cellulosic ethanol, hybrid electric vehicle technologies, hydrogen fuel cell technologies, wind and solar energy, clean coal and advanced nuclear technologies.

I am pleased by the inclusion of the production tax credit, the PTC, in the underlying legislation being brought to the floor today. The PTC provides a tax credit for electricity produced from renewable energy facilities. Sources such as wind, solar and biomass are included under the tax credit. Since its enactment in 1992, the credit has encouraged the development of thousands of megawatts of clean, renewable electric generation facilities.

But we must keep in mind that alternative fuels will not eliminate the need for traditional energy resources. Without additional supply, the tight market conditions that have put pressure on prices are going to persist, and this bill, the legislation being brought to the floor today under this rule, will do nothing to lower gas prices.

Unfortunately, the majority has included in H.R. 5351, the underlying legislation, more than $17 billion in tax increases, including a repeal of the section 199 manufacturing deduction. This tax incentive in current law is aimed at reducing U.S. dependence on foreign oil by encouraging domestic exploration and production of oil and natural gas. By removing this incentive for the domestic production of oil and natural gas, we would increase the incentive to look overseas for those energy resources. How would that be in our national interest? How does increasing the cost of doing business in the United States decrease the cost of gasoline for Americans? Why would we want to deincentivize investment in a sector of our economy with 1.8 million well-paying jobs in the United States of America?

Removal of these incentives will drive up prices to the American consumer even further and increase our dependence on foreign suppliers such as the buffoon Hugo Chavez, who earlier this month cut off oil sales to ExxonMobil and threatened once again to cut off all oil sales to the United States.

And while the buffoon Chavez makes those threats to our energy supplies, the majority has decided that his company, Citgo, would continue to receive a tax break that the majority in the underlying legislation seeks to take away from American companies.

Yes, under this legislation, three American oil and gas companies, ExxonMobil, Chevron and ConocoPhillips, will lose their current deduction while Citgo will continue to get theirs. That's unbelievable.

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

Ms. MATSUI. Mr. Speaker, before I yield to my next speaker, I would like to say to the gentleman that this is a very fair rule. It allows extra debate time so that all Members have a chance to speak.

As is usual for a tax bill, we allowed a Republican substitute amendment to be made in order. Unfortunately, the Republican substitute amendment offered during the Rules Committee did not meet PAYGO requirements. The minority had the opportunity to submit the substitute if they wanted, but they did not.

With that, Mr. Speaker, I yield 3½ minutes to the gentlewoman from Florida, a member of the Rules Committee, Ms. CASTOR.

Ms. CASTOR. I thank my colleague from the Rules Committee.

Mr. Speaker, I rise in support of the landmark Renewable Energy and Energy Conservation Tax Act of 2008, and this rule.

Mr. Speaker, we are fighting for fundamental change in our Nation's energy policy. For too long, the big oil companies have had a stranglehold over politicians in Washington, DC and over our country's energy policy.

All we have to do is examine the headlines these days: ''Pain at the Pump Grows.'' Another headline: ''Cost of Gas Hits All-Time High.''

But there is a very interesting juxtaposition of headlines, because the other headlines in our Nation's newspapers read something like this: ''ExxonMobil Profit Sets Record Again.'' That's right, almost $41 billion last year, breaking the record that they had set only last year.

This sales figure alone exceeds the gross domestic product of 120 countries. To put this in perspective, ExxonMobil earned more than $1,287 of profit for every second in the year 2007.

So here is the question: Do the American people continue to subsidize big oil companies while they are making record profits? Or do we shift our investment to cleaner, renewable fuels?

Mr. Speaker, I know the White House does not like this. President Bush said he would veto this, but we are not going to give up. This new Congress, led by Democrats, is responding to folks in every State in America demanding change in our country's energy policy.

They understand that this is vital to our national security, and it's vital to

their pocketbooks. The contrast between the politics of the past, represented by the White House, and our forward-looking bill could not be clearer.

Remember just 7 years ago, the administration's energy task force met behind closed doors. It consisted of oil company executives, and the administration fought to keep everything secret. Renewable sources of energy were not a priority. The Earth's climate change was not a priority. And the recommendations involved more drilling, more mining and more of the same, which led only to record gas prices for families, record profits for oil companies and disastrous national security consequences. I mean, after all, under the current administration, gas prices have doubled.

In contrast, our groundbreaking efforts to date are setting our country on a path towards energy independence. Despite the fact that the White House continues to side with Big Oil and threaten a veto of this bill, we are not going to give up.

We already have a great record. We have strengthened national security by increasing fuel efficiency standards. We have raised the fuel economy standards. We have lowered energy costs by focusing on conservation and efficiency. We have tackled global climate change, but we are only just beginning to set the new course on the Nation's energy policy.

By repealing subsidies to the big oil companies and investing in the renewable energy technologies, we will continue to march towards new energy solutions. The status quo in Washington is not acceptable anymore. The White House might threaten veto, but we are not going to give up.

□ 1130

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Michigan (Mr. HOEKSTRA) 4 minutes.

Mr. HOEKSTRA. Today is day 11, day 11 since the Protect America Act expired.

The Director of National Intelligence has clearly stated that each and every day that we move past the expiration of the Protect America Act our ability to monitor, to track radical jihadist groups and others, people who want to attack America, would erode. Those comments were reinforced by the chairman of the Intelligence Committee in the other body.

The other body did the appropriate thing and passed a long-term FISA, Foreign Intelligence Surveillance Act, bill, enabling our intelligence community to have the tools that they need to keep America safe. It has been 2 weeks since the other body passed their bill. It has been more than 2 weeks of inaction by this House.

I guess this House did have action. We went home for 12 days on an extended vacation. I guess this House did have action, we left late in the afternoon yesterday. We worked until almost 6:00 making sure we did not address this FISA issue, this key component of national security.

Each and every day we become more vulnerable. How vulnerable does the other side want us to become? Each and every day the other side fights to give more rights to people who might do America harm. Each and every day we undercut the activities of the men and women in the intelligence community who are doing everything that they can to keep America safe, but who find each and every day the other side tying their hands behind their backs and limiting their capabilities to keep America safe.

At a time when we are in a very dangerous world, the efforts by radical jihadists to attack us and our troops in Iraq and Afghanistan, they do continue. There is an urgency, as far as our troops are concerned, that this issue needs to be dealt with, even though individuals on the other side repeatedly say there is no urgency to deal with this issue. The other side says there is no urgency. Tell that to our men and women in Iraq and Afghanistan. Tell that to our allies in the Middle East, our allies in Israel who the leader of al Qaeda in Iraq has recently said, Let's use Iraq to be a launching pad to attack Jerusalem. Tell that to our allies, the Israelis, who are under threat from Hezbollah. Tell that to our allies throughout the Middle East where the second goal and objective of radical jihadists is to undermine their regimes and overthrow them and establish the caliphate and impose shariah law.

It seems that much of the world believes that there is an urgency, as do the President and the other body. The President and the other body negotiated and reached an agreement. We agree with that direction. House Republicans and many Democrats would vote for it, but Democratic leadership continues to stand in the way and prevent this bill from coming up and being considered by this House. There is an urgency, as much as the other side would like to believe there is not. Vote against the previous question and allow the Senate bill to come up for a vote today.

Ms. MATSUI. Mr. Speaker, before I yield to the next speaker, I would just like to say, unfortunately, it is ironic that the minority is coming to the floor with this issue yet again, especially since the minority has refused to come to the table as we are trying to work out the differences between the House and Senate versions. Yes, we have been trying to move forward with the negotiations, but the minority has not been willing to participate.

I would also like to remind my colleagues that one of the most destabilizing forces in the world is the competition for declining oil resources in the world. When we break our dependence on foreign oil with this bill today, we will be safer and our country will be better positioned to respond to the threats we face.

Mr. Speaker, I yield 2 minutes to the gentleman from New York, a member of the Rules Committee, Mr. ARCURI.

Mr. ARCURI. Mr. Speaker, I thank the gentlewoman from California, and I would just like to say we are hearing about everything except this energy bill. And, Mr. Speaker, I would point out this is a good bill, and so the people on the other side of the aisle want to talk about everything but this rule and this bill.

I rise today in strong support of this rule and this bill, H.R. 5351, the Renewable Energy and Energy Conservation Act, which will not only bring this country into a new alternative energy future, but strengthen our economy, create jobs, and boost small businesses in the very towns and rural communities where we need it most.

During these uncertain economic times, it is absolutely critical that we pass legislation to invest in jobs for today and long-term development for tomorrow.

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 with natural resources and first-class scientific and technological community makes us perfectly poised to seize the opportunity to create a new green economy, complete with green jobs.

I recently had the opportunity to see firsthand what investments in alternative energy production can do. I attended a groundbreaking at Mascoma's $30 million cellulosic ethanol facility in Rome, New York, and went to the grand opening of the Schuyler Wood Pellet plant in Herkimer County, which will create 18 full-time green jobs on-site, enough wood pellets to heat 33,000 homes, and provide a $10.5 million investment in upstate New York's future. That is the kind of future and the kind of bill we are here to support today.

This is why I am especially glad to support the over- $8 billion in long-term renewable energy tax incentives included in the Renewable Energy and Energy Conservation Act, tax incentives that will help companies like Mascoma and Schuyler Wood Pellet continue to grow and spur additional economic activity.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, my colleague from California has said that we are trying to work

something out on FISA, and the majority has been trying to engage the minority on FISA and it is really too bad we won't participate.

I have to tell my colleague from California that I am the ranking member on the Technical and Tactical Intelligence Subcommittee, and I have been invited to no meetings. The ranking member of the entire House Committee on Intelligence has been invited to no meetings. And the reason is that there has been no motion to go to conference on the FISA bill, and there is a difference within the Democratic Caucus. You can't even come talk to us until you resolve your own problems internally, because the reality is that a majority of this body, Democrats and Republicans, want to immediately take up this bill that will close the gap in our intelligence collection that has existed now for 11 days.

The rule that we are being asked to consider today actually tables the FISA legislation. And if the rule is defeated, we will immediately bring up the Senate bill that closes this critical intelligence gap.

You don't have to believe me. Senator ROCKEFELLER, on the floor of the United States Senate 12 days ago, said, ''People have to understand around here that the quality of intelligence we are going to be receiving is going to be degraded. Is going to be degraded. It's already going to be degraded.''

The Senate bill will reestablish the procedures that we set up in August to listen to foreigners in foreign countries without a warrant, to require warrants for Americans, and put in place stronger civil liberty protections than we had in the base bill that has been in existence since 1978, and will provide liability protection for our partners in this effort and tools to compel assistance similar to those that are under the criminal wiretap procedures.

Americans need to understand that the Senate has passed a bill to close this intelligence gap. That bill could be passed on the floor of this House today and the President would sign it. We are operating today under outdated procedures that are delaying our ability to listen rapidly to new tips that come in today.

I have been out to our intelligence agencies, and sometimes they start out by saying, Congresswoman, I know you are here to look at a particular program, but I want you to look at what we are tracking today. This is what we are trying to find out today. Here are the five people we are worried about most today. Here are the terrorists that we think are transiting Madrid. They have just come from Pakistan. We don't know where they are going and what they are planning.

We are trying to disrupt and stop terrorist attacks every single day in this country, and the minority, the Democrat liberal leadership of this House, refuses to bring to the floor of this House a bill that will close that gap, and you are compromising the security of this country by doing so. I urge a ''no'' vote on this rule.

Ms. MATSUI. Mr. Speaker, before I yield time to our next speaker, first I would like to say that the Foreign Intelligence Surveillance Act continues to give the intelligence community the tools it needs to monitor terrorists. The government always has the option of tapping targets immediately and returning to the FISA Court within 72 hours to obtain an order.

Additionally, any surveillance gathered before the expiration of the Protect America Act is in place for 1 year. The FISA Court backlog has been cleared, and the intelligence community can and was always able to do its job.

I would like to remind my colleagues that we are considering the rule for the Renewable Energy and Energy Conservation Tax Act.

Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. I want to thank the gentlelady for giving me the opportunity to speak on such an important issue. Before I go with my remarks, I would just like to point out that the issue of FISA has to do with making sure that the President gets immunity, not the telecom companies, and the rush to try to do something is really disappointing when we are a Nation of rule of law, and it is important for the American people to understand exactly what happened here after 9/11 with the telecommunications companies giving information to the President illegally.

Having said that, I represent the 16th Congressional District of Florida. My district is home to a subtropical climate and rich soil. It is the largest and most varied producer of the biomass needed to produce cellulosic ethanol.

Unfortunately, some of my rural areas are also the poorest in Florida, where we have high unemployment and an almost 40 percent dropout rate in our high schools. Many of our rural youth don't see that getting their high school diploma will make a difference in their lives.

Thanks to Congress, the day is coming when America can turn its back on foreign oil because we had the courage to create a biofuels industry here in America, a business that will transform rural America.

Thanks to Chairman RANGEL, H.R. 5351 helps to make this vision a reality by giving gasoline companies a tax credit for blending cellulosic ethanol. This credit, in addition to the energy and farm bills we passed last year, will get Wall Street to open their wallets and invest in cellulosic ethanol businesses throughout rural America. It will give our rural youth hope and the opportunity to have a job with a future.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 4 minutes to the gentleman from Texas (Mr. SMITH), the ranking member of the Judiciary Committee.

Mr. SMITH of Texas. Mr. Speaker, today is day 11 without the Protect America Act and so our Nation continues to be at greater risk of attack from terrorists.

Yesterday I submitted an amendment to the Rules Committee to attach the Senate-passed FISA bill to H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008. House Democrats once again refused to bring this commonsense, bipartisan bill to the floor for a straight up-or-down vote.

Last year, Admiral McConnell, the Director of National Intelligence, warned Congress that the intelligence community was missing two-thirds of all overseas terrorist communications, further endangering American lives. Congress enacted the Protect America Act to close this loophole for terrorists.

The Senate, working with the administration, drafted legislation to modernize FISA and give our intelligence agencies a long-term law under which they could operate. It has been 2 weeks since the Senate overwhelmingly approved their bill by a vote of 68–29. We should vote on it immediately to better protect American lives.

Mr. Speaker, I also oppose H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008. H.R. 5351 contains some beneficial provisions, such as creating incentives to make energy efficiency improvements to new and existing homes and extending tax credits to encourage the production of alternative forms of energy. But while it is well and good to encourage alternative energy development, Congress should not do so by damaging our domestic oil and gas industry.

□ 1145

According to the Department of Energy, in 2006 all renewable energy sources provided only 6 percent of the U.S. domestic energy supply. In contrast, oil and natural gas provided 58 percent of our domestic energy supply. The numbers don't lie. Oil and natural gas fuel our economy and sustain our way of life.

Furthermore, almost 2 million Americans are directly employed in the oil and natural gas industry. Punishing one of our Nation's most important industries does not constitute a national energy policy.

The answer to lowering gas prices and reducing our dependence on foreign oil is not to remove $17.6 billion in tax incentives from the oil and gas industry. The answer is to utilize our domestic resources, including ANWR.

According to former Interior Secretary Gale Norton, ''ANWR would supply every drop of petroleum for Florida for 29 years, New York for 34 years, California for 16 years, or New Hampshire for 315 years.'' It could also supply Washington, D.C. for 1,710 years.

The answer is also to build new refineries and to develop more nuclear energy, as most European and Asian countries have already done. But no

new major refinery has been built in the United States in the past 15 years. And no new nuclear facility has received a construction license in the United States for 30 years, even though safe technology is now available.

Mr. Speaker, instead of penalizing the oil and gas industry, Congress should pass real energy reform, expand domestic exploration of oil and gas, build more refineries, and construct more nuclear facilities.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentlelady very much.

For nearly 8 years, this administration's backwards energy policy has lined the pockets of oil company executives, while hurting American consumers, the economy, and the planet.

Since President Bush took office, the price of oil has gone from $30 a barrel to a new record high price of $101 a barrel yesterday. As a result of this administration's failed energy policies, our dependence on foreign oil is now over 60 percent, and we are hemorrhaging funds to pay for our oil addiction at the rate of over $500,000 a minute, $30 million an hour, $5 billion a week sent overseas. And consumers are the ones paying the price for our oil addiction. Gas prices are now at a nationwide average of $3.14, up nearly $1 from a year ago.

This administration's oil-centric energy policy has proven itself to be completely bankrupt for everyone except Big Oil. While American consumers are being tipped upside down at the pump and having money shaken out of their pockets, Big Oil is recording the greatest corporate profits we have ever seen in the history of the world.

Today, we debate whether we will repeal unnecessary tax breaks for the biggest oil companies and use those funds to spur investment in renewable energies, biofuels and energy efficiency. The future of renewable energy is in America's hands. But the money to fund the renewable revolution is stuck in Big Oil's pockets.

Renewable energy is ready to take off, but it needs us to build the runway. That is what we are going to be debating here today. Thirty percent of all new electricity in the United States last year was wind. There was an 80 percent increase in photovoltaic installations in the United States last year.

The future is clear. It is in front of our eyes. We must give it the boost we need.

Vote ''aye'' on this very important legislation today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I can't tell you how disappointed I am in the majority today because in this bill you effectively kill our opportunity to talk about FISA and the renewal of our opportunity to listen to foreign terrorists talking to foreign terrorists overseas. And it's intellectually not honest with the American people if you don't tell them what you're doing, because it's dangerous. It's really dangerous.

This is day 11, day 11 that you're starting to slowly turn off our ability to listen to bad guys plotting to kill Americans and to kill our allies overseas, men, women, children, Christians, Jews and Muslims. The danger of this is very real and very palpable.

They passed a bipartisan bill in the Senate and said this is urgent; let's do it. Two weeks ago, the Director of the ODNI came out and said, this is important.

We've often said here we should listen to our commanders in the field. They are screaming at the top of their lungs, give us this authority so we can continue to keep America safe.

I heard some argument that, gee, we can just listen if we want and we can come to the FISA Court if we want.

I used to be an FBI agent. It took me 9 months to develop the probable cause on my first case to get a criminal title III, which is the same as a FISA, to listen to somebody's conversations. And it should be that hard. It should be that hard for United States citizens. They deserve that protection under our Constitution.

But what you're saying is you think that those overseas criminals, a criminal in Pakistan, a terrorist plotting to kill Americans, making a phone call from Pakistan that ends up in Saudi Arabia, we ought to say, well, wait a minute; we need to come all the way back to the court, we need to work up probable cause and try to figure out if we ought to be listening to that conversation.

No American out there, including the majority of the Senate and I think the majority in this Chamber, believes that's the right standard to keep America safe. This is dangerous.

Now I know you're down here with the jangly keys theory and thinking, if we just distract them long enough they'll think this is about big oil companies and all of that mess. This is about the majority killing our opportunity to give this tool, this authority which they have used responsibly to make sure that we don't have attacks against Americans here.

What does a majority of the Senate and a majority of this House see that the majority leadership does not? What won't they see, and why won't they tell the American people what they're doing?

It's day 11. Every day that goes by we are in jeopardy of attack.

I will guarantee you this today. There is somebody picking up some electronic instrument to communicate what plan they may have to kill Americans or, as I said before, our allies, or Christians or Jews or Muslims.

What will it take for the majority to stand up and stop politicking on the lives of Americans, our allies and every global person, to stand up and say we will stand for the defense of the United States and its allies and we will stop terrorists in their tracks?

I would urge the strong rejection of this rule.

Ms. MATSUI. Mr. Speaker, I want to just say, as I said before, this is just to remind my colleagues that we are considering the rule for the Renewable Energy and Energy Conservation Tax Act today.

With that, I would like to yield 2 minutes to the gentleman from Washington (Mr. INSLEE), a member of the Energy and Commerce Committee.

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, it is not day 11 of FISA. We have passed FISA. It is day 2,593 of the Bush administration that has allowed us to remain addicted to oil, has allowed the price of gas to be doubled during his administration, and has allowed us to continue on a course of being insecure because we are wrapped around the axle of oil because of these tax subsidies. It is time to turn course.

This side of the aisle believes the status quo in energy is acceptable. We don't think that's good enough. We believe that Americans are smart enough, creative enough, and innovative enough to launch a new Apollo Project in energy so that we can do for energy what Kennedy did for space, and this bill is step one in that regard.

All over this country Americans are inventing a new energy future for us: the OSPRA solar energy company in Florida with clean solar thermal power; the Nanosolar Company that made the first commercial sale of thin cell photovoltaics last month; the Imperium Company in my State of Washington with biodiesel that powered the first jet airliner flight with biodiesel with Virgin Air last weekend; the Altarock Company, the first enhanced geothermal company now growing in the State of Washington; the Janicki Company, which is opening up a new wind turbine blade construction project.

We essentially are ready to launch a rocket of clean energy innovation in this country. But this side of the aisle and my friends, unfortunately, have put a hold on the countdown, and we're about 2 seconds away to really having a burst of economic growth in this country. But they are allowing these tax breaks to expire, which are strangling the birth of these new industries.

In the last several weeks I've got scores of phone calls from people all over the country ready for these new companies to start. But they're strangling them. We've got to keep this growth going. Launch a clean energy revolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, the gentlelady from California pointed out rightly that a barrel of oil has come up to $100. But what if I told you of an industry or a group that wanted the consumer to have to pay $330 for a comparable barrel of oil?

Mr. Speaker, this rule is protecting an industry and a plot to pick the pockets of the American consumer, while polluting our air. And what I am talking about is the fact that in California today, the Federal Government is mandating that we put an additive into our gasoline. We're being required to have corn ethanol put into our gasoline, what is costing a comparable $6 a gallon.

So when someone stands on the floor and says they're outraged at the price of gasoline, let me just ask you, you either have to confront the fact that this rule is protecting a bill that is protecting the picking of our pockets and the polluting of our air with corn ethanol. And everyone knows that it's a sham. They know that it's out there costing more.

And those of us that have worked on the air pollution issue, as myself, the California Air Resources Board is telling you, not only don't mandate this stuff, outlaw this stuff. It is polluting our air and costing a comparable $6 a gallon.

So I hope the American people remember, when someone stands up here and says, this is a green bill, this bill stinks to high heaven. It's polluting our air and picking our pockets under the guise of protecting the environment and protecting the consumer.

The group that is working together to cause this rip-off and this pollution is the United States Congress. The blame goes on both sides. But the majority has the chance now to address this issue.

Now I understand those who may have corn producers in their district justifying this kind of action. But what about all of us that don't have that?

I ask you today, stand up for the environment, stand up for the consumer, vote against this rule and bring it back without corn subsidies.

□ 1200

Ms. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, when I joined the Navy during the Vietnam War, we had one destroyer in the Persian Gulf. And a few years later in the early 1970s, we had our very first embargo of oil, blockade of oil of the United States when OPEC, which today controls 42 percent of the oil resources, shut off the spigot. Shortly thereafter, in the Navy, we moved an aircraft carrier battle group into the Persian Gulf where it has remained ever since.

Including during the war, the tanker war in the 1980s where we convoyed oil tankers back and forth, and as we did so and I did so, I just questioned all the time, Why are we doing this? Can't we act? I watched from the mid-1980s as the amount of oil imports from overseas increased from 27 percent to 60 percent today. We are en route to 70 percent by 2025. And $7 trillion we have lost due to these price disruptions and these price manipulations by those overseas.

Do we expect the price to go down like it did after the 1970s? I'm not so sure, unless we take action. Because now we have China that just this past year passed us as the number one emitter of bad air emissions at 22 percent of all bad greenhouse emissions. This is a China that in the next decade wants an Ozzie and Harriet home for everyone in its populace. In one decade that will take as much energy that we have used as a world in the last two centuries.

As I sit back, I believe that this bill is late. It should have been done before. It should have had these incentives for us to manufacture energy-efficient appliances; to have working families then be incentivized to purchase them; to have production tax credits in order to have affordable energy, solar power, and geothermal energy.

I speak here from the experience of being out there. This is a military security issue. This is an energy security issue but also a military security issue, a national security issue.

And on FISA, if I might speak, I headed the Navy's antiterrorism unit. I was in the White House working terrorism issues. This bill is about efficiency, not effectiveness. We are as safe today as when President Reagan operated under FISA as the first President Bush, as this President. I know. I was on the ground in Afghanistan. I wanted that intelligence. There is no way I would even vote in order to do what we are doing on FISA if I didn't know the men and women who wear the cloth of this Nation are not as safe today as they were a year ago.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, my distinguished friend from New York pointed out earlier that this rule that we are debating is on the energy bill. She pointed that out because we have been stressing the need to debate the Foreign Intelligence Surveillance Act. And I want to point out, Mr. Speaker, to our colleagues that the rule that we are debating today, this rule lays on the table, it tables H. Res. 983, authority to address legislation concerning foreign intelligence surveillance. So it's quite germane and relevant in discussing and debating this rule to be insisting upon a debate on FISA.

And with that in mind and having said that, I yield 2 minutes to the distinguished gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I have heard several Members come down to the floor and talk about FISA and talk about this is not part of the bill; we are supposed to be here to debate energy. In fact, what the gentleman from Florida is talking about is that we have a responsibility here in the Congress to protect the American people, and our military commanders say we need this, this FISA extended, a permanent extension, so that we can continue to watch over terrorists that are trying to call in and out of our country. This is imperative that we get this done.

And so when you start to look at what are we doing here today talking about this energy bill, well, this is once again one of these energy bills where we are just going to tax the American consumer. We are going to tax domestic oil producers. And this bill has no chance to make it through the Senate. This bill has no chance to become law. So why would we be here today when we are on day 11, as Mr. HOEKSTRA said earlier, we are day 11 where we have not been able to surveil terrorists that are trying to call in and out of this country, but instead we are debating an energy bill that taxes domestic oil producers, taxes big oil companies, and leaves a glaring loophole so that Hugo Chavez's CITGO still continues to get tax breaks.

So I can understand if some of the Democrats want to tax Exxon and the big oil companies. They don't like oil. They don't want to use oil. They want to raise the oil prices of the American consumer. But why, why would you give tax breaks to Hugo Chavez? That I cannot understand. We need to get off of this bogus debate on taxing oil companies, and we need to get back on to protecting the American people and bring up this FISA bill today.

Ms. MATSUI. Mr. Speaker, just before I yield to my next speaker, I just want to remind everyone that the Protect America Act expiration has not reduced our ability to conduct surveillance.

With that, I would yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Ways and Means Committee.

Mr. BLUMENAUER. Mr. Speaker, it's interesting our colleagues on the other side of the aisle are trying desperately to change the subject. There could be a FISA extension in a heartbeat. They turned that down. If they cared truly about national security, they would be embarrassed about the bankrupt energy policy that puts our Nation at risk. We wouldn't have a third of a million American soldiers and civilian contractors in Iraq today spending 1 trillion American tax dollars if Iraq didn't have the second largest oil reserves and that we have an energy policy that doesn't meet the needs of America today, much less for the future.

The bill that we have before you that this rule enables us to consider will be passed. It will be passed through the House today. It will pass the Senate, it is only a question of when. It may take an election for the American people to be clear that they're tired of investing in energy policies from the past, for the past.

This isn't a tax increase. Our bill has exactly the same amount of money

coming in as going out. But instead of subsidizing the purchase of the largest gas guzzling SUVs, we are going to subsidize hybrid plug-ins. Instead of giving $14 billion of unneeded subsidies to the five largest oil companies who made over half a trillion dollars in profit, we are going to help avoid the starving of the wind energy business.

Approve the rule. Vote for the bill.

Mr. LINCOLN DIAZ BALART of Florida. I would inquire of my friend if she has any additional speakers.

Ms. MATSUI. Mr. Speaker, I have one additional speaker.

Mr. LINCOLN DIAZ-BALART of Florida. I will reserve then.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to a member of the Rules Committee, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, the basic question that we face in America is the basic question we face in Congress, and that is, are we going to turn the page on a fossil fuel-based energy policy that needs to change? Are we going to embrace an alternative energy policy that is going to allow us: A, to protect our environment; B, to create jobs; and C, to give us much more flexibility and independence in foreign policy?

This legislation is a step along the road of a new energy policy and a new future for this country. This is not just something that is going to do the things other speakers have spoken about, but it is a partnership with our States.

Yesterday, Mr. Speaker, the Vermont Senate approved a very wide-ranging energy bill that's going to promote renewable energy and energy efficiency. The bill that we pass today will partner with that bill and work its way through the Vermont legislature by providing tax incentives that will stimulate a growing market all around the State and the country. This legislation is going to provide up to $3.6 billion in interest-free financing to help our State and our local governments finance environmental conservation and efficiency programs.

We all have our positions on how this affects oil. Oil is doing pretty well, $100 a gallon. Consumers aren't. We are looking for ways to provide relief, but we are looking for ways to protect our environment at the same time.

What this legislation embodies is a confidence that we have the technology and the intellectual strength in this country to forge a new energy policy that is renewable, that in the process can create jobs and work well with our States who are often ahead of us here on providing that leadership.

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

Mr. Speaker, it's disappointing that the majority has decided really to waste the time of this Congress with legislation that three times has failed to make it through the Senate and that observers covering Congress have called a rerun. Instead of wasting time on legislation that will never make it into law, we should be considering bipartisan legislation that will protect Americans from international terrorism.

On February 14, the majority decided to leave Washington to take a Presidents Day recess and allow the Protect America Act to expire 2 days later, rendering U.S. intelligence officials unable to begin new terrorist surveillance without cumbersome bureaucratic hurdles. Because of the deliberate inaction of the majority, the United States today is more vulnerable to a terrorist attack. And this did not have to happen.

Earlier this month, the Senate passed by a bipartisan vote of 68–29 a bill updating the Foreign Intelligence Surveillance Act, a bill that the chairman of the Intelligence Committee said, '' . . . it's the right way to go in terms of the security of the Nation.''

Mr. Speaker, we would have easily considered that legislation, but the majority decided instead to head home. The House should vote on the Senate measure and we should do it now, instead of debating this legislation which will not become law and is really nothing more than a rerun.

We must always stay one step ahead of those who wish harm on Americans. Now is not the time to, in any way, in any way tie the hands of our intelligence community. The modernization of foreign intelligence surveillance into this century is a critical national security priority.

I'm pleased that several of my colleagues on the other side of the aisle also agree. On January 28, 21 members of the Blue Dog Coalition sent a letter to the Speaker in support of the Senate legislation. The letter states, ''The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues, and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives in the United States.''

Today I will give all Members of this House an opportunity to vote on the bipartisan long-term modernization of FISA. I call on all of my colleagues, including members of the Blue Dog Coalition that signed the letter to the Speaker, to join with me in defeating the previous question so that we can immediately move to concur in the Senate amendment and send the bill to the President to be signed into law.

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 (Mr. HOLDEN). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I urge my colleagues to vote ''no'' on the previous question and in favor of a bipartisan permanent solution that will help protect American lives from international terrorism.

With that, Mr. Speaker, I yield back.

Ms. MATSUI. Mr. Speaker, today's debate is really about the future of our country. Those of us who think that American leadership can create new sources of clean energy will vote for this bill. Those of us who think that high oil prices, economic uncertainty, and dependence on foreign oil are good energy policy will vote against it.

I know where my loyalties lie in this debate. They lie with Americans who are struggling to find the money to drive their children to school. They lie with people in my State of California who are concerned about global warming. They lie with my constituents who want a new direction for energy policy. It is for them that I support this legislation today. It is for them that I urge all of my colleagues to support this legislation.

Voting for the Renewable Energy and Energy Conservation Tax Act is a way to show our constituents that the energy policies of the past are no longer acceptable. The American people are challenging us to create a new strategy focused on renewable and affordable energy. Those of us who support today's bill are meeting that challenge.

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

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

AMENDMENT TO H. RES. 1001

OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 4. ''That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker's table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.''

(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.

Ms. MATSUI. 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. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1215

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:

Approval of the Journal, de novo;

Ordering the previous question on H. Res. 1001, by the yeas and nays;

Adoption of H. Res. 1001.

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

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on agreeing to the Speaker's approval of the Journal.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 185, answered ''present'' 1, not voting 25, as follows:

[Roll No. 79]

YEAS—217

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Clarke
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
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Gerlach
Gonzalez
Goodlatte
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, 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 (PA)
Pickering
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuster
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—185

Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
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
Capito
Carney
Carter
Chabot
Chandler
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Goode
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—25

Aderholt
Barton (TX)
Braley (IA)
Brown-Waite, Ginny

Clay
Conaway
Cubin
Diaz-Balart, M.
Frank (MA)
Garrett (NJ)
Gingrey
Hunter
Jones (OH)
Keller
Lungren, Daniel E.
McMorris Rodgers
Miller (NC)
Pearce
Renzi
Reyes
Ryan (OH)
Slaughter
Sullivan
Udall (CO)
Woolsey

□ 1239

Ms. GRANGER and Messrs. RYAN of Wisconsin, THOMPSON of California, and RAMSTAD changed their vote from ''yea'' to ''nay.''

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

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 5351, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1001, 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 214, nays 189, not voting 25, as follows:

[Roll No. 80]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
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, 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
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
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
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—189

Akin
Alexander
Bachmann
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Donnelly
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
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
Reichert
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Aderholt
Bachus
Bilbray
Brown-Waite, Ginny
Conyers
Cubin
Davis, Lincoln
Diaz-Balart, M.
Doolittle
Garrett (NJ)
Herger
Jones (OH)
Keller
Lungren, Daniel E.
Lynch
McMorris Rodgers
Miller (NC)
Pickering
Renzi
Reyes
Rogers (KY)
Royce
Ryan (OH)
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1245

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. ROYCE. Mr. Speaker, on rollcall No. 80, I was unavoidably detained. Had I been present, I would have voted ''nay.''

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 220, nays 188, not voting 20, as follows:

[Roll No. 81]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, 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
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar

Sánchez, Linda T.	Smith (WA)	Velázquez
Sanchez, Loretta	Snyder	Visclosky
Sarbanes	Solis	Walz (MN)
Schakowsky	Space	Wasserman Schultz
Schiff	Spratt	Waters
Schwartz	Stark	Watson
Scott (GA)	Stupak	Watt
Scott (VA)	Sutton	Waxman
Serrano	Tanner	Weiner
Sestak	Tauscher	Welch (VT)
Shea-Porter	Taylor	Wexler
Sherman	Thompson (CA)	Wilson (OH)
Shuler	Thompson (MS)	Wu
Sires	Towns	Wynn
Skelton	Tsongas	Yarmuth
Slaughter	Udall (NM)	
	Van Hollen	

NAYS—188

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

NOT VOTING—20

Aderholt	Jones (OH)	Radanovich
Berry	Keller	Reyes
Brown-Waite, Ginny	Knollenberg	Ryan (OH)
Cubin	Lungren, Daniel E.	Saxton
Davis (CA)	McMorris Rodgers	Tierney
Diaz-Balart, M.	Miller (NC)	Udall (CO)
Garrett (NJ)		Woolsey

□ 1252

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 for:

Mrs. DAVIS of California. Mr. Speaker, on rollcall No. 81, I was unavoidable detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 1001, House Resolution 983 is laid on the table.

RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 1001, I call up the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5351

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Renewable Energy and Energy Conservation Tax 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:

TITLE I—PRODUCTION INCENTIVES

SEC. 101. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2012'':

(1) Paragraph (1).

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

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

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) 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) EFFECTIVE DATE.—

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

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

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

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

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

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

(a) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) 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(a), 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. EXTENSION AND MODIFICATION OF ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 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, 2017''.

(2) 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, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) 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) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.''.

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

(d) PUBLIC ELECTRIC 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).

(e) 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) INCREASE IN LIMITATION FOR FUEL CELL PROPERTY.—The amendment made by subsection (c) 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 ELECTRIC UTILITY PROPERTY.—The amendments made by subsection (d) 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. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) 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.

''(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 60 percent thereof may be allocated to qualified projects of public power providers, and

''(B) not more than 40 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 subparagraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraph (2)(B) among qualified projects of cooperative electric companies 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 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) 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).

''(4) 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.

''(5) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, 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 (relating to returns regarding payments of interest) 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) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 105. EXTENSION AND MODIFICATION OF 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) (relating to special rule for sales or dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy) 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. EXTENSION AND MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) (relating to termination) 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) (relating to maximum credit) 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) (relating to allowance of credit) 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) (relating to maximum credit) 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) (relating to definitions) 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) (relating to wind facility) 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) (relating to maximum expenditures) 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) (relating to allowance of credit), 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) (relating to maximum credit), 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) (relating to definitions), 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) (relating to maximum expenditures), 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.

TITLE II—CONSERVATION

Subtitle A—Transportation

PART 1—VEHICLES

SEC. 201. CREDIT FOR PLUG-IN HYBRID VEHICLES.

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

''SEC. 30D. PLUG-IN HYBRID 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 qualified plug-in hybrid 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 qualified plug-in hybrid 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 $4,000.

''(3) BATTERY CAPACITY.—In the case of 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) QUALIFIED PLUG-IN HYBRID VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in hybrid 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,

''(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, and

''(G) which either—

''(i) is also propelled to a significant extent by other than an electric motor, or

''(ii) has a significant onboard source of electricity which also recharges the battery referred to in subparagraph (F).

''(2) EXCEPTION.—The term 'qualified plug-in hybrid 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 QUALIFIED PLUG-IN HYBRID VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a qualified plug-in hybrid vehicle sold during the phase-out 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 qualified plug-in hybrid 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) PLUG-IN VEHICLES NOT TREATED AS NEW QUALIFIED HYBRID VEHICLES.—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 plug-in hybrid vehicle credit to which section 30D(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

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

(D) Section 26(a)(1), as amended by this Act, 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. Plug-in hybrid 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. 202. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C (relating to alternative fuel vehicle refueling property credit) 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) (relating to termination) 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. 203. MODIFICATION OF LIMITATION ON AUTOMOBILE DEPRECIATION.

(a) IN GENERAL.—Paragraph (5) of section 280F(d) (defining passenger automobile) is amended to read as follows:

''(5) PASSENGER AUTOMOBILE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'passenger automobile' means any 4-wheeled vehicle—

''(i) which is primarily designed or which can be used to carry passengers over public streets, roads, or highways (except any vehicle operated exclusively on a rail or rails), and

''(ii) which is rated at not more than 14,000 pounds gross vehicle weight.

''(B) EXCEPTIONS.—The term 'passenger automobile' shall not include—

''(i) any exempt-design vehicle, and

''(ii) any exempt-use vehicle.

''(C) EXEMPT-DESIGN VEHICLE.—The term 'exempt-design vehicle' means—

''(i) any vehicle which, by reason of its nature or design, is not likely to be used more than a de minimis amount for personal purposes, and

''(ii) any vehicle—

''(I) which is designed to have a seating capacity of more than 9 persons behind the driver's seat,

''(II) which is equipped with a cargo area of at least 5 feet in interior length which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment, or

''(III) has an integral enclosure, fully enclosing the driver compartment and load carrying device, does not have seating rearward of the driver's seat, and has no body section protruding more than 30 inches ahead of the leading edge of the windshield.

''(D) EXEMPT-USE VEHICLE.—The term 'exempt-use vehicle' means—

''(i) any ambulance, hearse, or combination ambulance-hearse used by the taxpayer directly in a trade or business,

''(ii) any vehicle used by the taxpayer directly in the trade or business of transporting persons or property for compensation or hire, and

''(iii) any truck or van if substantially all of the use of such vehicle by the taxpayer is directly in—

''(I) a farming business (within the meaning of section 263A(e)(4)),

''(II) the transportation of a substantial amount of equipment, supplies, or inventory, or

''(III) the moving or delivery of property which requires substantial cargo capacity.

''(E) RECAPTURE.—In the case of any vehicle which is not a passenger automobile by reason of being an exempt-use vehicle, if such vehicle ceases to be an exempt-use vehicle in any taxable year after the taxable year in which such vehicle is placed in service, a rule similar to the rule of subsection (b) shall apply.''.

(b) CONFORMING AMENDMENT.—Section 179(b) (relating to limitations) is amended by striking paragraph (6).

(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.

PART 2—FUELS

SEC. 211. EXTENSION AND MODIFICATION 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, 2010''.

(b) 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 ''or other equivalent standard approved by the Secretary for fuels to be used in diesel-powered highway vehicles''.

(c) 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))''.

(d) 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. 212. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) BIODIESEL FUELS CREDIT.—Paragraph (5) of section 40A(d), as added by subsection (c), is amended to read as follows:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel unless—

''(A) such biodiesel is produced in the United States for use as a fuel in the United States, and

''(B) the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the location of such production.

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

(b) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(h), as added by subsection (c), is amended to read as follows:

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel unless—

''(A) such biodiesel or alternative fuel is produced in the United States for use as a fuel in the United States, and

''(B) the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of such biodiesel or alternative fuel which identifies the product produced and the location of such production.''.

(c) PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.—

(1) 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.''.

(2) 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.''.

(3) EXCISE TAX CREDIT.—

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

''(h) 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.''.

(B) 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(h).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) PROVISIONS CLARIFYING TREATMENT OF FUELS WITH NO NEXUS TO THE UNITED STATES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (c) shall take effect as if included in section 301 of the American Jobs Creation Act of 2004.

(B) ALTERNATIVE FUEL CREDITS.—So much of the amendments made by subsection (c) as relate to the alternative fuel credit or the alternative fuel mixture credit shall take effect as if included in section 11113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

(C) RENEWABLE DIESEL.—So much of the amendments made by subsection (c) as relate to renewable diesel shall take effect as if included in section 1346 of the Energy Policy Act of 2005.

SEC. 213. CREDIT FOR PRODUCTION OF CELLULOSIC ALCOHOL.

(a) IN GENERAL.—Subsection (b) of section 40 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) CELLULOSIC ALCOHOL FUEL PRODUCER CREDIT.—

''(A) IN GENERAL.—The cellulosic alcohol fuel producer credit of any cellulosic alcohol fuel producer for any taxable year is 50 cents for each gallon of qualified cellulosic fuel production of such producer.

''(B) QUALIFIED CELLULOSIC FUEL PRODUCTION.—For purposes of this paragraph, the term 'qualified cellulosic fuel production' means any cellulosic alcohol which is produced by a cellulosic alcohol fuel producer, and which during the taxable year—

''(i) is sold by such producer to another person—

''(I) for use by such other person in the production of a qualified 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 alcohol at retail to another person and places such alcohol in the fuel tank of such other person, or

''(ii) is used or sold by such producer for any purpose described in clause (i).

''(C) CELLULOSIC ALCOHOL.—For purposes of this paragraph, the term 'cellulosic alcohol' means any alcohol which—

''(i) is produced in the United States for use as a fuel in the United States, and

''(ii) is derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.

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

''(D) CELLULOSIC ALCOHOL FUEL PRODUCER.—For purposes of this paragraph, the term 'cellulosic alcohol fuel producer' means any person who produces cellulosic alcohol in a trade or business and is registered with the Secretary as a cellulosic alcohol fuel producer.

''(E) ADDITIONAL DISTILLATION EXCLUDED.—The qualified cellulosic fuel production of any producer for any taxable year shall not include any alcohol which is purchased by the producer and with respect to which such producer increases the proof of the alcohol by additional distillation.''.

(b) CONFORMING AMENDMENTS.—

(1) 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) in the case of a cellulosic alcohol fuel producer, the cellulosic alcohol fuel producer credit.''.

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

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

PART 3—OTHER TRANSPORTATION INCENTIVES

SEC. 221. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) (relating to general rule for qualified transportation fringe) 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) (relating to definitions) 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. 222. 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) $169,000,000, 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, 2008.

''(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 in the flush language after clause (v) thereof and inserting ''(in the case of nonresidential real property and residential rental property, the date of the enactment of the Renewable Energy and Energy Conservation Tax 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.

Subtitle B—Other Conservation Provisions

SEC. 231. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by section 104, 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) 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 (d).

''(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,600,000,000.

''(d) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (c) 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.

''(e) 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.

''(f) 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.

''(g) 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 (d) 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 104, 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 104, 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. 232. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

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

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

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

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

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

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) 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. 233. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

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

SEC. 234. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) 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 (relating to eligible production) 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) of this section, 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) (relating to aggregate credit amount allowed) 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) (defining clothes washer) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) 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) (relating to definitions), 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. 235. FIVE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(B) (relating to 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any qualified energy management device.''.

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED ENERGY MANAGEMENT DEVICE.—

''(A) IN GENERAL.—The term 'qualified energy management device' means any energy management device which is installed on real property of a customer of the taxpayer and is placed in service by a taxpayer who—

''(i) is a supplier of electric energy or a provider of electric energy services, and

''(ii) provides all commercial and residential customers of such supplier or provider with net metering upon the request of such customer.

''(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term 'energy management device' 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 energy management device in support of time-based rates or other forms of demand response, and

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

''(C) NET METERING.—For purposes of subparagraph (A), the term 'net metering' means allowing customers a credit for providing electricity to the supplier or provider.''.

(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.

TITLE III—REVENUE PROVISIONS

SEC. 301. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—

(1) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil,

gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).''.

(2) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

''For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(b) LIMITATION ON OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME FOR TAXPAYERS OTHER THAN MAJOR INTEGRATED OIL COMPANIES.—

(1) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer (other than a major integrated oil company (as defined in section 167(h)(5)(B))) has oil related qualified production activities income for any taxable year beginning after 2009, the amount of the deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.''.

(2) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

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

SEC. 302. CLARIFICATION OF DETERMINATION OF FOREIGN OIL AND GAS EXTRACTION INCOME.

(a) IN GENERAL.—Paragraph (1) of section 907(c) is amended by redesignating subparagraph (B) as subparagraph (C), by striking ''or'' at the end of subparagraph (A), and by inserting after subparagraph (A) the following new subparagraph:

''(B) so much of any transportation of such minerals as occurs before the fair market value event, or''.

(b) FAIR MARKET VALUE EVENT.—Subsection (c) of section 907 is amended by adding at the end the following new paragraph:

''(6) FAIR MARKET VALUE EVENT.—For purposes of this section, the term 'fair market value event' means, with respect to any mineral, the first point in time at which such mineral—

''(A) has a fair market value which can be determined on the basis of a transfer, which is an arm's length transaction, of such mineral from the taxpayer to a person who is not related (within the meaning of section 482) to such taxpayer, or

''(B) is at a location at which the fair market value is readily ascertainable by reason of transactions among unrelated third parties with respect to the same mineral (taking into account source, location, quality, and chemical composition).''.

(c) SPECIAL RULE FOR CERTAIN PETROLEUM TAXES.—Subsection (c) of section 907, as amended by subsection (b), is amended to by adding at the end the following new paragraph:

''(7) OIL AND GAS TAXES.—In the case of any tax imposed by a foreign country which is limited in its application to taxpayers engaged in oil or gas activities—

''(A) the term 'oil and gas extraction taxes' shall include such tax,

''(B) the term 'foreign oil and gas extraction income' shall include any taxable income which is taken into account in determining such tax (or is directly attributable to the activity to which such tax relates), and

''(C) the term 'foreign oil related income' shall not include any taxable income which is treated as foreign oil and gas extraction income under subparagraph (B).''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 907(c)(1), as redesignated by this section, is amended by inserting ''or used by the taxpayer in the activity described in subparagraph (B)'' before the period at the end.

(2) Subparagraph (B) of section 907(c)(2) is amended to read as follows:

''(B) so much of the transportation of such minerals or primary products as is not taken into account under paragraph (1)(B),''.

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

SEC. 303. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 3.00 percentage points.

TITLE IV—OTHER PROVISIONS

Subtitle A—Studies

SEC. 401. 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.

SEC. 402. 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 on United States farmland,

(3) the domestic effects of a dramatic increase in biofuels production on, for example—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop 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,

(G) exports and imports of grains,

(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, and

(6) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The National Academy of Sciences shall submit an initial report of the findings of the report required under subsection (a) to the Congress not later than 3 months after the date of the enactment of this Act, and a final report not later than 6 months after such date of enactment.

Subtitle B—Application of Certain Labor Standards on Projects Financed Under Tax Credit Bonds

SEC. 411. 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).

The SPEAKER pro tempore. Pursuant to House Resolution 1001, the gentleman from New York (Mr. RANGEL) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 45 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the tax provisions of H.R. 5351. The technical explanation expresses the committee's understanding and legislative intent behind this important legislation. This explanation, document JCX–19–08, is currently available on the Joint Committee's Web site.

H.R. 5351 presents a step in the right direction as Congress moves to address the issue of climate change and energy security.

Mr. Speaker, we have an opportunity today to once again visit this important international and certainly national crisis that our country is facing today. RICHARD NEAL, an outstanding member of the Oversight Committee, working with my dear friend, PHIL ENGLISH, was able to explore how the Congress might be more aggressive in dealing with this serious problem.

It is clear that one day our children and grandchildren will be asking us, during this period of time, what were we doing as relates to climate control. What role did we play to avoid our dependency on fossil fuel? How many lives have been lost as a result of our Nation feeling insecure about oil reserves throughout the world? Did we attempt to conserve? Did we protect the Earth? Did we create the jobs? Did we fulfill our moral obligation?

I hate to see that the record is going to say that here we go again, that we have done this before, that the Senate hasn't acted, or that other Members would take the time to talk about

other pieces of legislation instead of devoting all of their attention as to how we can make this issue one that the President can come to the table and join with us and attempt to resolve.

Mr. Speaker, we have an obligation to find renewable sources of energy, to conserve what we have, to test the winds, the waters, solar, to do all that we can to make certain that we meet the challenges that arise on our watch.

And so I reserve the balance of my time, Mr. Speaker, but I do hope that the discussion we have today, that Members realize that the whole world is watching, history is being made, and it is our choice as to whether we have made a positive contribution or whether some Members have preferred to be a political impediment to that progress. But no matter how many times we are rejected by the Senate, our Speaker and leadership are committed to be able to say that on our watch, while we were here, we have done all we could do in order to face and resolve this serious problem.

I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was Ralph Waldo Emerson who once wrote that a foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines.

Mr. Speaker, our friends on the other side of the aisle have today trumpeted forward an energy bill which they claim will promote America's energy independence. As the chairman of the Ways and Means Committee noted, this is a serious issue. But for those of you who are inclined to actually keep track of these things, this is actually the fourth time that the majority has advanced this particular flawed proposal in one form or another. That to me is a foolish consistency, or just like a broken record, this bill clearly is not playing with the American people.

We fear that it will harm consumers, both individual consumers and companies, and it will also hurt the competitive position of the American economy. At a time when that economy is teetering on the lip of a recession and we are passing through this Chamber stimulus legislation, Washington ought to think twice before we go forward with a bill like this instead of embracing an energy policy that meets the needs of our economy now and that anticipates the challenges of the future.

It is clear today that the majority have not chosen this necessary path. In reality, Mr. Speaker, our friends on the other side of the aisle have presented the House Chamber with a placebo that will ultimately reduce domestic energy production, will punish American energy companies that do what we want them to, and that is invest their profits in exploration here at home, will encourage greater dependence on foreign oil, and will potentially damage America's manufacturing base.

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This bill is not a serious solution. It is ''energy policy-lite,'' and it is clearly intended to appeal more to the blogosphere than to market forces. The Democrat solution to America's energy crisis is to single out what they claim are the five largest oil and gas producers for a tax increase.

The fact is, Mr. Speaker, this legislation is not likely to impact oil producers' profits in any way, shape, or form. It is also not limited to the five largest producers, as they claim. The one thing you can be sure that this bill will do is raise prices at the pump for American consumers and create a looming sense of uncertainty which will compound the forces increasing prices today in the marketplace.

Furthermore, it creates disincentives that will erode the supply of domestic natural gas and oil and increase our country's energy imports. While H.R. 5351 not only forces our country to become more dependent on foreign oil, it will also force America's working families to bear the brunt of increased energy costs. The effects of high gas prices will ripple through the economy, increasing prices on everything from electronics to school supplies.

H.R. 5351 is also, I am afraid, an assault against America's manufacturing base. Using nearly one-third of the Nation's energy both as fuel and feedstock, energy production is the very heart of American manufacturing. With such an energy-intensive sector, raising energy prices will make domestic manufacturers less competitive in the world market, forcing more of our good-paying manufacturing jobs to go overseas.

Mr. Speaker, I have long advocated for a comprehensive energy plan that will reduce our dependence on foreign oil and increase Americans' access to clean, affordable, and dependable energy for their cars, their homes, and their businesses. Yet, here again, Mr. Speaker, this bill is moving in the wrong direction. It throws effective incentives for producing renewable energy out the window and replaces them with backward and broken provisions.

In this bill, the wind credit gets a substantial modification that will dramatically reduce its effectiveness for some of its most successful consumers. This will eliminate a critical incentive to increase renewable energy sources, one that has worked.

Mr. Speaker, this version of the Democrats' energy bill is also in an odd way hostile to domestic not only economic interests, but I would argue foreign policy interests. This bill raises taxes on American oil producers while cutting a break for the Venezuelan state-owned oil company, CITGO. In effect, Mr. Speaker, this legislation will take away incentives that have proven to bolster domestic energy production right here at home, while giving more American dollars to, I guess we would call him a tin horn leftist dictator who has threatened to sever Venezuelan energy supplies destined to the United States. Clearly, America's best interests are not in the heart of this plan.

This bill further repeals the domestic manufacturing deduction for domestic oil and gas companies, but allows all other oil and gas companies to receive a 6 percent deduction. This creates a situation whereby foreign-owned companies can claim the U.S. domestic manufacturing deduction, but certain U.S. employers can't.

H.R. 5351 is simply not the answer. It wasn't in any of its three previous incarnations, and it isn't today. This legislation threatens America's investment, threatens Americans' jobs, threatens the American economy, and puts the consumer at a disadvantage.

Mr. Speaker, I urge that we defeat this here today.

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

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, referring to the threat of the national security of the oil producers in Venezuela is a clear example of a failed energy policy in this country, whether it is South America or whether it is the Middle East. But it should be pointed out for the record, as compiled by the Center for American Progress, profits during the Bush administration for oil companies have risen from $30 billion to $103 billion. We don't think it is asking too much for them to assist in partnership to find out whether there is a better way to fuel our energy needs.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), an outstanding Member of the Congress and distinguished member of the Ways and Means Committee.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, as you listen to the minority, it shows the bankruptcy of their approach to energy. They have been in control of this town for all these years, and we have moved backwards. So, instead of coming up now with an alternative of their own, what they do is raise arguments that are so irresponsible. For example, about raising gas prices. The Joint Economic Committee has refuted that.

There isn't a single argument that Mr. ENGLISH raised that can bear any weight of observation. It is absolutely mysterious why, in a time of global warming, what they do on the minority side is come here with a cold shoulder.

This is a responsible bill, a balanced bill. It addresses long-term needs on energy, long-term incentives for renewable energy, solar, wind, biomass, and also tries to give impetus to the use of biofuels like E85, and actually tries to make some progress with the deployment of pumps. Also, in terms of what we use every day, refrigerators, washing machines, there is an incentive here to increase the efficiency and also to do so with American jobs.

So I stand here today wondering, where have you been all of these years

when you controlled this institution and the White House? And that is, I think you have not only been out to lunch, but you have been out to dinner, and you come here today with nothing but attacks that are unwarranted.

Mr. Speaker, I urge that we move this bill once again, and hope the Senate will find the 60 votes and that the President will come to his senses on energy in this country.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself 15 seconds simply to point out to the other gentleman that some of the provisions that he cited were actually originally written into the law during Republican Congresses when we were in the majority and when we were fighting against their opposition to pursue these important conservation measures.

Mr. Speaker, I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I don't want to burst anyone's rhetorical bubble here, but this is not a new direction in energy. We ought not oversell this bill. It has some good things we all support, renewable investments and renewables for wind and solar and biomass, hydro and others, which are really good, but 90 percent of this bill is just an extension of what is already in law today.

The only new direction in this bill is that we are outsourcing American energy jobs and raising prices at the pump.

A couple years ago, Congress, worried about too many jobs going overseas, sat down and worked out a new Tax Code that said if you invest, produce, and create jobs here in America, we will give you a lower tax rate than if you do the same overseas. What this bill does is it singles out one American industry, the energy industry, and says no, but not for you. We are going to treat your jobs like foreign jobs. We are going to treat your investments like foreign investments. We are going to treat you as foreign companies, just so we can take your money.

Here we are, almost 2 million American energy jobs at risk, people who have mortgages, have children, are day-to-day doing good work providing us energy, all of a sudden they don't matter anymore. As a result, here we are, facing recession, job losses in America, Michigan, Ohio, and across this country, and we are willing to outsource our American jobs overseas for a political exercise.

The result of this bill, there will be less investment in American energy, there will be less production of American energy, we will have more dependence on foreign oil, and we will have higher fuel prices.

Make no mistake, politicians are shooting at Big Oil, but they are hitting American energy workers and they are hitting families in the pocketbook. Whenever there is no argument left, you will hear this: ExxonMobil is making record profits. You will hear it over and over again.

Well, politicians in Washington ought to hold a mirror up to find out why there are record profits. We have locked off reserves in the gulf and ANWR. We have locked off oil shale. We are killing coal. We are chasing American energy deeper and deeper into costly offshore areas.

More and more of the world's oil reserves are held in unstable governments: Russia, Venezuela, Iran. No wonder prices are so high. The world knows Americans won't take responsibility for its own energy needs, won't explore in stable governments like ourselves, so the American public is paying a political tax at the pump because we won't take responsibility for our own energy needs.

What this Congress has done to lower fuel prices: allowed people to sue OPEC, promoted longer-lasting light bulbs, and, to their credit, directed higher fuel mileage, which is good for everyone but American automakers.

The false choice today is punish American energy, or renewable energy. No. This country needs to do both. Invest in America's traditional energy supply and go after new energy.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas and the distinguished member of the Ways and Means Committee I think explained why there are such high profits in the oil industry, and if that is the explanation, I assume, if they are looking forward to continuous higher profits as they have been reaping during this administration, that they are in support of this legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Ways and Means Committee.

Mr. MCDERMOTT. Mr. Speaker, the gentleman from Texas brings tears to my eyes. Big Oil has America over the proverbial barrel. Not only are we paying $100 a barrel for oil and over $3.30 a gallon at the pump, and it will soon be $4.00, not only are oil companies piling up record profits at $10 billion a quarter, but the American people are sending truckloads of taxpayer money to fatten Big Oil's wallet every month.

The legislation before us would stop the madness of American people subsidizing oil companies after they got their Republican friends in the White House and the people's House to give them a windfall they didn't earn, didn't deserve, and don't need.

The legislation before us today will keep America on course to a sustainable renewable energy future. We can dramatically reduce the energy consumption by dramatically increasing energy efficiency, and this bill does that, using tax credits and interest-free financing to partner with the American people to enable them to renovate their homes, to reduce consumption, and to install efficient appliances.

We can dramatically increase the development and deployment of alternative fuels like biodiesel and produce advanced biodiesel fuels with an even lower carbon footprint. And this bill goes in the right direction. We can dramatically increase the development of clean and renewable sources like solar, and this bill does that. Extending the investment tax credit for solar energy production will keep 240 million tons of CO_2 out of the atmosphere. That is like parking 52 million cars.

Today we declare that America will not permit corporate greed to force the American people to choose between food on the table and fuel to heat their house or get to work. Today we declare that America will put Americans ahead of Big Oil. Today we declare that America will power tomorrow with clean, renewable, and sustainable resources. And today we declare we will consume less power tomorrow.

I urge my colleagues to pass this legislation and declare the dawn of a new day in America, when the rising sun not only symbolizes the hope for a new day, but delivers the energy for a tomorrow.

□ 1315

Mr. ENGLISH of Pennsylvania. Mr. Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 35¾ minutes remaining. The gentleman from New York has 35½ minutes remaining.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from California and a senior member of the Ways and Means committee, Mr. HERGER.

Mr. HERGER. Mr. Speaker, today's bill is eerily reminiscent of legislation we saw back in August, modest renewable energy tax incentives, which I have long supported, mixed with a reformulation of billions of dollars in new taxes on America's predominant energy manufacturers.

Apparently the majority is more interested in scoring political points than in providing anything close to an energy plan. The Democrats even make sure to preserve a carveout that will enable Hugo Chavez's Venezuela state-owned oil company to claim a U.S. tax deduction.

When our constituents ask us to do something about gas prices, they don't want us to raise them. Yet by increasing taxes on U.S. energy manufacturers by more than $17 billion, this bill creates a significant disincentive for domestic production, decreasing our energy security and increasing our over-reliance on uncertain foreign supplies.

Expanding the diversity of our domestic supplies is one step. That will be accomplished over time through tax incentives such as the energy investment and production tax credit for resources like forest, biomass, geothermal and solar energy.

But we can't possibly hope to meet demand by raising taxes and making

U.S. production even more costly. While it may make a nice talking point, taxes won't help our constituents or make energy less costly.

I urge my colleagues to oppose this bill.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Would the gentleman from California be kind enough to specify specifically what the carveout he thinks is in this bill for Hugo Chavez.

Mr. HERGER. With the carveout, I noticed that we are taxing those American companies producing in the United States.

Mr. BLUMENAUER. So there is no carveout for Hugo Chavez.

Mr. HERGER. But it leaves a carveout because it doesn't touch or affect Hugo Chavez.

Mr. BLUMENAUER. Reclaiming my time, it is very clear that the gentleman does not know of any ''carveout'' for Hugo Chavez. He is just talking about the largest five oil companies that under this bill would get an unnecessary tax subsidy and instead would go to emerging technologies that do need the help.

Mr. RANGEL. I would like to yield 3 minutes to an outstanding Member of Congress who has worked so hard on the Ways and Means Committee, Ms. SCHWARTZ of Pennsylvania.

Ms. SCHWARTZ. Mr. Speaker, last week the price of oil surpassed $100 per barrel for the first time ever. American families are hurting from these record prices. Gas prices are up 17 cents in just the last 2 weeks. Since 2001 when President Bush came into office, gas prices have doubled, up to $3.13 a gallon from $1.47 in 2001.

At the same time, oil company profits have tripled, from $30 billion in 2001 to $123 billion in 2007. ExxonMobil alone had a profit of $40 billion, $132 for every American citizen.

It's time our country set a new direction for energy policy by taking advantage of America's greatest resource, our ingenuity and our innovation. This legislation embraces this goal. It accelerates the use of clean domestic renewable energy sources and alternative fuels through long-term extension of production tax credits.

This legislation increases research, development and deployment of clean, renewable energy-efficient technology, and this legislation promotes the use of energy-efficient products and conservation, including a provision for energy-efficient commercial buildings, which I introduced as separate legislation called the Buildings for the 21st Century Act. That's why this bill was endorsed by the 83,000-member American Institute of Architects.

THE AMERICAN INSTITUTE
OF ARCHITECTS,
February 24, 2008.

Hon. NANCY PELOSI,
Speaker of the House, Capitol Building, Washington, DC.
Hon. HARRY REID,
Senate Majority Leader, Capitol Building, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER REID: The American Institute of Architects (AIA) commends you for your leadership in advancing legislation that will put America on the path towards energy independence. While our nation has made great strides in pursuing energy efficiency and developing renewable energy sources, the AIA believes that the federal government can and must do more to bring energy efficient technologies to the marketplace.

One of the most effective strategies to do this is through tax incentives. We therefore strongly support provisions within H.R. 5351, that provide tax incentives to spur the construction of energy efficient buildings and encourage businesses to use renewable sources of energy, specifically solar power.

In order to significantly improve energy efficiency in the United States, we must make a serious commitment to designing and constructing more energy efficient buildings. The building sector is one of the largest consumers of energy in our nation and is responsible for a massive share of the electricity used. Section 233 of H.R. 5351 extends the Energy Efficient Commercial Buildings Tax Deduction. This deduction will provide the necessary incentives to stimulate the design and construction of more energy efficient buildings in the United States. We urge Congress to include an extension of the Energy Efficient Commercial Buildings Tax Deduction in the energy tax package.

This year, Congress has a unique opportunity to pass energy legislation that will set our nation on the path to a secure energy future. To meet this challenge, Congress should pursue policies that will both reduce the amount of energy our nation's buildings consume and increase the use of renewable sources of energy.

Providing tax incentives to achieve these goals is one of the most effective tools Congress can use to achieve these goals. For these reasons the AIA strongly urges Congress to pass H.R. 5351.

Sincerely,

ANDREW L. GOLDBERG,
Senior Director, Federal Affairs.

Cynics say that America isn't ready to embrace an economy that runs on a diversity of clean, American-made energy, but our renewable energy industries are ready to make America more energy independent, more energy efficient and ready to run on safer, cleaner and cheaper energy. This bill before us moves us more quickly and more deliberately towards this goal. It will make us safer, healthier and more economically competitive in the future.

And we pay for this bill. We do so by repealing taxpayer subsidies for the five biggest oil companies, redirecting these revenues towards these renewable sources of energy and energy conservation, creating new jobs in America and spurring new economic development.

I urge all of us who believe in the capacity of American innovation to power American businesses and industries and to make us more energy independent, to build a safer, cleaner future for all of us to support this legislation and to pass it today.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I would first like to yield myself 30 seconds to clear the record.

It has been intimated here that somehow Hugo Chavez's CITGO does not get a special break, and yet the definition in the bill, I think, clearly excludes it. Basically this bill would repeal the special domestic manufacturing deduction for major integrated oil companies, but under the strict definition included, CITGO is not defined as a major integrated oil company since it does not produce crude oil itself. Based on this, CITGO would continue to receive the domestic manufacturing deduction while a number of U.S.-based companies will not.

With that I will retain the balance of my time but yield 3 minutes to a very distinguished member of the Energy and Commerce Committee and ranking member of the Energy and Air Quality Subcommittee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, by the year 2030, our country is going to need between 40 and 50 percent more energy, and that means we need more nuclear, we need more clean coal, we need more renewable, we need better technology, carbon sequestration and, yes, we do need tax incentives for wind and solar, there is no question about that.

But raising taxes on the oil and gas industry is not the answer. My State of Michigan in answer to our budget woes, in fact, did raise taxes. And a couple of things are happening: people are leaving and so are businesses.

Many of us in this body have been complaining for years that we didn't have new refineries being built and established in this country. We passed the 2005 act and we have seen some changes. What's going to happen if we take those incentives away? We are not going to see new refinery capability again come back to this country.

We need to have incentives in place to help our oil and gas industry. And to take those incentives away, well, they are going to leave. Frankly, I view that as a national security issue.

Countries overseas would love this bill to pass. Countries like India, they can hardly wait for us to raise taxes here so that they will have a better advantage as they build new refineries to send their refined oil to this country.

In fact, right now, 10 percent of the gasoline that comes to this country comes from refineries overseas. That wasn't always the case, but it is today.

So what's going to happen if we raise the taxes? Two things: number one, we will have further incentives to have those companies leave and costs are going to be passed on to the consumer. With gas prices, at least in my district, already averaging about $3.30 a gallon and reports that they are going to go to $4, what's going to happen then? Those costs are going to be passed along. Does anyone really think that this is going to help?

Now most of our renewable sources, wind, hydro, solar, those facilities are, frankly, where there are not often a lot of energy needs. They are not in our big cities. They are not in our suburbs.

I don't know if you can remember, but this last summer, we had a vote that, in fact, was somewhat regional in nature, but it took away, it took a stand on a new transmission line that impacted folks here in the Northeast. I viewed it as a test vote as to whether additional renewables, services, that we do want, would we have the transmission line to actually send that energy to our cities and to our suburbs.

I don't know if you saw yesterday's USA Today, but ''Lines Lacking to Transmit Wind Energy,'' we don't have the sources in it. It takes 5 to 10 years to build these transmission lines, and yet it only takes about 18 months to build the wind and other different devices that we have. But if you don't have the transmission, we can't get that energy to our folks that need it the best.

I'll bet that just about all those that voted to deny that transmission line last summer will be voting for this bill. You can't have it both ways. Let's have a serious discussion that's bipartisan to address the country's energy needs.

Mr. RANGEL. Mr. Speaker, it seems as though a lot of attention is being given to Hugo Chavez and CITGO and, I guess, Castro and maybe Osama bin Laden, but when the final record is established, it would be that we have a lousy energy policy in this country. We just hope you would join with us in trying to protect our great national security.

I would like to yield 3 minutes to RICHARD NEAL from Massachusetts, the subcommittee chairman of oversight, who has done a fantastic job on this subject, and for this your Nation is thankful.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Let me commend Mr. RANGEL again for his continued leadership on a very important national issue.

Mr. Speaker, this morning's New York Times headlines tell part of the story: ''Gas Prices Soar, Posing a Threat to the Family Budget.'' Gas prices have been soaring for the last 2 years. Last evening's newscast led with, ''What's Happened to Gasoline Prices?''

If you live in the Northeast, Mr. Speaker, you know what's happened to low-income and middle-class families during this winter heating season. They are struggling to pay energy costs that have skyrocketed in the middle of a harsh winter.

The elderly are particularly vulnerable at a time when they are trying to secure medicine, food and other daily necessities. Circumstances similar to this were evident last week when HHS belatedly released $40 million in emergency contingency funds from the Low Income Home Energy Assistance Program, LIHEAP.

By the way, for our Republican friends who might have forgotten, it was Congressman Silvio Conte, a Republican, who helped to inaugurate the LIHEAP program here in Congress that has done so much good for all Americans.

We can and should do more so that struggling people don't have to fear the possibility of going to bed in a cold house. In a Nation that has been blessed with so much, we ought to be able to agree on the necessities of food and medicine and shelter, and, yes, to make sure people don't go to bed in a cold house.

This bill offers important incentives for renewable and efficient energy programs, as well as energy conservation.

We held hearings last year on all of these initiatives. They were met with standing-room-only audiences. People are anxious to explore the advantages of alternative energy resources.

This legislation in front of us today helps to invite a debate and a discussion about where we need to go as a Nation. This important legislation calls attention to the opportunity to promote progressive energy and cost savings for the American family.

Whether it's clean, renewable energy bonds for municipalities, something I am particularly excited about, and my guess is even those who don't like this bill today on the Republican side, they will encourage their municipalities to take advantage of these opportunities should they arise.

It also offers a residential energy-efficient property credit. It offers improved incentives for businesses to deploy wind, solar, geothermal and other promising technologies.

I would think if you were a Member of Congress from Texas, you certainly would like the incentives that are offered here on the basis of wind power.

This legislation will put us on a path to cleaner, greener and stronger families and a stronger America.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is now my privilege to yield 2 minutes to a distinguished member of the Energy and Commerce Committee, the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise today to oppose this bill. It doesn't produce one bit of energy. It does not generate one kilowatt of electricity. It does not move us toward energy independence. Certainly those are things that need to be a priority when we discuss energy.

Now the price of a barrel of oil, we have talked about that today. It is topping $100, but where was it a year ago? It was at $56 for a barrel of oil.

□ 1330

I like to talk about what that means to my consumers and the impact that has on my constituents in my district. We have seen the price of a gallon of gas go up 75 cents per gallon in the Seventh District of Tennessee over the past year. Let's say a typical mom in Tennessee's Seventh Congressional District fills up her 15-gallon tank once a week. That is $47 per fill-up. Every month she is spending $44 more on that gasoline than she was last February. The difference for the year is $528 more coming out of her pocket to pay the additional energy cost.

Now, there is a bill before us that would tax energy companies and stop new domestic oil and gas production and discourage new investments in refinery capacity. Instead of making America more energy secure, we are seeing things that would drive us to be more dependent on sources from Venezuela, Saudi Arabia, and other nations.

It would be great if we were to have a debate on revolutionizing energy and revolutionary energy legislation. But, in reality, the legislation we are discussing today does not alleviate the strain on the consumers. It would be great if we were talking about energy independence. It would be great if we were talking about increasing refinery capacity and if we were going to look at short-term, mid-range, and long-term solutions to our Nation's energy needs.

I would encourage all to oppose this bill. Let's talk about solving the energy problem.

Mr. RANGEL. Mr. Speaker, when history is reviewed and we see where our Nation is and what bright light we have in not just identifying the problem but providing the solutions, the Speaker has given us all an opportunity to be a part of that great compromise in terms of working with the private sector and working with Republicans and Democrats. And it doesn't make any difference how many setbacks we have, the commitment she made continues. And until we can get a bipartisan ear in the White House, or until the Senate understands that our time has come to face up to the problems in terms of global warming and national security and in terms of the ever-increasing costs of fuel, and to be able to say on our watch we met the challenge and we moved forward, no one voice, no one leader has provided more of an opportunity for us to resolve this serious problem than the Speaker of the House of Representatives. It is indeed my privilege to yield 1 minute to her at this time.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, for his very generous remarks, and for his tremendous leadership. Once again, he is providing an opportunity for this Congress to come down on the side of America's families instead of a special interest. Once again, he has come down at a place that talks about energy independence and security for our country.

One year ago, actually a little longer, in January of 2007, Mr. RANGEL brought to the floor legislation similar to this. What it did was to repeal the subsidies for Big Oil and to use the funds for research into renewable energy resources

and incentives, tax incentives for that purpose. The bill passed the House overwhelmingly. It again passed as part of our bipartisan energy bill, but it did not survive the Senate because the President threatened to veto the bill if these subsidies to Big Oil were repealed. Imagine that. And so the energy bill, as much of a triumph as it was by having new CAFE standards for the first time in 32 years in the bill, did not have this very important other part, which would be the tax incentive for renewable energy resources.

Again, I thank Chairman RANGEL for his persistence and for bringing this legislation to the floor now to give us this very special opportunity.

When Mr. RANGEL first brought the bill to the floor last January, since then the price of gasoline at the pump has gone up 75 cents; 75 cents since we first took up this legislation. Imagine what that means to a household income. It is 17 cents, the price at the pump has increased 17 cents just in the past 2 weeks. Just yesterday, oil prices reached another new record at more than $101 per barrel. This is at a time when oil companies are making record profits.

Listen to this, my colleagues. Last year, ExxonMobil earned $40.6 billion in profit; $40.6 billion in profit. The largest corporate profit in American history. And yet, the administration refuses to repeal billions of dollars in subsidies to Big Oil.

This bill repeals those subsidies and invests in clean renewable energy that will put us on a path toward energy security and energy independence in a fiscally responsible way, by repealing subsidies to Big Oil, only to Big Oil, already making record profits.

With the Renewable Energy and Energy Conservation Tax Act that we are considering today, we have the opportunity to invest in clean, renewable energy and energy efficiency and grow our economy, creating new jobs, lower energy costs, strengthen national security and reduce global warming.

This legislation, and it is very important because there are so many people across the country who are being innovators, who are being disrupters, who are making change, and this change centering around energy is very, very important, and this legislation is vital to them. This legislation strengthens and extends the production tax credit which will spur deployment of wind, biomass, geothermal, hydropower, tidal, and landfill gas. It extends the solar and fuel cell investment tax credit and offers tax incentives for residential solar, wind, and geothermal technologies. It creates a new production tax credit for cellulosic ethanol and extends the biodiesel production tax credit.

It expands the tax credit for gas stations that install alternative fuel pumps, such as the E85 pumps.

It includes tax incentives to promote greater efficiency for homes and businesses and creates a new tax credit for plug-in hybrid vehicles.

It creates a new category of tax credit bonds to fund local initiatives to promote the deployment of green technologies. I know this has been said before. I reiterate this because this is very, very important and represents real change for our country.

This bill helps create broadly based prosperity with an $18 billion investment in the future. It will spur the production of clean renewable energy resources and provide business with the certainty necessary to make long-term plans to build viable and sustaining markets for these technologies. This is all about answers in the marketplace.

It will ensure that we keep the jobs that were created with the renewable tax credits and create hundreds of thousands more, the next generation of good-paying, green collar jobs that will be right here in America.

Because this legislation is vital for a greener and more prosperous future, it is supported by a broad coalition from business, environmental, and labor communities, from corporations such as Home Depot and Dow Chemical Company, to the Sierra Club, to the United Steelworkers and the National Farmers Union. I have a long list which I will submit for the RECORD, corporate, labor, Florida Power & Light Company. The list goes on and on. MMA Renewable Ventures, National Association of Home Builders, National Association of Industrial and Office Properties, National Association of Realtors, National Electrical Manufacturers, Dupont, Earth Justice, all on the same page. The list goes on and on and on.

This Congress has already taken action to send our Nation in a new direction of energy independence, as I mentioned, by increasing fuel efficiency standards for the first time in 32 years. That was bipartisan legislation signed into law by the President. What is missing are these tax incentives that the distinguished chairman, Mr. RANGEL, is bringing to the floor today.

Energy independence is an economic issue in terms of budgets for America's families and creating new green jobs. It is an urgent national security issue to reduce our dependence on foreign oil. It is an environmental and health issue to reduce global warming and protect the health of our children, and it is a moral issue to care for our planet. We work closely with the evangelical community on these issues because they believe, as do I, that this planet is God's creation and we have a moral responsibility to preserve it.

I urge my colleagues to support the Renewable Energy and Energy Conservation Tax Act of 2008 and, in doing so, take the next step for a green economy, green jobs, and a green future.

FEBRUARY 26, 2008.

DEAR REPRESENTATIVE: As a coalition of businesses, environmental groups, investors, labor, nongovernmental organizations, public health organizations, and utilities we urge you to vote yes on the Renewable Energy and Energy Conservation Tax Act of 2008 (H.R. 5351). The bill would extend federal tax incentives for energy efficiency and renewable energy technologies that have expired or will expire at the end of this year. These incentives must be extended immediately to avoid significant harm to the developing clean energy industries in the United States. The technologies produced by these industries play a vital role in reducing global warming pollution, creating new high-wage jobs in our country, and saving consumers and businesses money on their energy bills.

H.R. 5351 would extend tax incentives for renewable energy production, energy efficiency in commercial buildings, investment in solar electric systems, use of efficient home heating and cooling equipment, production of efficient home appliances, efficiency retrofits to existing homes, and consumer purchases of energy efficient products.

The incentives in H.R. 5351 would remain effective for multiple years, which is essential for the development of the clean energy technology industries. Congress has historically extended the clean energy incentives in two-year increments, which creates a boom-bust cycle for the technologies covered by the incentives. This cycle undermines the efficient development of the clean energy technology industries into mature industries.

Most of the incentives in H.R. 5351 have either expired or will expire at the end of this year. It is critical for the sustained development of the clean energy technology industries that these incentives be continued. A disruption of the incentives would lead to layoffs and a decrease in much needed private capital flowing to these industries. According to a recent study by Navigant Consulting, allowing the renewable energy incentives to expire would lead to about 116,000 jobs being lost in the wind and solar industries from now until the end of 2009.

Although H.R. 5351 was introduced without an extension of the efficient new home tax credit and certain critical changes to the energy efficiency and renewable energy incentives, we look forward to working with you to incorporate the efficient new home credit and these enhancements into the bill later in the legislative process.

America is on the cusp of a new, clean energy economy. The clean energy tax incentives in H.R. 5351 would help our country make the transition to this economy—an economy powered by low-carbon technologies that help solve global warming, reduce energy prices for consumers and create new high-wage jobs. We urge you to vote yes on H.R. 5351.

Sincerely,

Abengoa Solar; Akeena Solar; Alliance to Save Energy; Ameresco; American Institute of Architects; American Council for an Energy Efficient Economy (ACEEE); American Council on Renewable Energy (ACORE); American Rivers; American Wind Energy Association; Applied Materials, Inc.; Apricus Inc.; American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE); Association of Home Appliance Manufacturers (AHAM); Audubon; Ausra, Inc.; Ballard Power Systems; Best Buy Co., Inc.; BrightSource Energy; Building Owners and Managers Association (BOMA) International.

Business Council for Sustainable Energy; California Energy Commission; California Solar Energy Industries Association (CALSEIA); CCIM Institute; Climate Solutions; Conenergy; Constellation Energy; The Dow Chemical Company; DuPont; Earthjustice; Energy

Conversion Devices; Energy Innovations, Inc.; Environment America; Environmental and Energy Study Institute (EESI); Environmental Law & Policy Center (ELPC); EPV Solar; Exelon Corporation; Florida Power & Light Company; Friends Committee on National Legislation (FCNL); Friends of the Earth; Fuel Cell Energy.

Great River Energy; Greenpeace; GridPoint; The Home Depot, Inc.; Hydrogenics; Institute of Real Estate Management; Insulating Concrete Form Association; International Council of Shopping Centers; Johnson Matthey; Lowe's Companies, Inc.; Macy's Inc.; Millennium Cell, Inc.; Mitsubishi Electric & Electronics USA, Inc.; North American Insulation Manufacturers Association (NAIMA); MMA Renewable Ventures, LLC; National Association of Home Builders; National Association of Industrial and Office Properties (NAIOP); National Association of REALTORS; National Electrical Manufacturers Association (NEMA).

National Small Business Association; National Tribal Environmental Council; National Wildlife Federation; Natural Resources Defense Council; New Voice of Business; Northeast Public Power Association; Oerlikon; Owens Corning; PG&E Corporation; Physicians for Social Responsibility; Polyisocyanurate Insulation Manufacturers Association (PIMA); Plug Power, Inc.; PPG Industries; PPM Energy, Inc.; Public Citizen; Q-Cells AG; REgrid Power; The Real Estate Roundtable; ReliOn; Retail Industry Leaders Association.

Sacramento Municipal Utility District (SMUD); Safeway, Inc.; SANYO Energy (U.S.A.) Corporation; SCHOTT Solar, Inc.; Schuco USA LP; Sharp Solar; Sierra Club; SkyFuel Inc.; Solar Energy Industries Association; Solar Integrated; Solar Millennium LLC; Solar Power, Inc.; Solar World; SOLEC-Solar Energy Corporation; Southern Alliance for Clean Energy; Spire Solar, Inc.; SunEdison; SunPower Corporation; Suntech America, Inc.; Target Corporation.

Trane; Trinasolar; Union of Concerned Scientists; United Solar Ovonic; USA Biomass; US Fuel Cell Council; The United Steelworkers (USW); United Technologies Corporation; The Vote Solar Initiative; Wal-Mart Stores, Inc.; Western Organization of Resource Councils (WORC); Western Renewables Group; Whirlpool Corporation; Whole Foods Market, Inc.; Xcel Energy Company; Yahoo! Inc.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 6½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. First, Mr. Speaker, let me talk about a provision in here called New York Liberty Zone Tax Credits. I hope all the Members understand that a precedent is being made right here today.

What this bill does is it gives the New York City government and the New York State government the authority to take the withholding, the Federal tax withholding from their employees and not send the money to the Federal Government as every single other taxpayer in America is made to do, but rather keep that money and spend it on rail infrastructure. This sets up a whole new policy preference and precedent that I think we should be alarmed about.

But I have one question for the distinguished chairman of the Ways and Means Committee on this particular matter, and that is this. In Senate Report 110–228, the director of the Joint Committee on Taxation to the chairman of the Finance Committee says that this provision constitutes a tax earmark given that it only goes to two taxpayers. So in light of the fact that the head of the Joint Committee on Taxation has specified in the Senate that this is a tax earmark, yet the chairman has certified in this bill that there are no tax earmarks contained in this legislation, could the chairman answer me: How does one reconcile the fact that in this bill under the joint tax definition there is a tax earmark, yet the chairman certifies that there are no earmarks in this bill?

I would be happy to yield to the gentleman from New York to answer the question. Just a brief yield, though.

Mr. RANGEL. I really want to thank the gentleman for the way you have raised the question. Rumor had had it that you intended to attack this provision of the bill.

Mr. RYAN of Wisconsin. With all due respect, Mr. Chairman, I am not trying to attack a provision. I am simply trying to get an understanding of what seems like something that is not reconciled.

Mr. RANGEL. I want to thank the gentleman for that, and what I was about to say, that it didn't surprise me that you did not attack it. I said rumor had it, but knowing the gentleman that you are and the concern you do have for sound fiscal policy, I want to first thank the gentleman for the way you raised the question and giving me an opportunity to share this provision with you. And if necessary, I will perhaps give myself additional time if you are not adequately satisfied.

First of all, I think we all agree when 9/11 occurred and the World Trade Center was hit——

Mr. RYAN of Wisconsin. If I could just interject for a second, there are a few more points I would like to make on my time. With all due respect, I would like to keep this brief.

Mr. RANGEL. If you are going to restrict my response, the general explanation for what you ask is in the President's budget. He has supported it in his budget, and the Joint Committee advisory opinion has been superseded by the chairman of the committee, which is me, has been authorized in support of requests by a Republican mayor and a Republican Governor.

Now, the answer to what you want is in the Department of Treasury report, 2008. If you don't want the details, then I yield back to you and I cannot answer any further.

Mr. RYAN of Wisconsin. Reclaiming my time, and with all due respect, I am simply trying to manage my time efficiently here.

Mr. RANGEL. I understand that, but you can't ask serious questions and expect not to get answers.

Mr. RYAN of Wisconsin. Reclaiming my time, the administration does earmarks in their budgets. That it is in the President's budget does not mean this is or is not an earmark.

Mr. RANGEL. It is not an official earmark. And it can't be determined that, and the RECORD would so record that it is not an earmark.

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Mr. RYAN of Wisconsin. So am I correct in understanding that irrespective of the fact that the Joint Committee on Taxation defines this as an earmark, that the chairman of the Ways and Means Committee has chosen to supersede that ruling and claim that this is not in his filing in the bill; is that correct?

Mr. RANGEL. Only because the opinion was considered officially and legally as an advisory opinion.

Mr. RYAN of Wisconsin. Okay. So the chairman has decided that that's an incorrect opinion?

Mr. RANGEL. Let me make this abundantly clear. Earmark or no earmark, our country was hit, it was New York City, came to the rescue. Because of the way the bond issue was created, it expired, and the President of the United States believed, in fairness to the community that was hit, on behalf of the people of the United States of America, that there should be an extension of this. So we're not talking about any new earmark. We're talking about an extension of the compassion that this Congress has given my city and my community.

Mr. RYAN of Wisconsin. So the chairman does not believe this is not an earmark, even though it goes to just two tax beneficiaries?

Mr. RANGEL. Let the record establish that the Chair has shared with you, and you can call the Parliamentarian or anyone else you want, this is not considered as an earmark.

Mr. RYAN of Wisconsin. Okay.

Mr. RANGEL. But let me say further that even if it was, I would side with the President of the United States.

Mr. RYAN of Wisconsin. I thank the chairman for yielding. That was enlightening. I think we're just going to agree to disagree on this one. I think that this looks like a tax earmark, and we ought to call it that, regardless of the merits of the policy.

Two other quick points, Mr. Chairman. We've been hearing this rhetoric about tax subsidies to big oil companies. It's almost as if the Republican Congress decided to give a big tax break to just a couple of oil companies. What is this policy we're looking at?

A few years ago, we decided we wanted to do something to stop jobs from being pushed overseas. We wanted to do something to help American manufacturers keep jobs here in America. So

what did we do? We said, if you make or produce something in America, you will pay lower taxes here in America than if you make it overseas. We're going to reward you with lower taxes, all manufacturers, if you make it here in America than if you ship jobs overseas and make it overseas.

And so what is the majority doing? The majority is saying, well, okay, but not for the oil and gas industry. We're going to separate out the oil and gas industry and make them pay these higher overseas tax rates.

This was not a targeted tax benefit to one industry. This was a policy to help bring back manufacturing jobs in America. And so to call this a tax subsidy to just the oil industry, number one, is incorrect. But number two, the effect of this policy will do three things: this is going to raise the price of gasoline, this is going to push more jobs overseas, and most of all it's going to make us more dependent on foreign oil.

We ought to pass an energy policy that makes us less dependent on foreign oil, not more dependent on foreign oil. Unfortunately, that is exactly what this bill does.

The last and final point is this, Mr. Speaker. We are sitting in this bill picking winners and losers in the marketplace. Rather than investing in basic research, rather than investing in the ideas of tomorrow that have yet to be spawned, we are simply saying, today's technology is going to be subsidized; we're going to pick you as a winner and you as a loser, and we are going to do so at the expense of tomorrow's ideas.

It's bad policy. It makes us more dependent on foreign oil. I think we should vote this bill down.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a part of the Democratic leadership in the House, an outstanding member of the Ways and Means Committee, and I welcome his being recognized.

Mr. BECERRA. I thank the chairman for yielding the time.

Let me see if I can get this straight. ExxonMobil, which made over $40 billion in profits recently, the most ever made by any corporation in our country's history, needs a tax break, a tax subsidy. The five largest oil companies which had revenues of $123 billion last year need a tax break so they can have a reason to keep jobs in America.

Today Americans, I know back home in Los Angeles, my constituents are paying over $3.30 a gallon for gasoline at the pump. From those $3.30 a gallon, every gallon of gas that's pumped, the oil companies extract the moneys that gave them these massive profits. Yet now it's not enough that they take the money from our constituents' pockets for gasoline but they have to take it in the taxes that our constituents are paying to the Federal Treasury to give tax subsidies to the largest oil companies in America so that they can be persuaded to keep jobs in America. Something is wrong. That's why this bill is on the floor today.

We're going to take this debate on energy policy in a new and different direction. Think solar. Think wind. Think geothermal. Think hydro power. This bill takes us in a different direction because we think that industries that are saying we want to create clean burning energy, we want to create new jobs and pay great wages is the best way to go.

Today our country is suffering from the highest inflation rates it's seen in almost three decades. Today we see sinking employment numbers, and today we have companies, large corporations that are making vast profits asking for tax breaks. Something is wrong. This bill tries to cure it.

I am proud to join with my constituents, the American Wind Energy Alliance, the Solar Energy Industries Association, the Natural Resources Defense Council, Public Citizen, Pacific Gas and Electric Corporation, Target, Whole Foods, the Real Estate Roundtable, the National Association of Realtors and many more in saying enough is enough. Let's pass this new energy policy legislation.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SHAYS) for a unanimous consent request.

(Mr. SHAYS asked and was given permission to revise and extend his remarks.)

Mr. SHAYS. Mr. Speaker, I rise in support of this very important legislation.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act, which extends Federal tax incentives for energy efficiency and renewable energy technologies that have expired, or will expire, at the end of 2008.

I strongly support promoting increased use of renewable energy and developing renewable energy technologies. Currently, renewable energy sources account for only two percent of our Nation's electricity supply. We need to increase the supply of clean, renewable energy, but we also need to be more energy efficient and slow the growth of demand.

H.R. 5351 would extend tax incentives for wind, geothermal and biomass energy through 2012, and extend the tax incentives for solar electric systems through 2016. The bill also extends credits for consumer purchases of energy efficient products through 2014, and creates a credit for plug-in hybrid vehicles for 2008.

The Production Tax Credit (PTC) helps the United States create thousands of megawatts of new, clean, renewable electricity, and has been a major driver of wind and solar power development.

To fund these tax credits, this bill will repeal some of the tax breaks we give to the oil companies.

I have long advocated repealing some of the tax breaks we give oil companies as "incentives," and voted that way, because our current marketplace provides adequate incentive for oil and gas exploration.

We will never resolve our energy needs because we are not conserving energy . . . we are wasting it. We just continue to consume more and waste more, consume more and waste more, and act like it doesn't matter. H.R. 5351 moves us closer to energy-diverse fuel and independence by incentivizing the industries and technologies that will take us there, and I urge its support.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 4 minutes to a great leader on energy policy who is recognized on both sides of the aisle in this Chamber, the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I've always believed as a Nation we should wean ourselves from our dependence on fossil fuels and invest in the energy of the future. However, I also believe we must promote the technologies of tomorrow in a way that will benefit, not harm, our constituents and our long-term energy security.

Today, the House is making its fourth attempt this Congress to pass a renewable energy tax package, H.R. 5351. I supported the first attempt last January, H.R. 6, even though I feared it could reduce incentives for domestic production.

Every House package since includes a new or different combination of revenue raisers that target the energy industry and extract billions more than prior versions. If Congress singles out one industry for billions of dollars, you cannot go back for more and expect enough gasoline for our cars and fuel to heat and cool our homes.

Compared to the original H.R. 6, H.R. 5351 includes $17.6 billion in new taxes on the energy industry. That's an increase of over $10 billion in just 1 year. House debates on these measures have been filled with misinformation and unwillingness to review the facts. If Congress took a moment to inject objective analysis in the debate, we could see that the profit margins of energy industries are in line with and, in many cases, below that of other industries.

For every dollar of sales in the third quarter of 2007, the oil and natural gas industry earned 7.6 cents in profit margin, compared to 21.6 cents for the beverage and tobacco industry, 18.8 cents for the pharmaceutical industry, 14.6 cents for the electrical equipment industry, and 14.5 cents for the computer equipment industry.

Again, nationwide, all manufacturing companies, excluding the struggling automotive industry, earned 9.2 cents per dollar of sales, as compared to energy that was 7.6. So there may be great profits in it, but there are also great profits in other corporations.

So are the profits of the energy industry disproportionate with most U.S. industries? Clearly the answer is no. If you evaluate industry tax contributions, we would see that companies are paying more than their fair share and growing the numbers in the coffers of State, Federal and local governments.

In 2006 the effective tax rate for the top energy companies was 37 percent, more than the top corporate tax rate of 35 percent. Between 2004 and 2006, the total current income taxes paid by the 27 top energy companies nearly doubled, nearly doubled in 2 years, growing from $44 billion to $81 billion. So we do have a progressive tax, and it has doubled with the profits.

Recently, the amount that ExxonMobil, a frequent target of criticism, paid in U.S. taxes actually exceeded their U.S. earnings by $18.7 billion. So ExxonMobil is paying a lot of taxes. And I'm not so sure that ExxonMobil or Chevron or ConocoPhillips, or any of the energy industry, if they pay more taxes in this bill, that it will actually not go back to the bottom line that we're already paying at the pump, or to pay to heat and cool our homes.

I wish I could tell you they're going to take it out of their profits, but they're not required to do that. They could just raise prices, and so we'll see even more price increases.

Despite these figures, no industry is as heavily scrutinized as America's oil and natural gas companies. That's probably because most of the production in our country comes from Texas, Louisiana, Mississippi, Alabama and Alaska. Most States don't want it. But they always want their lights to be turned on and their cars to be filled up.

What's most concerning is we continue to move tax packages that target this industry and expect different results.

The Senate has twice failed to reach cloture on these provisions, and the President continues to issue veto threats.

We're debating press releases and not actually legislating. We did legislate last January and we had a tax package that passed this House with only four negative democratic votes. But since then we've had problems with it.

It's time we get serious about our renewable energy and conservation policy. Let's put rhetoric aside for a moment and find a way to move forward on a renewable energy package that can actually become law without jeopardizing our energy security.

Mr. Speaker, I have always believed that as a Nation we should wean ourselves from our dependence on fossil fuels and invest in the energy of the future.

However, I also believe we must promote the technologies of tomorrow in a way that will benefit, not harm, our constituents and our long term energy security.

Today, the House will make its fourth attempt this Congress to pass a renewable energy tax package with H.R. 5351.

I supported the first attempt in January of last year—H.R. 6—even though I feared it could reduce incentives for domestic production.

Every House package since includes a new or different combination of revenue raisers that target the energy industry and extract billions more than prior versions.

If Congress singles out one industry for billions of dollars, you cannot go back for more and expect enough gasoline in our cars and fuel to heat and cool our homes.

Compared to the original H.R. 6, H.R. 5351 includes $17.6 billion in new energy taxes on U.S. companies. That's an increase of over $10 billion in 1 year.

House debates on these measures are filled with misinformation and an unwillingness to review the facts. If Congress took a moment to inject objective analysis into this debate, we would see that the profit margins of energy companies are in line with, and in many cases, below that of other industries.

For every dollar of sales in the third quarter of 2007, the oil and natural gas industry earned 7.6 cents in profit margin. Compare this to the: 21.6 cents earned by the beverage and tobacco industry; 18.8 cents for the pharmaceutical industry; 14.6 cents for the electrical equipment industry; and 14.5 cents for the computer equipment industry.

Nationwide, all manufacturing companies—excluding the struggling automotive industry—earned 9.2 cents per dollar of sales.

So are the profit margins of the energy industry disproportionate from most U.S. industries? Clearly, the answer is "no."

If we evaluate industry tax contributions, we would see that companies are paying more than their fair share and growing the coffers of Federal, State, and local governments.

In 2006 the effective tax rate for the top energy companies was 37 percent, more than the top U.S. corporate income tax rate of 35 percent.

Between 2004 and 2006, the total current income taxes paid by the top 27 energy companies nearly doubled, growing from $44 billion to over $81 billion.

Recently, the amount that ExxonMobil, a frequent target of criticism, paid in U.S. taxes actually exceeded their U.S. earnings by $18.7 billion. That's right. They paid more in U.S. taxes than they earned in the U.S.

Despite these figures, no industry is as heavily scrutinized as America's oil and natural gas companies.

What's most concerning is that we continue to move tax packages that target the energy industry and expect different results.

The Senate has failed twice to reach cloture on these provisions and the President continues to issue veto threats.

This is debating press releases and not legislation. It's time to get serious about our renewable energy and conservation policy.

Let's put rhetoric aside for one moment and find a way forward to support a renewable energy package that can actually become law and won't jeopardize our energy security.

Our Nation and our constituents deserve that opportunity.

Mr. RANGEL. I would like to recognize for 2 minutes the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this debate is not nearly so much about fossil fuels as fossilized thinking. Conceivably there was a time in this country when federal tax policy that was ''of, by and for Big Oil'' meant dependable energy for our families. But now that approach of overreliance is as outdated and ill-conceived as eight-track tapes and President Bush's ''Mission Accomplished'' banner.

Today's legislation would mean more renewable energy production, more solar energy, more wind energy, and provisions that I authored to encourage plug-in hybrid vehicles and geothermal heat pumps. And we don't borrow the money to pay for this renewable energy policy as the spend-and-borrow Republicans always insist. We pay for the measure by asking Big Oil to share just a tiny part of the tax subsidies that they have received for decades with these emerging renewable energy sources.

One of the new tax loopholes that we close in this bill would otherwise have allowed Big Oil to claim a dollar for every gallon that it produced by simply dropping a little dab of grease in petroleum, ironically a provision intended to assist biofuels companies to help us achieve energy independence. And the cost of this modest increase in addressing these unjustifiable tax breaks for Big Oil is so small that I doubt it will even warrant a footnote in the astronomical earnings report of ExxonMobil.

The charge made here today that the price of gas will go up if this bill passes is ludicrous. Does anyone here remember the price of gas going down when the oil companies got this unjustifiable tax break? It didn't go down a dime. And this charge comes from the same crowd that stood idly by while the cost of gas at the pump skyrocketed and did absolutely nothing.

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Of course the biggest subsidy of all for our fossilized foreign energy police is the military presence that we must maintain in foreign lands, places as volatile as the petroleum underneath them. We need real change in our energy policy that will bring us closer to a solution for both global warming and global war. I am proud that the City of Austin, Austin Energy, and people throughout Central Texas have taken a leadership role to move us in that direction.

The bill we have today is green. It is a green light to green jobs and a green environment. And the only folks that are seeing red today are those whose padded profits compel them to block the door to progress that this legislation would open.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER) a distinguished member of the Ways and Means Committee.

Mr. WELLER of Illinois. Mr. Speaker, I reluctantly stand in opposition of this legislation. We had an opportunity to develop bipartisan legislation, and I regret that was not achieved today.

Mr. Speaker, I insert into the RECORD this particular advertising for the building trades of the AFL–CIO.

New energy taxes won't create energy . . . but they will destroy jobs.

Reliable, affordable supplies of energy fuel America's economy and support millions of American jobs.

But some in Congress want to put all this in jeopardy with new, higher taxes on energy. History shows such taxes reduce domestic energy production. But they also

threaten to undermine America's economy—and send American jobs overseas.

Americans need energy policies that ensure reliable supplies to create jobs and support our quality of life for generations to come Americans need more energy, not more energy taxes.

And let me quote this ad here. It says, ''Reliable, affordable supplies of energy fuel America's economy and support millions of American jobs.

''But some in Congress want to put all this in jeopardy with new, higher taxes on energy. History shows such taxes reduce domestic energy production. But they also threaten to undermine America's economy, and send American jobs overseas.''

Very simple. Very succinct. The primary reason most Members who oppose this bill stand in opposition, because it raises taxes on domestic manufacturers and domestic jobs. I would like to keep those jobs in America, and this bill will send those jobs elsewhere.

I also want to draw attention to something I find, frankly, kind of alarming in this legislation, and the reason I would encourage my colleagues who are thinking about supporting this legislation to think twice. And that's what has become known as the Venezuela carve-out in this legislation. Now, the Chavez government in Venezuela admittedly is no friend of the United States. We just hear the rhetoric each and every day, and they've made that very clear. But this legislation carves out the PDVSA, the Venezuelan Government-owned oil company, from the tax increases. Now the biggest gasoline retailer in America is the Venezuelan Government-owned oil company, and one of the biggest refineries of America is CITGO, and they're exempt from the tax increases.

Now, who is the Chavez government? The Chavez government is Iran's best friend. The Chavez government started direct flights between Caracas and Tehran, and now Iranian's intelligence and security operatives use that to come into Latin America and the Western Hemisphere. And frankly, it was the Chavez government that sent troops into a Jewish grade school just two years ago and just this past December raided a Jewish community center in Caracas claiming that the community was hiding guns.

And also, just this past week, President Chavez of Venezuela said it is his policy to keep oil at $100 a barrel, that he is going to work with OPEC to keep oil prices high. And this legislation, I can't believe it was done intentionally, but this legislation gives a carve-out to the Venezuelan Government-owned oil company. No friends of ours. I hope my colleagues think twice about supporting this.

I believe we had an opportunity for bipartisanship. Much in this bill are good ideas. Much of it builds on what we passed in 2005 in the energy bill of 2005, which I strongly supported.

My own district, the revisions in the 2005 energy bill that provided incentives for the development of alternative sources of energy, renewable sources of energy, have attracted hundreds of millions of dollars of investment in the 11th Congressional District of Illinois: wind energy, biofuels, ethanol, and biodiesel. And it creates jobs right here at home. There are some good ideas. We need to work on it in a bipartisan way. Unfortunately, this bill does not achieve that goal.

Mr. RANGEL. Mr. Speaker, I guess the RECORD should indicate that our failed energy policy is due to Hugo Chavez.

I would like to yield 2½ minutes to my friend from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, this debate has been quite extraordinary for my friends on the other side of the aisle. They create a picture of great concern: poor, poor oil companies. Oil priced globally at over a hundred dollars a barrel. Prices at the pump approaching record levels, certain to hit record levels at the time the North Dakota farmers have to go to plant their crops. Oil companies reporting record profits. Now, not just record profits relative to their earnings and profits of years past. I mean with ExxonMobil, the biggest profit ever posted by a corporation in history.

And yet, when we look at trying to break this stranglehold on imported oil and build renewable sources of energy so that our economy is not so dangerously dependent upon imported oil, we look to using as a pay-for for these renewable energy incentives a tax provision exploited by oil companies beyond what was ever intended by the Ways and Means Committee. You have the White House threatening veto. You have House Republicans screaming tax increase. I'll tell you, that is an energy policy completely out of gas. We need to move, and move now, to renewable sources.

Take, for example, one, wind power. You know, we are now into a period of time where the wind production tax credit expires at the end of this year. The consequence relative to new products put online is already going to be felt. A recent study by the Solar Energy Industry Association, American Wind Energy Association estimates that if this credit expires, it will cost 6,000 megawatts of new wind energy production, nearly 77,000 jobs, 11.5 billion in economic impact, all in 2009.

This is the group on the other side when they were in the majority that allowed the wind production tax credit to expire three times since 1999. They extended it an additional five times. Now, how in the world can we build a renewable energy system when you have got a tax credit that maybe there isn't there, you can never get your financials right, to make the move this country must make to renewables with wind power playing the major role.

We need to pass this bill and break this lock that oil companies have had on policies coming out of this Chamber.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I'd yield myself 30 seconds to simply point out to the gentleman from North Dakota, who I know is an authentic and sincere advocate of the wind energy credit, that in this bill there is a cap on the wind energy credit which will have the effect of undermining the benefits for many wind energy credit participants. And this is extremely important. By putting a cap on this credit, it will have the effect of discouraging many from participating in the wind energy credit, and for a district like mine that produces windmill technology, this is a real cause for concern.

And with that, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON), who has been a strong advocate on energy policy.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I stand ready to support every renewable form of energy that we can produce. We can't do it fast enough. But a year ago we had $55 oil. Today we have $100 oil, and I'm not going to blame the Democrats like you blamed Mr. Bush. We are all guilty. Congress is the reason we have hundred dollar oil. And I think the Bush administration could have been a lot more aggressive in its energy policies, but the 2005 act had a lot of things in it that your side fought that are reaping benefits today.

But hundred dollar oil is because this Congress has decided we are not going to produce oil and gas anymore, clean natural gas. We are not going to do coal to liquids, coal to gas. We are going to do just renewable.

Let's look at the chart.

At the top, the orange, the buff, the yellow, yellow is nuclear, coal, this is our energy use today, and this is a projection on the right-hand side, on the right-hand side of where it's going to be by 2030 according to the Energy Department.

If we double wind and solar in the next 5 years, it will be less than 3 quarters of 1 percent of our energy use in America. We have to double it. We have to quadruple it before it really makes a measurement difference.

Oil companies make huge profits when they own the rights to oil and Congress locks up the ability to harvest them in America and forces us to go offshore to buy them. We have been gaining 2 percent a year since I have been here. This will be the 12th year. Every year dependence grows 2 percent because Congress has locked up supply. We have to go over there to buy it, foreign unstable countries.

And when you own it and we lock it up and the market goes high and crazy, Wall Street does that. Oil companies don't set the price; Wall Street does. I have been trying to produce clean natural gas. I haven't been able to get a majority for that. Clean and natural gas. I haven't been able to get a majority for that. And that's the one that's vital to the manufacturers of America because it is not a world price, and we have the highest prices in the world.

However, what hope does this bill actually give to young families with home heating costs? Nothing. What hope does this bill bring to poor folks living in rural and urban America who struggle to drive to work, to school, to the doctor's office, to do their shopping? It doesn't do anything. What hope does this bill give to independent truckers who are struggling to pay their fuel oil bill, soon approaching $4, if they try to make a profit with their independent trucks? It doesn't do anything. What does this bill do for rural and suburban seniors who keep their thermostat at 58 degrees last winter and this winter so they can cut their fuel costs? It doesn't do anything.

What does this bill do to prevent the tragedy that happened in my district last year when an elderly gentleman tried to warm, on a sub-zero night, by putting coal in a wood stove and he burned in a fire? This bill would not have saved his life.

Mr. RANGEL. Mr. Speaker, I recognize Mr. PASCRELL for 2 minutes.

(Mr. PASCRELL asked and was given permission to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H.R. 5351, and now we are trying to shift from fear to new policy. That's what this is all about. Chairman RANGEL deserves ample commendation for crafting this wise bill. I can't totally disagree with the gentleman from Pennsylvania that just spoke. So we should want to turn to the next chapter. We should all feel proud that this Congress is, again, showing that we understand the urgency of the situation.

New Jersey gas prices have risen 119 percent since 2001. You cannot tell me that now is not the time to get serious about investing in clean energy, renewable energy, and energy efficiency. You cannot tell me that ending unnecessary subsidies to big oil companies who make record profits is an unfair course of action. No one suggested on this floor that we are going to move from fossil fuel to alternative, and nobody suggested that here. You would think that, though. And when I listen to those arguments, indeed it is long past time we wean ourselves off of foreign energy addiction.

This is a homeland security issue, pure and simple. This bill will help provide for alternative measures for the American consumer at a time when families across our land are hurting.

Put simply, H.R. 5351 reinvests taxpayer subsidies to oil companies already earning record profits into clean renewable energy, creating jobs, making America less dependent on foreign oil, strengthening our national security, and helping to lower energy prices in the long term.

This bill contains incentives to expand production of homegrown fuels including the creation of a new production tax credit for cellulosic ethanol produced in America. It extends tax credits for biodiesel and renewable diesel. Likewise, it provides tax incentives to help homeowners and businesses reduce their energy costs by investing in energy-efficient property. I know businesses throughout my State in New Jersey are eager to lower their energy bills, but the costs at the front end are sometimes too much of a burden. These tax incentives ease that burden.

And I have to make a choice, Mr. Speaker, between the incentives that are provided to the oil companies and the incentives that are provided to those companies who want to produce alternative energy sources.

□ 1415

Mr. ENGLISH of Pennsylvania. Mr. Speaker, may I inquire as to how much time is remaining on each side?

The SPEAKER pro tempore (Mr. GUTIERREZ). The gentleman from Pennsylvania has 11½ minutes. The gentleman from New York has 17½ minutes.

Mr. ENGLISH of Pennsylvania. I wonder if I might invite the gentleman from New York to perhaps proceed.

Mr. RANGEL. I would be glad to. And I would like to ask that the gentleman from Illinois (Mr. EMANUEL) be recognized for 2 minutes.

Mr. EMANUEL. Mr. Speaker, the American people are being asked to pay twice, once at the pump, and once on tax day, in supporting big oil companies. There are record prices at the pump, and now we have record taxpayer subsidies for the big oil companies. As my mother used to say, Such a deal.

ExxonMobil reported earning $40 billion in 2007, the largest corporate profit in American history. At the same time, oil prices topped $100 a barrel for the first time in history, and the New York Times reported this morning that by spring a gallon of gas could cost $4 per gallon. Now I don't think there's anything wrong with record profits. That's not unseemly, in my view. What's unseemly is if the Congress continues to give companies that are making record profits $14 billion in taxpayer subsidies. That is what's unseemly. Not the profits. They make whatever they need to make. I just want to know when the free market principles are going to take over here. At what point do the oil companies, without taxpayer subsidies, go out and enjoy the benefits of a free market? At what point do we stop treating taxpayers as dumb money? That's what I don't understand. I got it when oil was at $15 or $25, energy companies needed help. At $100 a barrel? You've got to enjoy the free market at some point here.

Now here is the problem: We have wedded the country and the taxpayers to a 20th-century energy source rather than investing in 21st-century sources, whether that's wind, solar or thermal. We've got to stop asking the taxpayers to subsidize the past and start asking them to invest in the future. That's exactly what the chairman's legislation does. And it's time that we start to do that.

This would be a hat trick for the United States. Usually there's just winners and losers. If we did this and got this to the President's desk and he had the courage to finally give up on his addiction to Big Oil, we would actually have something that's good for the environment, good for the economy, and good for our foreign policy and our security interests. That is what we're trying to do with this legislation. It is a total hat trick.

Like what we did with the student loans, we stopped subsidizing the big banks and started helping middle-class families. Like we suggested on health care with the HMOs, stop subsidizing the HMOs and start helping the consumers. This legislation begins to end the taxpayer subsidies to Big Oil, and invests in our future by making sure we have energy independence with wind, solar and thermal.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, now it is my privilege to yield 3 minutes to a truly distinguished expert on energy policy that serves on the Ways and Means Committee, the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I rise in opposition to this bill. Ninety-six percent of our energy comes from nuclear, oil and coal in this country. Only 4 percent comes from solar and wind. And I am very supportive of creating more energy by wind, creating more energy by using solar panels, but the problem, Mr. Speaker, is that this is not going to solve our problems.

We've heard many Members talk about the price of oil here today. When the price of oil is $100 a barrel, it's because there's not enough oil on the market to meet the demand, largely because we have refused in this country to drill for oil anywhere. We've barred the east coast, the coast of Florida. We even have Cuba now coming in and drilling off the coast of Florida. In California, we don't drill there for oil anymore. And even to go as far as Alaska, the northern slope of Alaska where we have an oil reserve there, we won't even drill for oil in Alaska. So when you talk about having $100 a barrel oil, it's because we refuse to drill for oil, and we rely on oil from other countries to meet our growing demand.

When you look at the problems here that this bill creates, it's taking away tax subsidies to oil companies. But what it does is it only hits the top five oil companies, and you leave out one of the biggest oil companies in the world, and that's the oil company called CITGO which is owned by Hugo Chavez in Venezuela.

If you really wanted to tax the oil companies, you ought to tax all of the oil companies, not just tax our domestic companies that, quite frankly, puts us at a disadvantage to those that produce oil in the Middle East and Venezuela and everywhere else.

And so if we're going to look at real energy policy here, more solar, more

wind, that's all great, but, folks, we're going to rely on oil, nuclear power and coal power in this country for a very long time. I think this Congress has a responsibility to the American people to lower the cost of energy that the American consumer uses, and this bill doesn't do it.

So, with that, Mr. Speaker, I urge my colleagues to vote ''no'' on this bill.

Mr. RANGEL. At this time, I would like to yield 2 minutes to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the chairman for yielding and for his leadership on this and so many other issues.

Mr. Speaker, as a former utility company attorney, I rise in strong support of this important legislation which will help our Nation and my home State of Nevada to move towards a cleaner, more sustainable energy future.

I am very proud of my State of Nevada. Our legislature has passed a renewable energy portfolio. It mandates that by the year 2015, 20 percent of the power sold to Nevadans must be produced from renewables.

Energy providers in the State of Nevada have built or planned half a dozen major solar power projects in order to meet this requirement. And that's just solar. There is also wind, geothermal, and countless other projects that can and will help lessen our dependence on fossil fuel with the passage of this bill.

This bill provides substantial tax incentives for energy produced from renewable resources, including wind, including solar, geothermal, biomass, many other possibilities. These incentives will provide badly needed assistance to companies that are working hard to diversify our energy resources, improve the economy by creating green jobs, and clean up the air we breathe and our environment.

I believe energy independence is an economic issue, an environmental issue, and a national security imperative.

Mr. Speaker, it is time that our Nation stop depending on corrupt dictators and nations that finance and support terrorists and terrorism around the planet to satisfy our energy needs. We pay exorbitant prices for foreign oil from countries who support and encourage terrorist activities around the world. We must stop funding both sides of this war on terror. By encouraging the development of renewable energy and energy independence, this bill helps move this country in the right direction; $102 for a barrel of oil is reason enough for everybody in this body to support this bill. This package is good for Nevada. It's good for our Nation.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, with the indulgence of the other side, I would like to reserve our time.

Mr. RANGEL. I welcome the opportunity to recognize Mr. VAN HOLLEN from Maryland for 3 minutes.

Mr. VAN HOLLEN. I thank the chairman of the Ways and Means Committee for his leadership on this very important national issue.

The legislation before us today presents a very clear choice: Does the people's House stand with the American consumer or do we stand with big oil companies and the special interests?

With gas prices now more than twice as high as they were the day President Bush took office, the American people can simply not afford a continuation of those failed policies that brought us to this point. They're looking to us to take specific steps towards strengthening our national security by reducing our dependence on foreign oil, cleaning up our environment, and creating millions of good-paying green collar jobs and saving on their costs at the pump.

Now the energy bill that this Congress passed last session was a very important step in the right direction. We improved automobile efficiency standards and provided greater incentives to renewable fuels and new economy-wide efficiency standards, and that will help ease the demand for fossil fuels and spur important energy alternatives.

However, we left a very important piece of that on the table because Senate Republicans and the White House refused to accept a very simple proposition. We want to take the $14 billion in taxpayer subsidies that the Bush administration and the earlier Congress gave the oil and gas companies and we say let's reinvest them in a new energy strategy that focuses on renewable energy and energy efficiency. And now on the other side they say no, we don't want to make that choice. We think the taxpayers, all of us and all the people around this country, should continue to subsidize oil and gas companies that are making record profits rather than making this choice.

Well, that's what this bill is about: let's make a choice. Let's use those resources to invest in over $8 billion in electricity generated from clean, homegrown renewable sources. Let's expand production of homegrown fuels like cellulosic ethanol and renewable biodiesel so that we can reduce our dependence on foreign oil. And let's empower consumers interested in being part of the solution by incentivizing the purchase of energy-efficient appliances and advanced plug-in hybrid vehicles.

There is a whole new energy frontier out there for us to seize upon if only we will make the right choices. And instead of looking backwards and continuing to subsidize companies with the hard-earned dollars of the American people, let's instead invest in an energy future that puts millions of people back to work in green technologies, that advances our national security interests by reducing our reliance on foreign oil, and which addresses major environmental concerns that we all face with respect to climate change.

That is the fundamental question at stake today. Let's make the right choice. Let's make a choice that the people's House can be proud of and support the American consumer and the American people, and not the special interests.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I will just yield myself 1 minute to set the record straight.

The underlying legislation is not going to, as the last speaker suggested, reduce the dependency of the U.S. on foreign oil. In fact, every analyst who has looked at this suggests it will increase the dependency on foreign oil. It certainly in the short run, courtesy of its $17 billion in tax increases on energy production, will increase prices. And that's because the tax increases that are in here are not taxes on profits.

We've heard a lot about oil company profits, but in fact what we are taxing here under their bill is any investment in enhanced production. In other words, any time an oil company takes their profits and invests it in new production and doing what we would expect them to do, we're going to hit them over the head. And this should be a cause for concern because we've heard some rhetoric about how energy costs have gone up, but since they took the majority, gas prices have gone up 30 percent. And under the spot market, a barrel of oil has gone from $55 to $100 a barrel. That is not a favorable trend.

Mr. RANGEL. Mr. Speaker, I would like to recognize the gentlelady from Arizona (Ms. GIFFORDS) for 2 minutes.

Ms. GIFFORDS. Thank you, Chairman RANGEL.

I am proud to be a Member of a congressional body that, first, recognizes the fact that global warming is happening, but is also willing to take action to reduce our dependence on foreign oil and foreign energy.

In our first year, we passed the Energy Independence and Security Act which authorized a number of renewable energy programs. That legislation, I think, was a good first step towards moving us towards energy independence. But what is missing today is the passage of the Renewable Energy and Energy Conservation Tax Act.

I come from the great State of Arizona, a State known for a tremendous amount of sunshine. Just last week, plans were introduced to build the world's largest solar power plant in our back yard. It's going to be big enough to power over 70,000 homes. But a project like this will not be constructed without the solar Investment Tax Credits.

In recent years, the solar industry has been one of the fastest growing industries in the country. It creates high-quality jobs; it provides us with tremendous energy independence; and it addresses global warming. Our Nation cannot afford to have these vital tax incentives sunset like they're set to do in 2008 unless this Congress acts.

□ 1430

For our Nation, for our planet, but, most importantly, for our kids who are

going to inherit this planet that we leave behind, it is critical that we pass this legislation and we urge our colleagues in the Senate to pass this legislation as well.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself 15 seconds simply to note that the Senate has already passed legislation which, unfortunately, has not been brought up by the other side. I attempted to offer that version as an amendment to this legislation, and I'm afraid the Rules Committee did not make it in order.

If we really wanted to move something to the President's desk that would work, the majority had the opportunity to do that and has been quick to fritter it away.

With that, Mr. Speaker, I would like to yield 4 minutes to a gentleman who has been a true leader on energy policy in this Chamber through many sessions, who will be retiring at the end of this session, but today I think we have an opportunity to hear him on energy one more time, the ranking member of the Ways and Means Committee, the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. I thank the gentleman for yielding.

Mr. Speaker, I want to address a couple of issues that have been mentioned here today a number of times.

The first is this issue of subsidies. Several speakers have said we need to end this subsidy to the oil and gas industry. Well, the so-called subsidy that's being ended in this bill is the section 199 provision that applies to all manufacturers in the United States. It was designed to make American manufacturers more competitive and to create jobs here in this country. What this bill does is it excepts from all manufacturers only the oil and gas industry, so it's punitive to the oil and gas industry. It's not removing some special subsidy. It's taking away from only the oil and gas a general deduction for all manufacturers in the United States. So much for these special subsidies that we keep hearing about.

The next thing I would like to talk about is the issue of profits. My good friend, the chairman of the Ways and Means Committee, earlier in this debate said, at the beginning of the Bush administration, profits of the five biggest oil companies in America were $30 billion; at the end of the Bush administration, the profits are $100 billion.

Well, guess what? At the beginning of the Bush administration, the biggest five oil companies in this country, American oil companies, invested in exploration, research, and development, trying to find sources of energy for this country, about $40 billion, more than the profits that they had in that year. And that investment, over the term of the Bush administration, has grown to this last year almost $100 billion. So you can say, ladies and gentlemen, that the profits that have been so denigrated here by some today moved pretty much in parallel with the level of investment of our American companies to find new sources of energy to help us meet our energy needs in this country. That's reality.

All this hocus-pocus about renewable fuels and sun, that's swell, but it is a drop in the bucket of what we need to operate this country today and for the foreseeable future.

So if you want a reasonable, well-balanced energy policy, this bill is certainly not the answer. This bill is part of the answer because it pretty much continues the bill that we passed several years ago when we were in control of this Chamber, but it makes a bad mistake when it punishes. It doesn't remove some special subsidy. It punishes just the oil and gas industry for only American companies. That is wrongheaded. It will result in higher prices at the gasoline pump. It's spiteful and it's wrong. And we ought not to pass this bill and get busy passing a true comprehensive energy policy for this country.

Mr. TANNER. Mr. Speaker, I am pleased to recognize the majority leader for 1 minute.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, there are few Members on this floor whom I respect more than the gentleman who has just spoken. JIM MCCRERY from Louisiana is going to be a loss to this House and to our country. He is a thoughtful, fair, and considerate legislator. He represents his State well. He has represented this House well. And I congratulate him for his service. But people of goodwill can disagree, and I want to make an observation on this punitive measure.

In 2004, the Republicans passed a tax bill. Historically, manufacturers had gotten a tax break to incentivize keeping jobs here and trying to grow jobs in America. The oil companies were not included in that law, as the gentleman knows so well, but the Republicans added oil companies into the category of manufacturers. Now they are being taken out. So he says we added them in and now it would be unfair to take them out. They weren't in originally; we are taking them out.

Mr. Speaker, this important legislation is an explicit recognition that our great Nation must make critical investments today in the development of clean, renewable energy and energy efficiency; energy investments that will strengthen our national, economic, and environmental security for generations to come.

I appreciated Mr. MCCRERY's observation that part of this bill was a good bill. He disagrees with other parts. That's understandable. But we must simply begin to break our addiction to fossil fuels, not because the oil companies are bad. They're not. They produce a product that's absolutely essential and they create jobs, good-paying jobs. So this is not about trying to take it out on the oil companies, but it is to say that fossil fuels are a wasting resource. That is to say, we're going to use it up, it's going to go away, and we need to look to alternatives.

This morning's headline in the New York Times states that the harsh reality is ''Gas Prices Soar, Posing a Threat to Family Budget.'' The fact is the nationwide average for a gallon of regular gasoline was $3.14 this week, an increase of 19 cents in just the last 14 days. Some energy experts fear gas prices could hit $4 a gallon by this spring. Diesel prices are hitting new records daily, and oil hit a record high of $100.88 a barrel on Tuesday.

This, again, is not about the bad oil companies. What this is about is America's dependence on foreign sources of oil and on oil generally. Either it's going away or we will be in the grasp of OPEC, of nations who are not particularly friendly to us: Venezuela; Saudi Arabia sometimes, sometimes not; Iraq; Iran; other oil-producing states that can go away in a second. We are vulnerable, and we need to look to alternatives. That's what this bill seeks to do.

To be clear, this legislation alone will not bring down gas prices. But it is a vital step forward and may bring down gas prices 3 years from now or 10 years from now or 15 years from now. This bill is nothing less than a critical investment in the low carbon economy of the future that will result in the creation of millions of new jobs.

It extends the production tax credit for wind, geothermal, and other renewables to 2011 and renews the investment tax credit for individual homeowners and businesses to maintain incentives for solar energy through the end of 2016. Without the prompt extension of these tax credits, renewable energy project work stoppages could cost 116,000 jobs at a time when we're trying to stimulate the economy.

Furthermore, this bill will spur the commercialization of the next generation of automobiles by establishing a $4,000 credit for the purchase of a plug-in hybrid. Tax credits, tax incentives, are to get something that you need and might not otherwise get unless you get an incentive. I'm going to speak to that with reference to the oil companies in just a second.

It will encourage investments in cleaner fuels, creating economic incentives to invest in biofuels, including biodiesel and cellulosic ethanol. And it will close the so-called ''Hummer'' tax loophole, which encourages taxpayers to buy gas-guzzling SUVs. That makes no sense.

In addition, this legislation will create incentives for the construction of energy-efficient buildings and the retrofitting of existing homes, which will reduce pollution and energy use.

Finally, the energy conservation bonds included in this bill will spur investments in efficiency, create jobs, and reduce carbon emissions.

I would think all of those objectives are objectives that this House, in a bipartisan way, would seek to achieve.

Now, in keeping with this Democratic majority's commitment to fiscal

responsibility, this legislation will not add to the deficit. I will tell you that your previous bills dealing with tax incentives could not make that comment. Rather, the tax incentives contained in the bill are offset by repealing $18 billion in unnecessary tax subsidies over the next 10 years that otherwise will be enjoyed by the largest oil and gas companies in America. Mr. MCCRERY referenced a discussion about that.

Last year alone, the five largest oil companies had a combined profit of $123 billion. God bless them. But it only provokes this question: Do these companies need taxpayer subsidies to look for new product?

I'm a big proponent of the free market system. Supply and demand works. The demand for oil is high. The prices reflect that demand, and they are the highest they have been in history. They don't need any incentive to look for new product. The incentive is the free market system which is buying their product for the highest prices they have ever sold it. So it is foolish to ask the taxpayers to not only pay those high prices at the pump but also to pay additional taxes because the oil companies aren't paying the same kind of level of taxes that they are. Last year alone, as I said, they made the highest profits they have made.

The answer, of course, to my question, do they need incentives to get new product? They do not. They do not. There is not an oil company executive in the world who's going to say let's not look for new oil when their product is getting the highest prices they have gotten in history.

Even President Bush, and I want all my Republican friends to hear this. There aren't very many of them on the floor. There aren't very many Democrats on the floor. But I hope they are watching on television. President Bush, a former oil company executive, said in 2005, and I want you to hear this quote, George Bush, President of the United States, former oil executive, 2005: ''I will tell you, with $55 a barrel oil, we don't need incentives to oil and gas companies to explore.'' I'm sure all of you got that. At $55 a barrel, the President of the United States said we don't need incentives for the companies to explore.

Prices now are almost 100 percent above that dollar figure which the President of the United States said would obviate the need for incentives. With the price of a barrel of oil hovering around $100, do we really believe that this incentive is justified? The President of the United States said no. Hopefully, this Congress today will say no.

This legislation is a thoughtful effort to set our Nation's energy priorities and thereby strengthen our national, economic, and environmental security.

Last year when we passed the Energy Independence and Security Act, the President and Senate Republicans removed a package of economic incentives, including the extension of tax credits for wind and solar energy and biofuels. We must move towards those alternatives. With this bill, we continue the fight for this critical aspect of our energy policy.

I thank the chairman for his leadership on this very important piece of legislation, and I thank the Republican colleagues on the committee as well for working on this product.

We may have differences, but this is a critical issue for the future of our country and for generations yet to come. Vote for this bill.

□ 1445

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I was very impressed by the last speech, and I wish I could be as charitable about the underlying product or about the effort that we are making on the floor today. I do want to congratulate the chairman of the Ways and Means Committee for having given our Select Revenue Subcommittee the opportunity to explore through hearings what our tax policy should be at energy and policy, and I am hopeful that the day will come when those hearings will yield the results that we would hope. I am afraid today is not likely to be that day.

The crisis we are facing is a real one. Mr. Speaker, we are facing a rising global demand for energy of all sorts as the economies of China and India grow. We are seeing the phenomenon of peak oil playing out. Clearly, we are not going to see the growing reserves that we have enjoyed in the past, and increasingly many of the remaining reserves are being mediated by state-owned oil companies with ideological or nationalistic agendas.

Our consumers, both our individual consumers and our corporate consumers, are facing the consequences of high prices, and yet we are imposing on our production artificial restrictions on new production. That is the wrong policy at a time like this. And we are facing aging energy infrastructure, whether it is a power grid that frankly is facing brownouts or refineries that are now at 92 percent of capacity. So if any one of them breaks down, we face a shortage in energy.

These are real problems. And coupled with them is the legitimate concern about externalities, the fact that greenhouse gases from the consumption of fossil fuels are having an uncertain impact on our climate. And yet in the context of all of that, H.R. 5351 is simply not the answer, Mr. Speaker. It wasn't in any of its three previous incarnations, and it is not now. It is bad energy policy. And it is bad tax policy. There are parts of it that represent a continuity with the policies of past Congresses, and I salute the other side for including the extenders. But just like a car with an empty gas tank, this legislation is a nonstarter. It is not going to go anywhere in the Senate. It is not going to get on the President's desk. And today I would ask all of those who join me with these concerns to join in voting against this wrong-headed bill.

I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, first let me once again thank Mr. ENGLISH for the diligent way that he addresses the problems that are before our committee. His working with RICHARD NEAL makes me proud to be a member and chairman of the Ways and Means Committee. I do hope that at some point that we will be able to get past the barrier of partisanship to deal with a national security issue, a global climate issue, an issue that should challenge all partisanship as we move forward.

It defies common sense to believe that the oil industry that is receiving billions of dollars in profit would even consider the $14 billion that we are talking about. It is almost like grains of sand on the beach. We are asking them to be partners with us, not just for their shareholders, which they know how to take care of, but for their country, to be able to say that our foreign policy should not be directed by where oil is, to be able to say at the end of the day we can tell our kids and grandkids that we tried to protect the atmosphere of this great country, to be able to say that there are alternatives, that we don't have to rely on fossil fuels. We have the genius. We have the creativity. And this bill provides the incentives to see whether we can use the wind, the water, waste, solar, whatever it takes. We have the know-how given the opportunity which this bill will give to deal with it. We can create products that conserve energy. We can increase our surplus in terms of trade by being able to produce products that are far more competitive than what we are doing today. What a great opportunity for us.

And when we talk about potential recession or whatever the President wants to call it, we have to recognize the big role that the increase in the price of oil has played with families who used to consider themselves middle income and now are faced with ever-increasing home fuel costs, automobile costs and all of these things, and to find that we have to give them $159 billion because they don't have the ability to put food on the table or shoes on their kids' feet or to pay their rent or to pay their mortgage. All of this, we can handle these problems if we work together in a bipartisan way. We even go as far as to say in the bill that we don't have all of the answers. We provide tax-exempt bonds for mayors and Governors and people with exciting ideas of how to make greenhouses and increase the efficiency of our commercial buildings as well as our residents.

Why don't we give hope a chance and give the challenge to America a chance, force the Senate to come to meet with us and in a bipartisan way

in the House to be able to say that we are prepared to do these things.

And so I do hope that people would reconsider that did not support H.R. 5351. I do hope and congratulate the leadership and NANCY PELOSI, our Speaker, for never giving up and not giving in just because we face political obstacles. The record is going to indicate which side we were on, and it is abundantly clear, were you on the side of Big Oil or were you on the side of change and wanting to make certain that we met the challenges that we are forced to do.

GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill, H.R. 5351.

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

There was no objection.

Mr. RANGEL. Mr. Speaker, I encourage our membership to support this bill.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008. I commend the Speaker and the Ways and Means committee for their tireless efforts on behalf of this important legislation.

We are at a crucial point in the United States in the development of our alternative energy economy. We are at a point where, without our support, these industries could either grow and prosper or be sent overseas. This bill represents an important step to ensure that alternative energy technologies like windmills and fuel cells are manufactured in Connecticut, not China and in Indiana, not India.

Tax credits for alternative energy technologies are crucial to these industries across the United States, and particularly in Connecticut. Connecticut has become a leader in the alternative energy field, particularly in the area of fuel cell technology. We have succeeded as a result of investment in research and development, partnerships between the industry and the state and federal government and the ingenuity and talented workforce in the state.

The impact of the fuel cell industry on Connecticut's economy has been powerful. The Connecticut fuel cell industry has created over 2,000 jobs statewide and generates $29 million in tax revenues to the state annually.

The Renewable Energy and Energy Conservation Tax Act of 2008 strengthens and extends the tax credits for investment in fuel cell technology for 8 years, providing much needed certainty to the industry. It also extends the production tax credit for alternative energy technologies like wind, solar and geothermal energy.

In a recent New York Times article, a reporter traveled to small towns in Texas that people had all but given up on because of their faltering economies. These same towns are now experiencing a rebirth because the wind industry is bringing jobs back to their community. This is the impact this important legislation can have on towns throughout the Nation and why I rise today in strong support of H.R. 5351.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008.

For the last 20 years, my colleagues in the scientific community have issued warnings that the release of greenhouse gases is altering the earth's climate in ways that are both expensive and deadly. It is well established that the climate change of recent decades can be attributed to the way we use energy. In fact, the greatest insult to our planet is the way we produce and use energy. This is one of the principle subjects that I have spoken about and worked on since I first ran for Congress, and it is one of the reasons, I believe, that my constituents sent me to Congress.

As an energy scientist, I know how much can be done technically to reduce our dependence on fossil fuels and to slow the rate of climate change. Last year, Congress passed H.R. 6, the Energy Independence and Security Act, historic legislation that took the long overdue first steps toward addressing global climate change and addressing our long term energy needs. Unfortunately, the U.S. Senate removed a provision from the H.R. 6 that would have repealed billions in tax subsidies for oil companies and instead invested in the production of renewable energy. I am pleased that the House is reconsidering these important provisions today in H.R. 5351. If this legislation becomes law it will be a significant second step toward implementing a rational, sustainable national energy policy.

Today, consumers are paying more at the pump than ever before. My constituents in my Central New Jersey district are paying $2.95 at the pump, a 119 percent increase from what they paid in 2001. Gas prices throughout the country over the last two weeks have risen an additional 17 cents, and oil prices have reached a record high at $102 per barrel. While American families transportation and heating costs continue to rise, the five top oil companies posted record profits for 2007, and ExxonMobil posted the largest corporate profit in American history of $40.6 billion. At this time of record profits, oil companies are receiving huge government subsidies. It is past time that we reverse this failed policy which has only benefited big oil companies at the expense of American families and our environment.

The legislation before us today would eliminate the $18 billion in tax breaks that have been awarded to big oil. It will use this money to extend and expand tax incentives for renewable electricity, energy and fuel, as well as for plug-in hybrid cars, and energy efficient homes, buildings, and appliances. Specifically, it would extend existing tax credits for the production of renewable energy, including solar, wind, biomass, geothermal, hydro, landfill gas and trash combustion, as well as adding new incentives for the use and production of renewable energy.

My home state of New Jersey has been a leader in solar production, with over 2,400 solar installations in place and I am told that it has the fastest growing solar market in the United States. The extension of the solar energy tax credit through 2016 will help ensure that the use of solar will continue to proliferate in New Jersey. This will help New Jerseyans reach our goal of having 20 percent of the State's electricity come from renewable sources by 2020.

The renewal of these tax credits will also help to increase our economy by creating hundreds of thousands of jobs. According to a recent study, if the renewable energy tax breaks expire at the end of this year over 116,000 jobs in wind and solar industries would be lost in one year. Today, when the predicted economic growth forecast is an anemic pace of 1.3 to 2 percent and unemployment is likely to climb above percent, we in Congress should do everything we can to ensure job growth and preserve jobs.

Of course, this bill is not enough. If it becomes law it will be an excellent continuation of the work we began last year. Having passed this bill we will be able to continue to consider other alternative energy and climate change legislation, and I am confident that we will. I urge my colleagues to support this legislation.

Ms. HIRONO. Mr. Speaker, I rise in support of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act.

I am proud to be an original cosponsor of this bill, which promotes renewable energy by providing more than $8 billion in long-term tax incentives for electricity produced from renewable sources and encourages greater energy efficiency improvements to homes and commercial buildings.

H.R. 5351 also repeals $18 billion in tax subsidies and loopholes that have for too long benefited the big multi-national oil and gas companies, even as they continue to reap record-breaking profits. While Exxon Mobil raked in $40 billion in earnings last year, American families paid skyrocketing gas prices. In my home State of Hawai'i, where about 90 percent of our energy comes from imported petroleum, residents pay among the Nation's highest prices for electricity and fuel, an average of $3.54 per gallon at the pump. In some parts of the State, the cost for a gallon of regular gas has risen to nearly $4.00. Consumers in Hawaii and across the Nation should not be burdened by excessively high energy costs while also facing a growing credit and housing crisis.

We cannot continue to rely upon Big Oil and offshore oil producers to supply our energy needs at the expense of consumers and the environment. This bill contains long-term tax incentives to achieve energy independence by expanding production of renewable homegrown fuels and electricity in addition to extending tax credits for solar energy, fuel cell investment, and residential energy efficient property.

I believe that H.R. 5351 will do much to put us on a path toward energy independence, create new jobs as we invest in renewable energy production, and help tight global warming. I urge my colleagues to support this measure.

Mr. STARK. Mr. Speaker, I rise today to join with my colleagues to once again support legislation that would take a modest first step towards a rational energy policy. By ''rational,'' I mean that this bill employs the revolutionary concept that legislation should be crafted with the American people in mind, rather than huge multinational oil companies. By ''modest,'' I mean that we have much more work to do to confront global warming and wean our Nation off our addiction to fossil fuels.

The headlines tell a somber story of an economy on the brink. Earlier today, oil reached an all-time high of $102 a barrel. The International Herald Tribune reported that we can expect to see gas cost more than $4 a

gallon this spring. And the Washington Post this morning quoted an economist who announced that ''We're in stagflation, and it's going to get worse.''

Not everyone is singing the blues, however. Earlier this month, the New York Times reported that Exxon Mobil once again set the record for the highest profits ever recorded by a single company, with a net income of $40.6 billion. As reported by the Times, Exxon made $1,287 of profit per second in 2007. Through loopholes in our tax code, taxpayers subsidized much of that profit.

I support the tax portion of this package that ends the over $16 billion in tax breaks for companies like Exxon-Mobil. Today's bill also closes a ridiculous loophole that allows business owners to claim $25,000 deductions for each gaz-guzzling Hummer they purchase. The savings generated are then invested in developing clean energy.

The bill before us today makes important progress and I once again urge my colleagues to support it. Tinkering with the tax code, however, will only get us so far. We must be prepared to take bold action to combat global warming by engaging with the rest of the world and adopting either a progressive carbon tax or a robust cap and trade policy.

Mr. PEARCE. Mr. Speaker, let it be clear, an overwhelming majority of the members of this House, including this member, strongly support extending the Wind and Solar tax credits. These credits will help begin new investments to create new jobs, establish new industries in this country and eventually create more energy for America.

However, in order to pay for these new investments, this bill will kill thousands of current manufacturing jobs by raising taxes and giving foreign companies a competitive advantage.

Are we willing to sacrifice jobs Americans have right now for the promise or opportunity for future jobs? I would say that we don't have to make that choice. Yet, the Majority clearly believes that is the only choice before us.

Instead of the massive new tax increases in this bill, we could open up development 44 miles off the coast of Florida beside the Chinese companies working with the Cuban government to drill 46 miles off the coast of Florida.

We could open up new opportunities off the coast of California where new rigs could drill for oil and serve as new platforms for generating renewable wind and tidal energy.

We could lease more areas in Alaska, where a sale last month generated $2.6 billion in revenues for America in lease sales and will generate tens of billions in royalties in the years to come.

If our goal is to reduce our dependence on foreign energy, this bill fails to accomplish that. I would rhetorically ask the Chairman how much of a tax increase in this bill is on oil companies based in Venezuela or Iran? The answer is none. How much of the tax increases in this bill fall on American companies working in Artesia or Farmington, New Mexico? One hundred percent.

We don't have to choose promoting new industries by destroying old industries. This is a case where we could have it all, new energy development and more energy development, unfortunately the Speaker wont let us make that choice.

Mr. MCKEON. Mr. Speaker, I rise in opposition to H.R. 5351, the latest in a string of flawed energy proposals that will drive up prices for consumers while rewarding special interests.

As Senior Republican on the Education and Labor Committee, I oppose not only the bill's unprecedented energy tax hike, but also its inclusion of bureaucratic mandates that will drive up costs for taxpayers and stifle job creation.

This bill furthers the majority's aggressive expansion of Davis-Bacon wage mandates, a Depression-era policy that saddles federal projects with complicated and highly inaccurate prevailing wage requirements.

Davis-Bacon wages can inflate project costs by as much as 15 percent—costs that get passed on to taxpayers. They also force private companies to do hundreds of millions of dollars of excess administrative work each year, squandering resources that would be better spent creating jobs and spurring innovation.

H.R. 5351 creates and expands bond authority for energy conservation and clean renewable energy. Unfortunately, these bond programs are prone to waste, fraud, and abuse because of a lack of clear oversight. Moreover, projects funded through these bonds would be subject to Davis-Bacon wage mandates.

The notion of a one-size-fits-all federal wage mandate is bad enough, but the specifics of the Davis-Bacon rules are even worse. Because of flawed wage calculations, use of Davis-Bacon wages can drive up wages on one project, while shortchanging workers on another.

The costly and time-consuming requirements of Davis-Bacon bias government contracting against small businesses that are often minority- or female-owned—businesses that simply do not have the resources to comply. As a result, large, unionized companies are more often awarded government contracts—even for small projects.

We need energy independence and lower fuel costs. This bill imposes energy tax hikes that will drive up costs for consumers. We need to eliminate federal red tape to promote job creation. This bill expands the bureaucracy by layering costly Davis-Bacon wage mandates on bond programs already prone to waste, fraud, and abuse.

For these and many other reasons, Mr. Speaker, I cannot support this energy tax increase, and I urge my colleagues to join me voting ''no.''

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1001, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Speaker, I offer a motion to recommit.

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

Mr. HOEKSTRA. Yes, I am in its current form.

Mr. RANGEL. Mr. Speaker, I reserve a point of order.

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

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoekstra moves to recommit the bill, H.R. 5351, to the Committee on Ways and Means, with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

Congress finds the following:

(1) The energy security of the United States is tied directly to the national security of the United States, the stability of the United States economy, and the stability of key oil producing nations.

(2) Radical jihadists who attacked the United States on September 11, 2001, continue planning to attack the United States and its citizens. If successful, such attacks would directly impact the energy security of the United States. Radical jihadists also seek to replace the governments of key oil producing nations with a caliphate.

(3) The Protect America Act of 2007, which provided key tools to detect and prevent potential terrorist attacks in foreign countries and within the United States expired at midnight, February 17, 2007.

(4) Without those key tools, the capability of the United States intelligence community to detect and prevent potential attacks has begun to substantially degrade, placing at risk the national security of the United States and the energy security of the United States.

(5) Consistent with a bipartisan consensus, Congress must take immediate action to adopt legislation to provide the intelligence community with strong and effective tools to ensure the national security and the energy security of the United States.

SEC. 2. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the ''FISA Amendments Act of 2008''.

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

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

''Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

''SEC. 702. DEFINITIONS.

''(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

''(b) ADDITIONAL DEFINITIONS.—

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

''(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

''(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706;

''(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

''(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

''(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

''(d) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

''(e) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4) for acquisitions authorized under subsection (a).

''(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(f) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 7 days after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

''(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(v) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of any element of the intelligence community.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

''(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

''(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

''(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

''(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

''(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(F) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

''(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

''(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

''(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

''(5) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

''(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

''(ii) cease the acquisition authorized under subsection (a).

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

''(i) during the pendency of any rehearing of the order by the Court en banc; and

''(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

''(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued

or modified, shall be implemented during the pendency of the appeal.

''(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

''(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

''(k) ASSESSMENTS AND REVIEWS.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

''(A) the Foreign Intelligence Surveillance Court; and

''(B) the congressional intelligence committees.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

''(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

''(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence; and

''(iii) the congressional intelligence committees.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

''(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

''(i) the Foreign Intelligence Surveillance Court;

''(ii) the Attorney General;

''(iii) the Director of National Intelligence; and

''(iv) the congressional intelligence committees.

''SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

''(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

''(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(b) APPLICATION.—

''(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

''(A) the identity of the Federal officer making the application;

''(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

''(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(D) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

''(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

''(i) the certifying official deems the information sought to be foreign intelligence information;

''(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(iii) such information cannot reasonably be obtained by normal investigative techniques;

''(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

''(v) includes a statement of the basis for the certification that—

''(I) the information sought is the type of foreign intelligence information designated; and

''(II) such information cannot reasonably be obtained by normal investigative techniques;

''(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

''(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

''(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

''(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

''(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

''(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

''(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

''(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

''(E) the period of time during which the acquisition is approved.

''(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

''(A) that the minimization procedures be followed;

''(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

''(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

''(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

''(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

''(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

''(f) APPEAL.—

''(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION AND SCOPE.—

''(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

''(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

''(3) LIMITATIONS.—

''(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United

States during the pendency of an order issued pursuant to subsection (c).

''(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

''(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

''(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

''(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(A) a person reasonably believed to be located outside the United States; and

''(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(3) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

''(A) the certifying official deems the information sought to be foreign intelligence information; and

''(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(c) ORDER.—

''(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

''(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

''(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

''(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) APPEAL.—

''(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

''(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(c) or section 705(c), as applicable.

''(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

''(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be

deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

''(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

''SEC. 708. CONGRESSIONAL OVERSIGHT.

''(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

''(b) CONTENT.—Each report made under subparagraph (a) shall include—

''(1) with respect to section 703—

''(A) any certifications made under subsection 703(f) during the reporting period;

''(B) any directives issued under subsection 703(g) during the reporting period;

''(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

''(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

''(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

''(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

''(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

''(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

''(G) any procedures implementing this section;

''(2) with respect to section 704—

''(A) the total number of applications made for orders under section 704(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

''(3) with respect to section 705—

''(A) the total number of applications made for orders under 705(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Limitation on definition of electronic surveillance.

''Sec. 702. Definitions.

''Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.

''Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.

''Sec. 705. Other acquisitions targeting United States persons outside the United States.

''Sec. 706. Joint applications and concurrent authorizations.

''Sec. 707. Use of information acquired under title VII.

''Sec. 708. Congressional oversight.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting ''(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)'' after ''electronic surveillance''.

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting ''or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978'' after ''assistance''.

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

''(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an ''(a)'' before ''CIVIL ACTION'',

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

''(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

''(C) pen registers under section 402;

''(D) access to records under section 501;

''(E) acquisitions under section 704; and

''(F) acquisitions under section 705;''.

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) for information, facilities, or assistance provided during the period such directive was or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.''.

(c) CONFORMING AMENDMENTS.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking '', as defined in section 101 of such Act,'' and inserting ''(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMIANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

''(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the

United States and are limited to sensitive sources and methods information or the identities of targets.''.

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term ''Foreign Intelligence Surveillance Court'' means the court established by section 103(a).

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—'';

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(B) resonably determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

''(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or

disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''7 days''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''7 days''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

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

''(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

''(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

''(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).''.

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting '', the international proliferation of weapons of mass destruction,'' after ''international terrorism''.

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking ''or'' at the end

(B) in subparagraph (C), by striking ''or'' at the end; and

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

''(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

''(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or''.

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

''(p) 'Weapon of mass destruction' means—

''(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

''(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

''(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting ''weapon of mass destruction',' after ''person',''.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''; and

(2) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term ''assistance'' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term ''contents'' has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ''electronic communication service provider'' means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action

shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"SEC. 801. DEFINITIONS.

"In this title:

"(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

"(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

"(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

"(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

"(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(6) PERSON.—The term 'person' means—

"(A) an electronic communication service provider; or

"(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

"(i) an order of the court established under section 103(a) directing such assistance;

"(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

"(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

"(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

"SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

"(a) REQUIREMENT FOR CERTIFICATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

"(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

"(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

"(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

"(D) the person did not provide the alleged assistance.

"(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

"(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

"(1) review such certification in camera and ex parte; and

"(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

"(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

"(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

"(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

"SEC. 803. PREEMPTION.

"(a) IN GENERAL.—No State shall have authority to—

"(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

"(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

"(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

"(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"Sec. 801. Definitions.

"Sec. 802. Procedures for implementing statutory defenses.

"Sec. 803. Preemption.".

TITLE III—OTHER PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is

held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

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

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

Mr. RANGEL (during the reading). Mr. Speaker, I move unanimous consent for the suspension of the reading of the motion.

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

Mr. HOEKSTRA. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue reading.

Mr. RANGEL. I have a point of order at the desk and I insist on my point of order.

The SPEAKER pro tempore. The Clerk will continue to read the motion to recommit.

Mr. HOEKSTRA (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered read.

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

There was no objection.

POINT OF ORDER

Mr. RANGEL. Mr. Speaker, I make a point of order that the motion to recommit is not germane to the underlying bill, and I insist on my point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. HOEKSTRA. Mr. Speaker, I would like to be heard.

Mr. Speaker, as the distinguished chairman talked about in his closing remarks, and as the majority leader discussed in his closing remarks, the energy security of the United States is directly tied to the national security of the United States.

It is beyond me to understand how the proponents of this bill can claim that the legislation before us this afternoon protects the energy independence and energy security of the United States when our critical foreign intelligence capabilities, designed specifically to protect the national security of the United States, continue to degrade. This, of course, happened 11 days ago with the expiration of the Protect America Act.

Again the proponents of the bill say the energy security of the United States is directly tied to the national security of the United States. And that is why this motion to recommit should be considered in order.

The national security of the United States is directly tied to the effectiveness of the tools that we give to the intelligence community. The same radical jihadist groups who attacked the United States on September 11, 2001 are continuing their plans to attack the United States and its citizens. You don't have to take my word for it. Read the declassified excerpts of the National Intelligence Estimate released by Director McConnell.

The majority leader and others who are proponents of this bill have pointed out America's vulnerability on energy issues.

Mr. RANGEL. Mr. Speaker, I object. The proponent is not dealing with the question of the point of order but is dealing with another subject matter.

Mr. HOEKSTRA. I would like to continue.

The SPEAKER pro tempore. The gentleman from Michigan must confine his remarks to the point of order.

Mr. HOEKSTRA. Thank you. That is exactly what I am talking about. I thank my colleague for pointing that out.

And as we have said, your words were that this is a national security issue and it is imperative that we deal with it. The majority leader's words, we are talking about the threats to our oil supply and our energy supply, whether it was from Venezuela, whether it was from the Middle East or other parts of the world. We significantly enhance and increase our vulnerability on an energy standpoint when we let the tools of the intelligence community erode and when we no longer have good insight into what radical jihadists may be doing in Pakistan or what they may be doing in the Middle East or what they may be doing in South America when specifically these are the home bases of radical jihadists. You also have to take a look specifically at radical jihadists and take a look at where they are saying they want to act. They want to destabilize many of the governments that provide us with the oil and energy supplies that this country is so dependent on.

The SPEAKER pro tempore. The gentleman from Michigan will suspend.

Mr. RANGEL. The proponent's speech is not related to the parliamentary question of the relevancy to the point of order.

The SPEAKER pro tempore. The Chair will hear the gentleman on the point of order, but his remarks must be confined to the question of the point of order and may not dwell on the underlying substantive issue.

Mr. HOEKSTRA. Thank you.

Again, getting back to the point, the chairman has talked about energy security being tied to national security. This motion to recommit will do more to secure our energy independence and will do more to protect our energy security and national security than many of the other provisions in the bill because it specifically gives the tools to our intelligence community to protect not only our domestic sources of energy, but also enables us to protect the sources of energy that come from overseas.

□ 1500

Mr. RANGEL. Mr. Speaker, it is abundantly clear that the rules of the House are being abused for purposes of calling attention to another piece of legislation, and I insist on my point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. RANGEL. I would like to be heard in opposition.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. RANGEL. Mr. Speaker, I have all the respect for the proponent of the motion to recommit on the subject matter that he is trying to bring to the attention of this House, but the RECORD has got to indicate that as this great Nation and this House try to deal with the serious problem of global warming, of loss of jobs, of national security, of a variety of things that we should be focused on, that if the rule should be used constantly throughout this debate for a purpose other than the reason why this bill is before this House, it not only violates the parliamentary rules, but the spirit in which we should be looking at this energy bill. So I insist on my point of order.

The SPEAKER pro tempore. If no other Member wishes to be heard, the Chair is prepared to rule.

The Chair will rely on the precedent of February 26, 2008. The instructions in the motion to recommit address a totally unrelated measure within the jurisdiction of committees not represented in the underlying bill. The instructions are therefore nongermane and the point of order is sustained. The motion is not in order.

Mr. HOEKSTRA. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 191, not voting 15, as follows:

[Roll No. 82]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
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
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
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
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—191

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)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
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
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays

Shimkus	Terry	Weldon (FL)
Shuster	Thornberry	Weller
Simpson	Tiahrt	Westmoreland
Smith (NE)	Tiberi	Whitfield (KY)
Smith (NJ)	Turner	Wilson (NM)
Smith (TX)	Upton	Wilson (SC)
Souder	Walberg	Wittman (VA)
Stearns	Walden (OR)	Wolf
Sullivan	Walsh (NY)	Young (AK)
Tancredo	Wamp	Young (FL)

NOT VOTING—15

Aderholt	Goodlatte	Ryan (WI)
Brown-Waite, Ginny	Jones (OH)	Stark
Delahunt	Keller	Tierney
Diaz-Balart, M.	Lungren, Daniel E.	Udall (CO)
Ferguson	Reyes	Woolsey

□ 1527

Messrs. DAVIS of Alabama, OLVER and MARKEY changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RECOMMIT OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. ENGLISH of Pennsylvania. I am in its current form.

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

The Clerk read as follows:

Mr. English of Pennsylvania moves to recommit the bill H.R. 5351 to the Committee on Ways and Means with instructions to report the same back to the House promptly with the following amendments:

Strike subsection (b) of section 101 (relating to modification of credit phaseout).

Strike section 203 (relating to modification of limitation on automobile depreciation).

Strike subsection (c) of section 211 (relating to coproduction of renewable diesel with petroleum feedstock).

Strike section 212 (relating to clarification that credits for fuel are designed to provide an incentive for United States production).

Strike section 221 (relating to extension of transportation fringe benefit to bicycle commuters).

Strike section 222 (relating to restructuring of New York Liberty Zone tax credits).

Strike section 231 (relating to qualified energy conservation bonds).

Strike title III (relating to revenue provisions).

At the end of the bill, add the following new title:

TITLE V—REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF AND MODIFICATIONS TO CHILD TAX CREDIT

SEC. 501. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF AND MODIFICATIONS TO CHILD TAX CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to—

(1) sections 301, 302, and 303 of such Act (relating to marriage penalty relief), and

(2) section 201 of such Act (relating to modifications to child tax credit).

Mr. ENGLISH of Pennsylvania (during the reading). Mr. Speaker, I would seek unanimous consent to have the motion considered as read.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

□ 1530

Mr. ENGLISH of Pennsylvania. Mr. Speaker, when the Democrats took control of this body, prices at the pump were about 30 percent lower. The price on the spot market for a barrel of oil was $55, not $100 the way it was last week. They promised to address the energy crisis that has plagued the economic stability of this country and seek lower prices at the pump for American consumers.

Unfortunately, the bill that stands before us today fails to accomplish this goal and fails to meet the needs of the American people. By taking away the very tax incentives that helped promote oil and gas exploration here at home, this bill diminishes domestic companies' opportunity and incentive to produce gasoline. This in turn will raise energy costs for cash-strapped consumers.

While the majority party has come to believe that handing out new tax credits and new bonding authority to Governors and mayors is a coherent energy policy, there are many of us in this Chamber who are a little skeptical on that point.

These dulcet-sounding bond programs lack effective safeguards to ensure that the money from the newly created liberal slush fund would go toward environmentally sound projects that will promote or improve energy independence in America.

This Rube Goldberg device can't be seriously expected to help the average American cope with today's high energy prices. What's more, these things certainly do nothing to help consumers cope with tomorrow's higher energy prices that the tax increases incorporated into this bill will certainly generate.

This legislation will not help Americans who carpool to work and will not help working moms driving their children to school. It will not bring down home heating costs for families struggling to make ends meet during this winter season, and it will not lower the cost of fertilizer for farmers.

Mr. Speaker, our motion to recommit will help ease the burden of economic hardship for many of these working families. This motion will strike all of the tax increases from the bill at the time when the economy needs more innovative solutions rather than simply stacking tax increase upon tax increase with no help for working families. It will strike the massive haircut that this bill gives to the most effective renewable energy policy in this code, the wind credit. The bill risks undermining the success of the wind credit, which has been the most promising source of alternative energy. This motion to recommit restores it to its full value.

This motion also rids the underlying bill of the egregiously wasteful bond program that, in our view, is nothing more than a waste of taxpayer dollars with no real potential oversight.

We also eliminate something that I know is dear to some of my friends on the other side of the aisle, and that is the tax incentive for people who ride their bikes to work, and I am sure I will hear about this from my paperboy.

This motion represents a much more rational approach for moving American energy policy forward. As we all know, the pro-growth tax policies enacted by Republican Congresses have been a source of fertility in the American economy, helping tens of millions of taxpayers; and for that matter, millions who don't pay taxes but receive refundable tax credits from the IRS every year.

While Washington Democrats have continued to demonize tax cuts for only helping the rich, the facts speak for themselves.

This motion to recommit preserves two critical pro-growth policies and prevents tax increases for many working Americans.

First, it would prevent the current $1,000 child tax credit from being slashed in half in 2011 through Democrat inaction.

Second, it would prevent a substantial increase in the marriage tax penalty which is set to occur in 2011. According to the Treasury Department, allowing these tax incentives to sunset will force more than 6 million additional taxpayers to become subject to the individual income tax, and 116 million families will have an average tax increase of more than $1,800.

Sunsetting the $1,000 child tax credit and keeping the marriage tax penalty on the books will, without a doubt, subject millions of families to being hit with serious tax increases.

What does the majority's inaction on these tax reforms mean? It means higher taxes on low-income families with children and higher taxes on married couples. What does passing the energy bill in front of us mean? It means higher energy prices across the board and greater dependence on foreign oil. What does passing the motion to recommit mean? It means preventing tax increases.

Mr. Speaker, I urge all of my colleagues to vote in favor of the motion to recommit and against this badly flawed underlying bill.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Before I speak, may I have a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. RANGEL. Notwithstanding the rhetoric of the sponsor, does this motion to recommit kill the underlying bill?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. RANGEL. I am asking what would be the impact if this were to pass. Would it kill the bill?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Mr. RANGEL. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, I oppose the motion, and I am a little embarrassed about an issue that came up during the debate on this bill as related to the unity and the support for my great city, New York. I oppose the motion for many reasons, but the prime one is that this actually kills the bill and prevents us from taking a vote, but I don't think that they seriously would want us to consider the provisions here that they have in the motion.

But having said that, I am embarrassed that one of the issues that is in the motion to recommit is that they not allow the City of New York, with the support of the President of the United States, and have it included in the President's budget, the opportunity to utilize tax-exempt bonds, bonds that were given for the specific purpose of assisting us in recovering from that tragic terrorist attack on September 11.

After study by the administration and conversations which they had with the Republican and Democrat mayor and Governor of our great State, they reached the conclusion that the fair and equitable thing, because of the impediment under which the original tax-exempt bond issue was written, that it was inaccurately written and it would expire if this provision wasn't there. Someone on the other side called it an earmark. Well, if it is an earmark, it is a compassionate earmark that is supported by the President of the United States and the Secretary of the Treasury.

I just ask you, in case somebody of good conscience would ask, Why would you do a thing like that in a motion to recommit? to give you the opportunity to say, I just didn't know that it was in there.

So for all of those reasons, I ask that we defeat the motion to recommit, Mr. Speaker.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it not true that if indeed this motion passed, the bill could be reported back from the respective committee from which it came and that the bill could be reported back as soon as tomorrow?

The SPEAKER pro tempore. The Chair will answer the gentleman that it can be done at some subsequent time.

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. RANGEL. If it was reported back, would it comply with the PAYGO rules of the House of Representatives, Mr. Speaker?

The SPEAKER pro tempore. That would call for an advisory opinion.

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts may state his parliamentary inquiry.

Mr. FRANK of Massachusetts. If the bill were to go back to committee and be reported out, would it have to go to the Rules Committee and would other rules that require layovers before the House can act apply?

The SPEAKER pro tempore. As the Chair stated on November 15, 2007, an order of recommittal does not necessarily waive any rules, but the Chair can not render an advisory opinion on what points of order might lie.

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. When you say this does not waive any rules, would that include the rule of the House that requires this to go to the Rules Committee with all of the appropriate times? Is that one of the rules that would not be waived?

The SPEAKER pro tempore. Ordinary procedures will adhere.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Isn't it true that the majority can make the rules up as they go?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

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. ENGLISH of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 197, nays 222, not voting 9, as follows:

[Roll No. 83]

YEAS—197

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

NAYS—222

Abercrombie	Conyers	Gutierrez
Ackerman	Cooper	Hall (NY)
Allen	Costa	Hare
Andrews	Costello	Harman
Arcuri	Courtney	Hastings (FL)
Baca	Cramer	Herseth Sandlin
Baird	Crowley	Higgins
Baldwin	Cuellar	Hill
Bean	Cummings	Hinchey
Becerra	Davis (AL)	Hinojosa
Berkley	Davis (CA)	Hirono
Berman	Davis (IL)	Hodes
Berry	Davis, Lincoln	Holden
Bishop (GA)	DeFazio	Holt
Bishop (NY)	DeGette	Honda
Blumenauer	Delahunt	Hooley
Boren	DeLauro	Hoyer
Boswell	Dicks	Inslee
Boucher	Dingell	Israel
Boyd (FL)	Doggett	Jackson (IL)
Boyda (KS)	Doyle	Jackson-Lee (TX)
Brady (PA)	Edwards	Jefferson
Braley (IA)	Ellison	Johnson (GA)
Brown, Corrine	Ellsworth	Johnson, E. B.
Butterfield	Emanuel	Kagen
Capps	Engel	Kanjorski
Capuano	Eshoo	Kaptur
Cardoza	Etheridge	Kennedy
Carnahan	Farr	Kildee
Carney	Fattah	Kilpatrick
Castle	Filner	Kind
Castor	Frank (MA)	Klein (FL)
Chandler	Gillibrand	Kucinich
Clarke	Gonzalez	Langevin
Clay	Gordon	Larsen (WA)
Cleaver	Green, Al	Larson (CT)
Clyburn	Green, Gene	Lee
Cohen	Grijalva	

Levin	Ortiz	Skelton
Lewis (GA)	Pallone	Slaughter
Lipinski	Pascrell	Smith (WA)
Loebsack	Pastor	Snyder
Lofgren, Zoe	Payne	Solis
Lowey	Perlmutter	Space
Lynch	Peterson (MN)	Spratt
Mahoney (FL)	Pomeroy	Stark
Maloney (NY)	Price (NC)	Stupak
Markey	Rahall	Sutton
Matsui	Ramstad	Tanner
McCarthy (NY)	Rangel	Tauscher
McCollum (MN)	Richardson	Taylor
McDermott	Rodriguez	Thompson (CA)
McGovern	Ross	Thompson (MS)
McNerney	Rothman	Tierney
McNulty	Roybal-Allard	Towns
Meek (FL)	Ruppersberger	Tsongas
Meeks (NY)	Rush	Udall (CO)
Melancon	Ryan (OH)	Udall (NM)
Michaud	Salazar	Van Hollen
Miller (NC)	Sánchez, Linda T.	Velázquez
Miller, George	Sanchez, Loretta	Visclosky
Mitchell	Sarbanes	Walz (MN)
Mollohan	Schakowsky	Wasserman Schultz
Moore (KS)	Schiff	Waters
Moore (WI)	Schwartz	Watson
Moran (VA)	Scott (GA)	Watt
Murphy (CT)	Scott (VA)	Waxman
Murphy, Patrick	Serrano	Weiner
Murtha	Sestak	Welch (VT)
Nadler	Shays	Wexler
Napolitano	Shea-Porter	Wilson (OH)
Neal (MA)	Sherman	Wu
Oberstar	Shuler	Wynn
Obey	Sires	Yarmuth
Olver		

NOT VOTING—9

Aderholt	Ferguson	Lungren, Daniel E.
Brown-Waite, Ginny	Jones (OH)	Reyes
Diaz-Balart, M.	Keller	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised this is the 2-minute warning.

□ 1604

Messrs. MCDERMOTT, CARDOZA and LARSON of Connecticut changed their vote from ''yea'' to ''nay.''

So the motion was rejected.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

Mr. HOYER asked and was given permission to address the House for 1 minute.

Mr. HOYER. Mr. Speaker, as all of us know, we have been considering for a number of years now the question of how we ensure that we have ethical conduct in this body, but more importantly, how we give confidence to the American people that we are handling their business in a fashion which they can trust and be proud of. It is a difficult effort.

We had scheduled for tomorrow a rule which would have established a process of access and oversight that many believe would be an improvement. The committee that was set up was chaired by Mr. CAPUANO, and Mr. SMITH, LAMAR SMITH, was his ranking member or cochair.

Mr. SMITH just an hour ago or so, or 2 hours ago, brought a new proposal, which we had not seen, to the Rules Committee. We have asked Mr. CAPUANO about that proposal. He has indicated that he wants an opportunity to review it because he had not seen it before.

In light of that, I have had discussions with the other side of the aisle with reference to a procedure in which we would not consider the rule that was proposed, the rules change that was proposed, tomorrow. We do expect to consider it soon, but not tomorrow.

Tomorrow, and I will be asking at the end of this for unanimous consent, I have discussed with Mr. BOEHNER and Mr. BLUNT doing the seven suspension bills. There are eight suspension bills scheduled for today. One of them is the Andean bill, which I think is not of any controversy, the 10-month extension on that bill. I will be asking for unanimous consent, therefore, for tomorrow to be a suspension day.

This will give Mr. CAPUANO and Mr. SMITH the opportunity to discuss a new proposal which has been put on the table just this afternoon, and they will discuss that.

I know that Mr. BOEHNER and Ms. PELOSI, the Speaker, have had discussions. I presume those discussions will continue.

So my expectation is tomorrow, after the unanimous consent, we will conclude this bill. We will then have no further business. We will have the Andean suspension bill. After the conclusion of the Andean suspension bill, we will have no further business for today that Members would be voting on. And then we would, tomorrow, consider the seven suspension bills, and my presumption is it will be a relatively early day tomorrow, Thursday.

MAKING IN ORDER MOTIONS TO SUSPEND THE RULES ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to recognize motions for suspension of the rules tomorrow as though clause 1 of rule XV were in place. In other words, I'm asking for authority to have a suspension calendar tomorrow. Absent the unanimous consent, we would simply go to the Rules Committee and get a rule to do that.

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

Mr. BLUNT. Reserving the right to object, Mr. Speaker, I would like to clarify. The only work done between now and the end of the day tomorrow would be the anticipated eight bills, one tonight and seven tomorrow that we had expected to get done this week on the suspension calendar; is that right?

Mr. HOYER. The gentleman is absolutely correct. There are eight suspension bills, the Andean today, and we will do the balance of seven tomorrow. I believe it will be a relatively early day.

Mr. WAMP. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Tennessee.

Mr. WAMP. I just wanted to make our colleagues aware that besides the Smith bill, which I'm pleased to hear the Rules Committee will take time to hear, there is another bipartisan alternative that Mr. HILL of Indiana and myself have offered as well where there is substantial bipartisan support for a third alternative that's not a Democratic or Republican bill, but when we are considering matters of the House, it is truly a bipartisan compromise. And the gentleman is on his feet from Indiana as well, and I thank you for the time.

Mr. HOYER. I yield to my friend.

Mr. HILL. I have been working on this issue for over a year. I filed a bill that would, in my view, be true reform.

Mr. BLUNT. Madam Speaker, I believe I have the time.

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). The gentleman is absolutely correct.

Mr. BLUNT. I would be happy to yield to Mr. HILL.

Mr. HILL. As my friend, the majority leader, knows, I filed a bill last year that, in my view, required real reform on ethics. I campaigned on this issue extensively in the year 2006, and it is a bill that I actually talked about in that election year in 2006, and it fell on friendly ears for people who listened to it.

It is a proposal that would allow former Members of Congress to comprise the ethics commission. They would have full subpoena powers. The Republicans on this commission would be appointed by the Democrats, and the Democrats would be appointed by the Republicans.

This bill is now changing because it is now gaining bipartisan support.

Mr. HOYER. Madam Speaker, I will tell you, Members have expressed great concern that they didn't know about the proposals that were being made. My suggestion on both sides of the aisle is that we listen to these proposals as carefully as you are going to want to discuss them in the future.

Mr. HILL. Madam Speaker, I will try to be brief. What happened today is my friend from Tennessee (Mr. WAMP) had some ideas that were similar to mine, and so we joined forces today to try to make this a bipartisan bill. So it is a third alternative. I hope people will take a look at it. I think it's something that both Republicans and Democrats can support, and I believe that it is a real reform.

Mr. BLUNT. Madam Speaker, I would yield to the gentleman from Ohio.

Mr. BOEHNER. Madam Speaker, I just wanted to take a moment to thank the majority leader for his consideration of the Members on both sides of the aisle that had concerns about the way we were proceeding.

I think all of us have, as I said upstairs in the Rules Committee, have the same objective: to have a fair process that clearly enforces the rules of the House. The American people have the right to expect the highest ethical standards of all of us, and how we achieve that objective is where the debate is. I think all of us have the same goal.

But I just want to rise to say thank you to the majority leader for giving us time to try to resolve the differences that we might have.

Mr. BLUNT. Madam Speaker, I withdraw my objection.

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

There was no objection.

RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 182, not voting 11, as follows:

[Roll No. 84]

YEAS—236

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

NAYS—182

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

NOT VOTING—11

Aderholt	Keller	Miller (MI)
Brown-Waite, Ginny	Lungren, Daniel E.	Reyes
Diaz-Balart, M.	Matheson	Woolsey
Jones (OH)	Mica	

□ 1630

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. MICA. Madam Speaker, I was unavoidably detained and was unable to cast a vote on rollcall 84. Had I been present, I would have voted "nay" on the measure.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Naval Academy to fill the existing vacancy thereon:

Mr. FRELINGHUYSEN, New Jersey

ANDEAN TRADE PREFERENCE EXTENSION ACT OF 2008

Mr. LEVIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5264) to extend certain trade preference programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5264

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Andean Trade Preference Extension Act of 2008''.

SEC. 2. ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended by striking ''February 29, 2008'' and inserting ''December 31, 2008''.

(b) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 204(b)(3) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) in subclause (II), by striking ''5 succeeding 1-year periods'' and inserting ''6 succeeding 1-year periods''; and

(ii) in subclause (III)(bb), by inserting ''and for the succeeding 1-year period,'' after ''for the 1-year period beginning October 1, 2007,''; and

(B) in clause (v)(II), by striking ''4 succeeding 1-year periods'' and inserting ''5 succeeding 1-year periods''; and

(2) in subparagraph (E)(ii)(II), by striking ''December 31, 2006'' and inserting ''December 31, 2008''.

SEC. 3. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''December 13, 2014'' and inserting ''December 27, 2014''; and

(2) in subparagraph (B)(i), by striking ''December 13, 2014'' and inserting ''December 27, 2014''.

SEC. 4. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 0.25 percentage points.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of extending the Andean Trade Preference Act, which provides duty-free treatment to certain exports from Bolivia, Colombia, Ecuador, and Peru.

The ATPA program is a program that has been working. It has benefited the region by providing much-needed economic development to these four countries. There is also some evidence that it has helped create some alternatives to the illegal drug trade.

Importantly, and I emphasize this, this has all been accomplished in a way that is more complementary than it is competitive; so there have been economic benefits for the four nations and for our Nation. In fact, if you exclude oil and oil products, the U.S. has a trade surplus with the region. We export about $13 billion to these four countries, and they export about $11 billion to us.

Beyond the numbers, the composition of the trade is also complementary. With agriculture, it's the seasonal nature of the trade. Crops from these countries tend to be imported when the U.S. crops they compete with are not in season.

It's also complementary in textiles and apparel trade. Under ATPA the U.S. textile industry ships U.S. yarns and fabrics to the region, and they export to us apparel made with those U.S. inputs. In fact, U.S. exports of yarn and fabric to the region were $111 million in 2007, up from $58 million in 2002. The only apparel that comes in duty free that is not made with U.S. yarn and fabrics is made with materials that we don't have in our country like pima cotton and alpaca.

It's the complementary nature of this trade that has generated widespread support for the extension of this program, including support from the business community and the labor community.

Concerns have been raised about whether Ecuador and Bolivia are living up to their ATPA obligations and treating U.S. investors fairly. And the answer is, and I want this to be clear, that the administration has the authority to revoke ATPA status to any country failing to meet any of the ATPA criteria, and there is a broad range of them, including those related to the treatment of investors.

If this program is not extended, it would be mutually disadvantageous to both the United States and to these four countries.

I want to emphasize, as I did some months ago when there was an extension, we are talking today about the Andean Trade Preference Act. We are not talking about any other FTA, whether it be Colombia, Korea, or any other place. Each agreement must be decided on its own merits. In any respect, therefore, it would be counterproductive to vote against extending the Andean Trade Preference Act.

I strongly urge approval of this 10-month extension.

Madam Speaker, I reserve the balance of my time.

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this short-term extension of the Andean trade preferences. This extension will provide a necessary bridge to provide time for the implementation of the U.S.-Peru Trade Promotion Agreement and for Congress to consider the U.S.-Colombia Trade Promotion Agreement.

The short duration of the extension signifies that Congress is concerned with the deteriorating investment climate for U.S. investors in Ecuador and Bolivia and that these countries must quickly and completely comply with all their international obligations with regard to investment disputes. While the Andean trade preference program provides important economic benefits to exporters in Bolivia, Colombia, Ecuador, and Peru, it is not a substitute for moving toward a reciprocal arrangement that also provides benefits to U.S. exporters. Congress has already taken the first step in this process by passing the U.S.-Peru Trade Promotion Agreement. Now Congress must take the next step to pass the U.S.-Colombia Trade Promotion Agreement.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, it is now my pleasure to yield 4 minutes to my colleague from Washington (Mr. MCDERMOTT), a valued member of the committee.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Madam Speaker, I rise in support of shaping globalization to ensure that its benefits are shared more broadly, particularly for the vulnerable living in America or in developing countries.

President Kennedy said that American apathy ''would be disastrous to our national security, harmful to our comparative prosperity, and offensive to our conscience.'' His observation rings true today perhaps more than yesterday. Globalization is not helping the poor around the world as much as it is helping the rich. We have a moral obligation to adjust our trade and development policies to reverse this situation.

The bill before us would extend a program that's enabling developing countries within our own hemisphere to diversify and grow their own economies. The Andean trade preference program has enabled the creation of jobs in Peru, Colombia, and Ecuador by reducing import tariffs on American-bound products from these countries.

These economies are doing well in part because of the partnership achieved through ATPA, so it's important that we extend this program in order to not undo the progress that has been achieved in what can be a very economically and politically fragile region of our hemisphere.

This extension, while important, is a baby step. It is imperative that this Congress this year examine the need to reform our trade policies to ensure we provide maximum opportunity to the poorest of the world's poor.

One of six children in Africa, where the majority of the world's poor live, will die before reaching age 5, on a continent where hunger is a key factor in more deaths than those caused by all infectious disease.

The United States, in agreeing to the Millennium Development Goals in 2000, committed to fully opening our markets to the least developed countries. It's been 8 years. It's time to act.

The African Growth and Opportunity Act and the Generalized System of Preferences continues to fall short. I'm really disappointed that we could not achieve bipartisan consensus on making some modest improvements in GSP and AGOA within this bill, but I am confident we will reach consensus in the future.

Madam Speaker, I will enter into the RECORD a letter from the Catholic Bishops. This letter encourages us to pass the bill before us and pass legislation to improve our trade policies with the least developed countries.

DEPARTMENT OF JUSTICE, PEACE, AND HUMAN DEVELOPMENT,
Washington, DC, February 25, 2008.

Hon. HENRY M. PAULSON, JR.,
Secretary of the Treasury, Washington, DC.
Ambassador SUSAN SCHWAB,
U.S. Trade Representative, Washington, DC.
Senator HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Senator MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.
Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.

DEAR SECRETARY PAULSON, AMBASSADOR SCHWAB, SENATOR REID, SENATOR MCCONNELL, SPEAKER PELOSI, AND CONGRESSMAN BOEHNER: I am writing on behalf of the United States Conference of Catholic Bishops (USCCB) to offer reflections on several key trade measures that Congress may act on this year.

USCCB takes a particular interest in trade policy and legislation because of its potential to promote integral human development in the poorest countries and among the poorest communities around the world. Much more than fostering economic growth, trade should play an essential role in reducing poverty by helping to shape domestic and international legal frameworks to protect workers and the environment, ensure opportunities for decent work at a just wage for struggling families and provide access to technology and knowledge for those at the margins of society.

In the Church's vision, economic life should be guided by a moral framework that respects the life and dignity of every person. The Catechism of the Catholic Church teaches: ''The human being is the author, center

and goal of all economic and social life. The decisive point of the social question is that goods created by God for everyone should in fact reach everyone in accordance with justice and with the help of charity.'' (# 2459)

Trade policy should include complementary policies and initiatives that promote equitable development for all people. Increased trade should leave no one behind, particularly the least among us. For this reason, the United States has an obligation to ensure that trade agreements reach beyond merely economic considerations to wider concerns of the common good of all and the well-being of the poorest in particular.

Some steps have been taken over the past year to improve current trade policies so that they foster genuine development. Last year, our Conference welcomed the bipartisan trade framework agreed to by Congressional leaders and the Administration. In 2008, there are several ways to build upon work already done to help make trade work for all:

Haiti Trade Preferences: USCCB actively worked for enactment of trade preference legislation for Haiti in 2006. The Haitian Hemispheric Opportunity through Partnership Encouragement (HHOPE) Act was an initial step in building trade capacity that offered some Haitians a chance to escape poverty and build a future for themselves and their families. HHOPE's successes are modest but real. USCCB urges you to work to improve the existing legislation in ways that lead to longer-term development. The United States should seize the earliest opportunity to make a significant improvement in the lives of Haitians.

Andean Trade Preferences (ATPDEA): USCCB supports long-term renewal of trade preferences for Bolivia, Ecuador, Colombia and Peru. The Andean countries continue to have high levels of poverty. The original intention of this program was to help poor countries in the hemisphere diversify their economies in ways that would offer alternatives to illicit drug crop production. Weakening these export opportunities may also weaken counter-narcotics efforts in the Andean region. The recent practice of short-term extensions of these trade preferences is damaging to economic development. Our nation should not hold some of the poorest people in the Hemisphere in economic limbo in the hope of gaining leverage in efforts to pass other bilateral agreements. The poor must not be made to compete for trade preferences that are a vital part of reducing deprivation.

New Partnership for Development Act (NPDA) H.R. 3905: H.R. 3905 would create a mutually beneficial trade relationship between the world's richest economy and the world's least developed countries. NPDA would help ensure that the poorest countries can benefit from appropriate trade preferences by including significant trade capacity building assistance. The poor should have ''preference'' as the Church teaches. NPDA makes this preference concrete; showing that U.S. trade policy can become more effective and fair.

United States-Colombia Free Trade Agreements: The May 2007 bipartisan trade policy framework led to some improvements in the trade agreement between the United States and Peru. The United States-Colombia trade agreement reflects these changes. The changes made to the intellectual property provisions within the agreement that would more readily ensure access to life-saving medicines are particularly important. However, the likely negative impact of the agreement on Colombia's small farmers and rural communities is troubling. There must be more effective mechanisms to alleviate the adverse effects on Colombia's rural communities. Rural desperation could lead to increased coca production with dire consequences not only for Colombia, but for the United States and the entire region. Given its multifaceted provisions, USCCB does not take an overall position on the agreement, but it is our hope that the debate and decisions on the proposed U.S.-Colombia FTA lead to improved and meaningful steps forward in advancing fair trade relations between the countries.

With good wishes for your efforts to make trade work for all and for poor people in particular, I remain,

Sincerely yours,

THOMAS G. WENSKI,
Bishop of Orlando, Chairman, Committee on International Justice and Peace.

In conclusion, the contrast between the lives led by those enriched countries and those in poor countries is only less scandalous than this Congress's apathy if we fail to act. I'm looking forward to working with my colleagues on renewing America's leadership and promoting development around the world. The first step in this process is passing H.R. 5264, which is before us today.

Mr. HERGER. Madam Speaker, at this time I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), an active member of the Ways and Means Committee and very active in trade, particularly in Central and South America.

Mr. WELLER of Illinois. Madam Speaker, I rise in support of this important legislation, bipartisan legislation.

I note it's a 10-month extension of the existing trade preferences we grant our friends in Bolivia, Ecuador, Peru, and Colombia. What's important about this 10 months is it gives us ample opportunity for our friends in Peru to work with us to implement the recently ratified U.S.-Peru Trade Promotion Agreement. It gives us the opportunity over the next 10 months to move forward on ratification of the U.S.-Colombia Trade Promotion Agreement, of course Colombia being our most reliable partner for the United States in Latin America.

But today we want to talk about trade preferences for the Andean region. When you think about it, 2 million families today are watching the United States Congress. Two million families in the four countries in the Andean region have jobs and livelihoods that depend on the trade preferences. If the trade preferences go away, the livelihood for those 2 million families goes away.

Peru, 800,000 jobs have been created by trade preferences. Colombia, 600,000 jobs. Ecuador, 350,000 jobs. Bolivia, up to 150,000 jobs directly and indirectly created as a result of the Andean trade preferences. And when you think about it, what's the alternative? In this region, which is seeking opportunity, and thanks to the U.S. Congress and the Bush administration we have worked to create these trade preferences, the alternatives, if they lose their jobs, are they become part of the wave of illegal immigration as they seek economic opportunities or to become involved in illicit activity, such as the growing of coca and involved in narcotrafficking networks. They don't want to do that. They want good, honest jobs, and the trade preferences give them that.

This past week I was part of a bipartisan delegation visiting Ecuador and Bolivia with my friend ELIOT ENGEL and others. It was a bipartisan delegation. We saw firsthand how regular folks, little people, workers, small businesses, men and women, particularly those who in the past have been denied economic opportunity, because of the trade preferences, the opportunity to export to the U.S. market, they have economic opportunity.

□ 1645

In Otavalo, Ecuador, we met with a women's cooperativo where they made sweaters and textiles for the U.S. market. We visited those who are involved in cacao production for the purpose of making chocolate, and they are creating organic chocolates that we consume, they can sell in the U.S. market. We, of course, visited organic coffee growers, and we saw how they can take advantage of preferences creating jobs in Ecuador. In Bolivia we visited a textile factory where thousands of workers who otherwise would not have jobs were involved in making garments, assembling textiles and various materials inputs that are manufactured in the United States that are assembled in La Paz, Bolivia, creating jobs and economic opportunity. The point is easily well made that without the trade preferences, those jobs go away.

And what is the consequence to America? Another wave of illegal immigration, people seeking economic opportunity, the temptation to become involved in the growing of coca and other crops that are used for narcotics.

What is really important I think to note is when we talk about what we as Americans can do to help lift up our neighbors, the trade preferences really work. They come at little or no cost to the United States. But they create a tremendous amount of opportunity in the democracies of Bolivia, Ecuador, Peru and Colombia.

I urge bipartisan support.

Mr. LEVIN. Madam Speaker, it is now my privilege to yield 3 minutes to our distinguished colleague from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding.

I too rise in support of this bill, H.R. 5264, to extend the Andean Trade Preference Act for another 10 months to our friends and allies in Bolivia, Colombia, Ecuador and Peru.

At some point, we are going to find that this Congress will move closer to a bipartisan trade agenda because for many years, it was absent, but I think you see in the seeds of this legislation and in previous actions on the Peru

Free Trade Agreement the opportunities for us to not only move towards a bipartisan trade agenda, but quite honestly a nonpartisan trade agenda where what we are talking about is an American trade agenda that promotes the interests of our workers and of our industries and so that when we reach a hand out to our neighbors whether in our hemisphere or otherwise, we are doing this in a way that promotes not just competition, healthy competition among our friends, but it also makes it possible for us to move forward the thing that will keep the engine of American ingenuity going.

And so as we try to figure out how to open the doors to the markets of the world, to our interests, so that our American workers can continue to produce more goods and goods of excellent quality, we will be able to open our door to the goods of other countries where, based on a fair trade agenda, we can do so and feel comfortable that we are bringing in quality goods that are safe and reliable here in the U.S. for its use.

Now whether you are with the labor movement, and the AFL–CIO has come out and supported this extension, or whether you are with the U.S. Chamber of Commerce, which has also come out in support of this, I think what we are finding is that the seeds can be planted for us to move forward on trade in a way that leaves out the words ''party affiliation'' completely and lets us talk about how the trade agenda for this country, for America, will be not only advanced but benefit so many people in this country who work.

I believe that this is a chance for us to show our friends in Bolivia, Colombia, Ecuador and Peru that we want to strengthen our friendship with them, that we want to increase our ties with our hemispheric neighbors and make this into something that leads towards an American agenda on trade that we can all feel very comfortable with and get resounding support in this House.

Mr. HERGER. Madam Speaker, I yield now at this time 3 minutes to the gentleman from Texas (Mr. BRADY), again an active member of Ways and Means and the Trade Subcommittee.

Mr. BRADY of Texas. Madam Speaker, I thank the gentleman from California for his leadership on trade issues.

I too rise in support of this bill. I think it is important for Peru to have the transition time to enact the free trade agreement we just worked on. It is important to buy additional time for us to discuss and ultimately pass the Colombian Free Trade Agreement. And I think it is important for our friends in Bolivia and Ecuador to understand that these preferences are temporary, that we want a full trading partnership with them, and it is important that they take concrete steps to move toward the types of signals and improvements in their country, in government, that would allow us ultimately to move to a full partnership for free trade.

When we began this trade agreement, trade preferences in the 1990s, our hope was to create jobs away from drug trafficking in these countries, and it has worked. Millions of jobs have been created benefiting not just the Andean region, but the American workers as well. But this bill is no substitute for a free trade agreement with Colombia. Today we are allowing these countries to sell duty-free, almost without restrictions, into the United States, competing against our workers. We are doing that to help pull them toward democracy, to stimulate their economy, to move them away from narcotrafficking. And it is working. But what we want ultimately is two-way trade. We want the ability of our factory workers, our plant workers, our steelworkers in Texas, for example, today they can go down to the store and buy products from Colombia, Bolivia and Ecuador but when we try to sell the products they produce overseas, we are not allowed to. The barriers exist. How is that free trade? How is that fair to the American workers? It is to me irresponsible for us to not take up the Colombian Free Trade Agreement. This is a country with a growing economy. It is a strong ally to the United States. It has made remarkable progress on labor violence. They are in the midst of a civil war. And President Uribe is taking commendable steps, strong leadership steps to solidify that country, to bring democracy and the rule of law, to prosecute those violators. He has made remarkable progress in quelling violence against labor leaders. And indeed unions, productive unions in Colombia support this free trade agreement. For those who believe America is going it alone far too much in the world, it is incomprehensible we would go it alone without Colombia, that we would leave them, walk away from our commitments in that region. It is vital both from an economic standpoint and vital from a security standpoint that we take up and pass the Colombian Free Trade Agreement this year.

Mr. LEVIN. It is now my pleasure to yield 3 minutes to the gentleman from New York (Mr. ENGEL) who is indeed very active in these international issues.

Mr. ENGEL. I thank the gentleman for yielding to me.

Madam Speaker, I rise in strong support of H.R. 5264 which extends trade preferences for Peru, Colombia, Ecuador and Bolivia. I want to thank Chairman LEVIN and Chairman RANGEL, the dean of our New York delegation, for their leadership on this issue. This is certainly a bipartisan issue, and it is a very, very important issue.

I am the chairman of the Western Hemisphere Subcommittee of the House Foreign Affairs Committee. And as chairman of that subcommittee, I believe that the extension of the Andean Trade Preferences is crucial in promoting the development of the economically and politically fragile Andean region while at the same time supporting the United States' geopolitical goals.

ATPDEA has been enormously successful, as all my colleagues have stated, having created hundreds of thousands of jobs in the Andean region. Every job created in the Andean region, as was mentioned before, is another potential illegal immigrant remaining in their home country. Without the extension of ATPDEA, these jobs, which are in sectors that do not directly compete with U.S. jobs, will be eliminated.

I just returned a few short days ago from leading a bipartisan congressional delegation which included Ecuador and Bolivia. In fact, Madam Speaker, at this time I will submit into the RECORD a letter that the five of us who were on the trip sent around to the rest of our colleagues supporting the extension of the Andean Trade Preferences, signed by myself, Mr. WELLER, Mr. HINCHEY, Mr. GREEN, and Ms. FOXX.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 25, 2008.

SUPPORT EXTENSION OF THE ANDEAN TRADE PREFERENCES

DEAR COLLEAGUE: Having just returned from a CODEL to Ecuador and Bolivia, we are writing to urge you to vote for H.R. 5264—which would extend trade preferences for Colombia, Peru, Ecuador and Bolivia for 10 months—when it is on the House floor on Tuesday. While many of us would prefer a longer term extension of ATPDEA, we believe that a 10 month extension is a good start.

We are a bipartisan group of Members who believe that the Andean Trade Promotion and Drug Eradication Act (ATPDEA) is a win-win for both the citizens of the Andean region and the U.S. private sector. ATPDEA has literally created hundreds of thousands of jobs in the Andean region, while at the same time supporting essential U.S. geopolitical goals.

We fear that if the Andean trade preference program is eliminated, many of the unemployed would turn to drug cultivation after they lose their jobs. Assistant Secretary of State for Western Hemisphere Affairs Tom Shannon has argued that ATPDEA, ''has been an important counterpoint to drug production in the region. It's produced hundreds of thousands of jobs in the region, so in that sense it's been a very, very successful program.'' We firmly agree.

We visited with producers of flowers, broccoli, coffee, cacao and other products in Ecuador. Without ATPDEA, workers in these sectors would undoubtedly lose their jobs, leaving them with little option outside of the illegal drug trade or illegal immigration to the United States.

In Bolivia—the poorest country in South America—we met with textile workers whose jobs would also be eliminated without an extension of ATPDEA. Many of these workers are indigenous women, who are among the most historically marginalized members of society in Bolivia and throughout the Andean region.

Finally, failure to extend ATPDEA would put many U.S. jobs at risk. For example, U.S. yarns, fabrics, fibers and other textile inputs are exported to the Andean region, where they are incorporated into finished garments and exported back into the United States.

While we all supported ATPDEA prior to our trip, meeting firsthand with the people

in Ecuador and Bolivia who. are directly impacted by ATPDEA renewed our commitment to this crucial trade preference program. Please join us in supporting the citizens of the Andean region by voting for H.R. 5264 when it is on the House floor on Tuesday.

Sincerely,

ELIOT L. ENGEL,
Chairman, Subcommittee on the Western Hemisphere.
MAURICE HINCHEY,
Member of Congress.
JERRY WELLER,
Member of Congress.
GENE GREEN,
Member of Congress.
VIRGINIA FOXX,
Member of Congress.

We visited on the trip with producers of flowers, broccoli, coffee, cacao and other products. Without the Andean Trade Preferences, workers in these sectors would undoubtedly lose their jobs, leaving them with little option outside of the illegal drug trade or illegal immigration to the United States.

In Bolivia, which is the poorest country in South America, my delegation met with textile workers whose jobs would also be eliminated without an extension of ATPDEA. Many of these workers are indigenous women who are among the most historically marginalized members of society in Bolivia and throughout the Andean region.

I truly fear that without the extension of ATPDEA, many of the unemployed in the Andean region would turn to drug cultivation after they lose their jobs. The Andean preference program was originally created not only to support economic development in the region but also to divert illegal coca manufacturing towards legitimate industries. Using these trade preferences as a tool in the drug war is no less important today. Indeed it is more important.

While I have been a long-time supporter of ATPDEA, meeting firsthand with the people in Ecuador and Bolivia who are directly impacted by these crucial trade preferences renewed my commitment to it. Having visited Colombia twice in the past 4 months, I am also convinced that that country, along with Peru, would have great benefits from this bill.

We need to be engaged in the Western Hemisphere. If we don't, we do so at our own peril. And so I urge my colleagues overwhelmingly in a bipartisan fashion to please vote for this bill and send a very strong message to our friends in Latin America that the United States is a good partner and we can be counted on in time of need. It helps them. It helps us. It is a winner for both of us.

Mr. HERGER. Madam Speaker, can I inquire of the other side how many speakers they have remaining.

Mr. LEVIN. I am the only speaker remaining. Why don't you proceed.

Mr. HERGER. We have three more speakers on our side, and then I will close.

At this time I yield 2 minutes to my good friend, the gentleman from California, a member of the Foreign Affairs Committee, Mr. ROYCE.

Mr. ROYCE. While I support this legislation, we should be doing better, much better. And unfortunately, Madam Speaker, many in the majority are undermining our interests throughout the Andean region.

There is no excuse, in my view, for bottling up the Colombia TPA which should be on this floor. It is a much better proposal than what we are debating today. Without the Colombia TPA, we are denying American businesses and workers greater access to Colombia.

With this legislation today, American exporters will continue to pay tariffs to Colombia, 80 percent on beef, 15 percent on tractors. So unlike the Colombia TPA which slashes Colombian taxes on our exports, this bill does nothing to increase U.S. exports to Colombia or to the three other countries it includes.

It is ironic that many who routinely attack trade agreements are giving Colombia preferential treatment and getting little in return when there is so much opportunity. With the Colombia TPA, we could get on a two-way street, one that lifts American workers as well. We could also have a deal that is stronger on labor protections. But many in the majority are settling for less, and far less at that.

And then there are our strategic interests in Colombia. It is our closest partner in a very important region. Colombia is locked in a deadly struggle with well-financed forces, undemocratic, terrorist and drug trafficking forces. Its government has made great strides against the narcoterrorists and improved the economy for millions. It has significantly reduced violence against labor leaders. This is major progress for Colombia.

The Colombia TPA is the next step for our partnership. Instead, with our inaction we are kicking Colombia, jeopardizing our regional standing. This bill is a poor substitute for the Colombia TPA. I know the chairman would like to do more. Let's get to the real business of approving that important agreement.

Mr. HERGER. Madam Speaker, I yield at this time 2 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member of the Western Hemisphere Subcommittee on the Foreign Affairs Committee.

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Mr. BURTON of Indiana. Madam Speaker, I want to associate myself with the remarks just made by Mr. ROYCE of California. I think he made the case very well for the Colombian Free Trade Agreement.

Colombia has been a great friend of ours under President Uribe, and we ought to be doing more to make sure that that government down there is stable and that the trade with us improves. Right now we have about a $2.56 billion trade deficit, because they have access to our markets but we don't have access to theirs, like we should, because of the tariffs. If we pass a Colombian Free Trade Agreement, it will be a two-way street that will help them, will help us create more jobs in the United States, as well as more jobs in Colombia.

But there is more to it than that. Right now, there is a threat from the FARC guerrillas in Colombia, and right on the border is Venezuela. President Chavez of Venezuela has recognized the FARC down there and is kind of working with those people, and I think that is a peril that faces Colombia over the long haul. Having a strong free trade agreement that will create jobs and a stronger economy in Colombia I think will be one of the things that will help stop the terrorists down there, the FARC guerrillas, the ELN and those who may be coming out of Venezuela.

So I think this is a very good first step tonight. We are extending the trade preferences for the next 9 or 10 months, and I think that that is all right. But we need to get on with the business of making sure we pass a free trade agreement with Colombia, as we did with Peru. I think it is in our national interests and their national interests. They are a good friend, and we should get the job done.

Mr. HERGER. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today in support of this important legislation. The Andean Trade Preferences program continues to be a vital component of our efforts to promote peace, prosperity and stability in South America, and it should be extended.

But, Madam Speaker, listening to the debate today, I was reminded of an old adage that says ''political friendships follow the trade lanes.'' Consider Colombia. The success of this program there demonstrates just how critical trade is to creating friendly and democrat allies in troubled regions.

But there is more that we can do and should be doing. We must act quickly to approve the Colombian Free Trade Agreement, not only to meet our international obligations, but to strengthen our economy by boosting U.S. exports to Latin America. Last year alone, my home State of Illinois exported $214 million in merchandise to Colombia, ranking it fourth among the States. More importantly, Illinois exports to Colombia grew 136 percent between 2002 and 2006.

These trends are not unique. For all of our economic troubles, U.S. exports continue to drive profits and job growth. According to the Treasury Department's latest economic update, real exports have risen 7.7 percent in just the last four quarters.

A free trade agreement will promote even faster growth by giving U.S. exporters duty free access to Colombian

markets, the same access that our Colombian exporters already enjoy to the U.S. At the same time, it will strengthen our friendship with a vital ally and provide for stronger protection of the rights of laborers in that region.

Madam Speaker, the bill before us today is a good first step. I commend the chairman and ranking member of the Ways and Means Committee for their bipartisan efforts, and urge my colleagues to support this bill. But I also ask my colleagues to keep in mind that action today must be followed by action tomorrow. We must work as quickly as possible to pass the Colombian Free Trade Agreement in the coming months.

Mr. HERGER. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DREIER), the ranking member of the Rules Committee, someone who has long been active in the area of trade.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I thank my very good friend from California, the ranking member of this very important Trade Subcommittee, and I congratulate my good friend from Michigan for moving forward this very important 10-month extension.

Obviously, it is clear that we are using this time to talk about the importance of coming together in a bipartisan way, working as Democrats and Republicans, to ensure that we are able to proceed to deal with both the economic as well as the national security implications of ultimately seeing us put into place the Colombian Free Trade Agreement.

One of the great misconceptions around here and one that unfortunately has been spread very widely, Madam Speaker, is the fact that many people say that the Government of Colombia has been involved in killing labor leaders. I have heard that said on many occasions. I think it is very unfortunate that that and things close to that have gotten out there, when in fact we have seen since 2002 a 50 percent increase in the level of funding for the Fiscalia, the entity spending a great deal of time prosecuting those who have been responsible for killings of those labor leaders.

Similarly, it is important to note that there are roughly 1,500 labor leaders who get protection provided by the Government of Colombia. They are working to ensure the safety of those labor leaders, number one; and, number two, they are working to ensure that they bring to justice those who might be responsible for any of those killings.

There is no desire on the part of the government to do that. The government has done everything it possibly can to demobilize the paramilitaries, the FARC, the ELN and others who have been involved in the narcotrafficking and other criminal activity that has taken place in the country.

There is no nation on the face of the Earth that in a 5-year period of time has gone through a greater transition than Colombia has, and the leadership of President Uribe and so many others in his country who are dedicated to the future of that nation have, I believe, laid the groundwork for us to ensure the strength of the relationship between our two countries and to deal with the national security implications.

I have to say in closing, Madam Speaker, that I truly do believe that this will help us stabilize this very important part of the Western Hemisphere.

Mr. HERGER. Madam Speaker, in closing, I yield myself such time as I may consume.

Madam Speaker, today we are voting on the Andean Preferences, but the U.S.-Colombia TPA is far superior to the Andean Trade Preferences in several very important ways. The Andean trade preferences program provides duty-free access for imports from Colombia, but not for U.S. exports to Colombia, which face an average duty of over 11 percent. As a result, U.S. exporters are at a major disadvantage.

Here are just a few of the examples in which imports from Colombia receive duty-free access to the U.S. markets and the significant tariffs U.S. exporters currently face which would be eliminated upon implementation of the U.S.-Colombia TPA: U.S. wheat, fruits and vegetables; soybean meal; paper products; aircraft; turbines; diesel engines; and tractors.

Passing the U.S.-Colombian TPA would level the playing field for U.S. exporters. However, the longer we wait, the worse the situation becomes. Currently, several countries, including Argentina, Brazil and Chile, have preferential access into the Colombian market. Canada and the EEU are close to completing trade agreements with Colombia that would provide their businesses with a competitive advantage in the Colombian market. All of these countries are major competitors with U.S. exporters.

Failure of Congress to pass the U.S.-Colombia TPA does not preserve the status quo. It exacerbates and magnifies disadvantages already faced by U.S. exporters.

Madam Speaker, the facts are clear: The U.S.-Colombian TPA is far superior in every way to the Andean Trade Preferences program, and Congress should use the next 10 months to pass the agreement for the benefit of U.S. businesses and U.S. workers.

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

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

In closing, let me just emphasize a few points. Mr. RANGEL and I and others offered a bill for a longer extension than this one, but we weren't able to bring that about here on a bipartisan basis. So what we have today is a 10-month extension, and I very much urge its passage.

I simply want to emphasize that every program has to be considered on its own merits. This is a continuation of a preference program that has been mutually beneficial. This is not involving an FTA with any of these countries. FTAs involve different and broader considerations. So I think discussion of that must be left for a different time under different circumstances after different events have occurred.

Madam Speaker, I urge passage of this bill.

Mr. DREIER. Madam Speaker, I have always been a strong supporter of the Andean Trade Preference Act. These preferences have been critical in encouraging both development and liberalization in a key region. But as we look at where each of the four Andean nations stands today, we see that they are all at very different stages, with preferences having significance for different reasons.

Peru is a country that has made tremendous strides in its economic liberalization process while remaining a close political ally, and we have propelled our trade relationship forward through ratification of a free trade agreement (FTA). As we go through the implementation process, preferences are still necessary to provide continuity until the agreement is fully realized. But Peru has clearly graduated beyond one-sided preferences, and our engagement will only grow exponentially.

In the case of Colombia, once again, this is a country that has made outstanding progress on economic and political fronts, and has negotiated an FTA with us in good faith. We have left this agreement in limbo for far too long, and should vote to pass it immediately. I have supported repeated extensions of our preference system for Colombia, because it would be unfair to punish them for our inability to make progress. But this is a critical agreement that will help to lock in great gains, and we cannot afford to allow the U.S.-Colombia FTA to languish any longer.

Bolivia and Ecuador, however, have not made the great progress in liberalization that their neighbors have. Our trade preferences in these two countries are critically important, but for very different reasons. It is important for us to continue to engage with them, to encourage both economic and political liberalization. Preferences can help workers in these countries reach that first rung of the economic ladder. And with new opportunities come rising living standards, and momentum for greater reform.

However, there can be no progress without the rule of law. Both countries are facing great challenges on this front, with justice systems that are unable—or perhaps at times even unwilling—to uphold the law and create an environment that supports free markets and accountable governments. In some instances, there have been egregious abuses in the courts, punishing those who have invested in the economy and creating a powerful deterrent to other prospective investors. Both Bolivia and Ecuador have much to gain by focusing on strengthening the rule of law, and much to lose by neglecting to do so. Without an improved legal environment, our trade preferences will be of little value.

Furthermore, failure in this regard will erode support in Congress for preferences altogether. I believe the fact that we are considering only a ten-month extension of the program is a reflection, in part, of grave concerns

that many Members hold for the direction Bolivia and Ecuador are heading. It is my hope that ten months from now, when we again address the issue of preferences for the Andean countries, we will be witnessing a renewed commitment in these two countries for the reform and liberalization that are essential to eliminating poverty and improving the standard of living for every Bolivian and Ecuadorian.

Mr. MORAN of Virginia. Madam Speaker, I rise in support of the H.R. 5264, the Andean Trade Preference Act (ATPA), a program meant to assist the Andean countries in their economic development. The ATPA provides duty free treatment for 94 percent of imports from the four Andean nations-Colombia, Peru, Bolivia, and Ecuador.

The original Andean Trade Preferences Act was passed in 1991 and extended and expanded in 2002 with the Andean Trade Promotion and Drug Eradication Act (ATPDEA), and again extended last June 2007. This program is fundamental in our mission to foster trade-based economic relations between the United States and the Andean region and stimulate legitimate economic alternatives to narcotics production and trafficking in the Andean region.

If Congress does not pass the Andean Trade Preference Act, the previous extension of the program will expire on February 29, 2008. Renewing ATPA will continue to build on the program's success and help us achieve our larger policy goals for the Andean region. At a time of increasing economic uncertainty, it will help sustain critical U.S. jobs that are dependent on stable trade with and investments in the Andean region.

From 2003 to 2006, U.S. textile exports to the Andean region increased by more than $50 million signifying a 40 percent increase. However, with the uncertainty the constant renewal brings, last year it was extended for 8 months 2 hours before it was set to expire, it has discouraged companies from continuing their investment in the Andean region.

Our current regional partnership is grounded on the joint struggle to eradicate the narcotics menace that terrorizes both the Andean region and the United States and to provide economic stability through trade. As the Andean region currently enjoys duty-free treatment, an expansion of these trade policies, like the U.S.-Peru Free Trade Agreement, would allow us to enter into a full partnership with the remaining Andean countries instead of just a one way trading benefit.

While free trade agreements are not on the immediate agenda of Congress, I urge a vote in favor of H.R. 5264, to extend trade preferences for Colombia, Peru, Ecuador and Bolivia and continue to show our support for our Andean neighbors and allow U.S. companies to continue investing in that region.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 5264, 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 of the bill was amended so as to read: ''A bill to extend the Andean Trade Preference Act, and for other purposes.''.

A motion to reconsider was laid on the table.

COMMENDING ELDER HIGH SCHOOL STUDENTS FOR SUPPORTING ELDER HIGH SCHOOL ALUMNI SERVING OUR NATION OVERSEAS

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

Mr. CHABOT. Madam Speaker, a few years ago, I had the honor of coming to the floor of this House to congratulate Cincinnati's Elder High School for winning the Ohio State Division 1 football championship 2 years in a row, quite an accomplishment.

Today, I want to recognize and commend Elder High school seniors Matt Brannon and Ben Combs and a group of about a dozen fellow Elder students for doing something every bit as worthy of recognition. These young men, on their own initiative, raised the necessary funds to ship care packages to Elder alumni who are serving our Nation in uniform overseas. In the words of Matt Brannon, ''I want to help people who are risking their lives for us.''

Such patriotism should be an inspiration to us all, and Elder High School can be proud that they are educating and instilling in their students the highest values.

Thank you, Elder Panthers. Well done.

□ 1715

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). 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 gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WHO SEEKS INDEPENDENCE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, it is written that governments are instituted among men, deriving their just powers from the consent of the governed, and that when any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it and to institute new government.

Madam Speaker, this eternal statement from the Declaration of Independence clearly states the United States' right to self-determination. We used this natural right to break away from Great Britain.

Last week Kosovo unilaterally declared itself an independent and sovereign state, and the announcement has ushered violence in the region and opposition from the country it broke from, Serbia. Following Kosovo's declaration of independence, the United States was one of the first world powers to grant official recognition to the self-declared independent Kosovo. Since then, several other countries have followed. Of course, not everyone agrees that Kosovo may unilaterally declare its independence from Serbia. Certainly Serbia objects.

At the same time, Russia, China and Spain have shared their strong opposition to the declaration. Each of these countries is struggling with its own separatist communities. They are afraid that Kosovo's unilateral declaration will encourage secessionist groups in their own country to rebel and declare themselves independent and sovereign states.

When we start meddling in the internal affairs of international nations like Serbia, consequences are sure to follow. Let me be clear, I am not talking about a people rising up and overthrowing a civil government, but a people separating themselves from a civil government and forming a new nation.

The question is, do all peoples have this right of separation, and does the United States support that? What position will the United States take as other peoples may decide self-determination, separation and independence? By recognizing Kosovo, the United States is setting a precedent, and it needs to take that position very seriously, because there are consequences.

Is the United States willing to offer recognition to the Basque and Catalan people of Spain if they declare independence or to Chechnya if they break away from Russia? Or how about Tibet if they decide to leave China? Separatist communities across the world are interpreting the actions of the United States in Kosovo to suggest that America supports movements of self-determination.

A columnist for an African newspaper recently wrote a newspaper article titled ''Kosovo—the precedent that will enflame Africa.'' This journalist predicts that the Kosovo recognition will ignite a revival of secessionist groups across the African continent. Will the United States be prepared to deal with that if it happens? And what will we do? Will we send troops? Will we send aid to these movements?

We've even got folks from the State of Montana here in the United States saying they are going to secede from the Union if the Supreme Court rules a certain way on gun ownership. Is self-determination allowed in Montana?

Looking at our country's history, it is pretty clear that the right of self-determination of a people is expensive,

and it has costs. If it weren't for the courage and self-determination of our country's founders, we would still be a colony of Great Britain.

But the United States has been inconsistent on the right of self-determination. For example, in the 1860s, the United States rejected this self-determination here at home. More than 650,000 Americans were killed during the War Between the States when the South claimed the right of self-determination and the North went to war to prevent it and to prevent southern independence.

Independence is a serious and volatile matter. Thomas Jefferson said, ''What country can preserve its liberties, if its rulers are not warned from time to time that the people preserve the spirit of resistance? Let them take up arms.'' These are strong words from the author of the Declaration of Independence.

Is this statement U.S. policy? It may very well be the case that the United States' position in Kosovo will encourage more turmoil throughout the world. What will the United States do then? Is the United States going to choose to either fully support or fully oppose the right to self-determination for other peoples? Or is the United States going to continue down its path of inconsistent foreign policy on self-determination?

People with aspirations of independence all over the world are watching the United States and trying to interpret what our foreign policy is. They need to know what our position is on independence, and the American public needs to know where we stand on independence for other peoples.

And that's just the way it is.

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.)

KOSOVA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Madam Speaker, I rise because I listened intently to the remarks just made by my friend from Texas, and I want to say that as someone who has supported the independence of Kosova for the past 20 years, I couldn't disagree more.

I am proud of the United States for supporting and encouraging the independence of Kosova. I am proud of the Bush administration for doing the right thing in Kosova. I am proud of the United States standing on the side of freedom and self-determination and independence, and I am proud that the United States understands that the people of Kosova are entitled to the same kinds of freedoms that we had for ourselves in our own revolution more than 200 years ago.

No, I don't think that every independence or separatist movement in the world is entitled to declare independence, but I think that we need to look at everything in terms of its context.

The former Yugoslavia broke up. There were several components of the former Yugoslavia. We now have several independent countries of Macedonia and Croatia and Slovenia and many others, Montenegro, and Kosova, also, as part of the former Yugoslavia is entitled to that same kind of independence and self-determination.

We remember where the former leader of Serbia, Slobodan Milosevic, had set out to ethnically cleanse his country of Albanians, to commit genocide against the Albanians in Kosova to drive them out, to indeed burn practically every Albanian home in Kosova when they were driven out. It was only because of the courage at that time of President Clinton and the United States where we helped and bombed and prevented genocide that that was prevented.

So I think the situation in the former Yugoslavia, in Kosova, is unique. I think that Serbia relinquished any kind of claim to Kosova by the way their former leader Milosevic persecuted and committed genocide against the Albanian population.

Self-determination for the people of Kosova is the right thing to do. The United States and the European Union have stood strong in supporting Kosova independence. Kosova, indeed, will be a strong ally of the West, of the United States, of the European Union.

The people of Kosova love the United States. They trust us. They care about us. They know we are there for them. I want to tell you, as someone who has been so involved with this issue for the past 20 years, there are no better friends that we have across the world, the United States has, than the people of Kosova.

So I am very, very proud that that is a new nation. I am very proud that the United States has recognized them. I, indeed, would urge all freedom-loving countries of the world to recognize the people of Kosova.

We in this wonderful democracy are so blessed and so fortunate to live in the United States, and we have principles for which we stand, and those are the same principles that the people of Kosova are standing for and looking at us to follow exactly what we have done in terms of democracy. I hope to go to Kosova in the very, very near future to celebrate with the people there.

I want to say one other thing. Kosova will be a multiethnic state, and that means that minority rights have to be protected in Kosova. There are some who are concerned about Serbian Orthodox churches and that minority rights, including Serbs, need to be protected. I agree. Those churches need to be protected. Minority rights need to be protected. I am confident that the leaders of Kosova will protect those churches, will protect those rights, will protect the rights of all Kosovars, whether they be Albanian, Serb or others, and the people understand that. I know the people of Kosova, and I know they understand that.

I just want to very, very strongly state that I am proud to be a friend of the people of Kosova. This Congress has been a friend of the people of Kosova. Our government has been a friend of the people of Kosova, and I think we as Americans can hold our heads up high and say that the ideals for which our revolution was fought more than 200 years ago are the same ideals of the revolution for the new independence and new nation of Kosova.

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 body with yet another Sunset Memorial. It is February 27, 2008, in the land of the free and the home of the brave, and before the sun sets today in America, almost 4,000 more defenseless unborn children will have been killed by abortion on demand, just today. That is more than the number of innocent American lives lost on September 11, only it happens every day.

It has now been exactly 12,819 days since the travesty called Roe v. Wade was 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 cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them. All of them had at least four things in common: They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it's important for those of us in this Chamber to remind ourselves again 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 14th amendment capsulizes our entire Constitution. It says, ''No state shall deprive any person of life, liberty or property without due process of

law.'' Protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is that 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. It is who we are.

Yet, Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We 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.

But perhaps tonight, Madam Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that can never be expressed, and that 12,819 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 children than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each 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 the innocent unborn. 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 the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is February 27, 2008, 12,819 days since Roe v. 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 (Mr. LOEBSACK). 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.)

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 Georgia (Mr. BROUN) is recognized for 5 minutes.

(Mr. BROUN of Georgia 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. HAYES) is recognized for 5 minutes.

(Mr. HAYES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Thank you very much, Mr. Speaker, and thank you again to the Speaker of the House, Ms. PELOSI, for giving the opportunity to the 30-Something Working Group to come to the floor once again to talk about some of the great progress that we believe this House is making on behalf of our constituents, the American people.

We are going to have an abbreviated edition of the 30-Somethings today, and I am going to turn this over to Mr. MEEK in a moment.

But suffice it to say that once again I think we did some justice when it comes to energy policy on the floor this week. We have passed, once again, a bill that will extend enormous tax benefits to thousands of Americans and, even more, small businessmen and the people who profit from those businesses, who work for those businesses, so that they can invest in the new American economy that is the green economy and do it through no additional cost to the taxpayers by simply repealing billions of dollars that we have given to the oil industry under the Republican Congress and turn those tax subsidies around to average consumers and average small businesses who are now going to do right by this new renewable economy that we are building.

□ 1730

It is a start. It is not everything. We have not done a 180 on energy policy, but we are beginning what will be a long but continuous path to energy independence.

And I yield to my friend, the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. MURPHY, it is an honor to be on the floor with you. We appreciate all that you have done during your time here in Congress.

I can tell you, Mr. MURPHY, one of the very important measures that passed today on the House floor was the energy bill, the Renewable Energy and Energy Conservation Tax Act, and I think it is important as we look at this piece of legislation because it is actually paid for, and we pay for it with the subsidies that previous Congresses gave big oil companies, those subsidies they didn't ask for. Well, maybe they did ask for them.

I had a chart, Mr. MURPHY, in previous Congresses that I used to bring to the floor. I am talking about the meeting Vice President DICK CHENEY had in 2001 in his office with all of the major oil executives, and in that chart it showed how profits went up from that point on.

''Profits'' is not a bad word, but when you look at it, especially in how the big oil companies increased prices on individuals that were not only paying taxes, U.S. taxpayers that were paying for the subsidies they were getting, but also were paying more at the pump, and it is so very, very important that we identify that and reverse that.

This piece of legislation that we passed today actually does that, H.R. 5351. So many times in America, Americans, they look at Congress and they look at what we do and how we do it and they don't quite understand how it happens to them twice: A, we are subsidizing big oil companies; and, B, why are they paying more for gas.

What we have done in this Congress and in previous energy bills that we have passed, we have focused on green and focused on innovation and focused on how can ethanol, and we focused on making sure that cars can go further with less.

We have also stood under the banner of investing in the Midwest versus the Middle East. And I think it is important that we continue with that theme. Today's legislation that passed the floor continues that theme.

I talked a little earlier about the big five oil companies that recently reported record profits in 2007. Exxon earned $40.6 billion, the largest corporate profit in the history of the United States of America. Some of that came about because of the tax dollars being generated back into dollars that they didn't have to spend. Usually with profits of any business, you take those dollars out to be able to do more and better in the future. Well, we don't have a problem with that happening, but we don't want it to be on the backs of the U.S. taxpayers.

I also think, Mr. MURPHY, one other point that I want to make, with the economy now and how these energy prices continue to squeeze American families, I think it is important that since August, when the House took up the bill, and the price of oil has risen almost $25 per barrel to a new record high of $102 per barrel today. Gas is up 17 cents a gallon in the last 2 weeks, and up 75 cents from a year ago. Gas prices also doubled on home heating costs, and tripled on American families since 2001.

When we start looking at those statistics, we have to do something about

them, and today's legislation does something about them. I am proud to be a Member of the 110th Congress that is turning this ship around as it relates to how the U.S. taxpayers view Congress, one; and two, making sure that we can reverse some of those cake and ice cream giveaways that were given under the Republican-led Congress.

I encourage Members to continue to head down this track of assisting U.S. families. And in the 30–Something Working Group, we work hard towards promoting that kind of philosophy, not only within the Capitol building talking here on the floor, but also back in our districts, to talk about the good things that we are doing that will assist U.S. families talking at their dining room table and when they get together for Little League games and whatever, talking about gas prices and talking about making America greener and talking about investing in the U.S. so we can have U.S. jobs.

With that, I yield back, but I think it is important that we continue to head down this track. Even though we have had some objections from the other side of the aisle, this is the right thing to do because we are on the side of the American people and not the big five oil companies.

Mr. MURPHY of Connecticut. Thank you very much, Mr. MEEK.

I want to quickly let people know what this legislation does that we passed here. We have talked about the amount that it invests in this new economy, but let's talk about how it does that.

There is $8 billion in this new bill in long-term, clean renewable energy tax incentives for energy accrued from sources varying from wind to solar to geothermal, biomass, hydropower, ocean tides, landfill gas. Overnight, this bill is going to invest in these types of renewable energy sources that are going to power the next economy.

We know that energy independence doesn't come easy. We have become addicting over a long period of misguided and shortsighted Federal policy so that we have an unreliable and unsustainable reliance on dirty energy, on energy produced by oil, produced by gas-powered plants, produced by coal-powered plant. You don't change that overnight. It takes time. Now, government can't do it alone. We can't suddenly decide that we are going to take the generosity of the Federal Government and start buying up renewable energy to completely replace those old, dirty sources.

What we can do is use a little bit of Federal incentive to give reason for private individuals and private businesses to make those choices themselves. That is what we have done here. My office went through a long and important process of becoming carbon neutral, becoming energy independent.

How we did that, we brought some energy auditors into our office and we assessed our carbon footprint and then we found a number of ways, a myriad of different efforts that we could undertake to reduce that carbon footprint. It included everything from changing all the light bulbs in our offices to putting on automatic timers where we could, to making sure that we were printing on both sides of the page.

We tried to reduce our individual carbon footprint, as individuals and businesses can do, seeing that they find that not only the right thing to do by our environment, but the right thing to do from a cost standpoint as well.

But even after doing all of those things, Mr. Speaker, we still found we had an amount of pollution from old, dirtier sources that we couldn't completely eliminate.

So what we did, we went out to offset that remaining dirty carbon footprint by purchasing tax credits for renewable energy. Basically going out and purchasing, putting renewable energy out there on the grid to make up for what dirty energy remained in our office.

What we found for us was that it still cost a little bit more to purchase those renewable energy tax credits, those renewable energy credits, than it would have to have bought oil or gas or coal credits. But it was not four times as much. It is not three or twice as much. It is still a little bit more expensive for an individual homeowner or an individual business to purchase renewable energy, but it is getting less expensive every day. Why is that?

It is getting less expensive every day because the economy, those that invest and fuel the economy from an economic standpoint are figuring out that there is money to be made in renewable energy, that there is a demand for it, and that every cent that they can lower the cost of that renewable energy resource, the more profit there will be built in because of the greater utilization.

And so that is what we are attempting to do here. Rather than putting $18 billion into more tax subsidies, more regulatory subsidies for the oil industry, we are saying let's take that $18 billion and let's put it into tax subsidies for homeowners and businesses and local and State governments to make up that little difference between the price of old energy and the price of new energy.

And that small, little incentive not just makes the difference for the bottom line for that particular company or for that particular homeowner, it then starts to increase the volume of renewable energy that we are producing. It starts to create more capital for those companies that are doing the research and development into renewable energy so that they can advance their efforts to create newer, cheaper technologies. That's how we are going to grow this renewable economy.

And for some reason for a very long time, for the 12 years that the Republicans controlled this House, and in particular for the past 7 years, the 6 of it where the President served along with the Republican House, they didn't get it. They didn't get that you can start to incentivize and create this new renewable economy, this green economy, not with the largess of the Federal Government but with targeted, direct incentives to make up that small difference between old and new energy. And this is about building that new economy and this is also about trying to right some wrongs that this Congress has perpetuated on the American people for far too long.

I hope that people will look at the facts that underlie this chart standing beside me right now. The price of gas, and this is looking at increases in commodities and profits from 2001 to 2008, a 113 percent increase in the price of gas. Much of that has come just in the last few years, as more and more motorists, more and more commuters have found it almost impossible to make their budgets meet now that gas prices seems to be staying above that $3 a gallon level.

We all feel this one. There is a 213 percent increase in the price of home heating oil. My wife and I are flabbergasted on a weekly and monthly basis as we look at the amount that we are paying to heat our own very small and modest home. Even with all of the different improvements that we have tried to make regarding oil efficiency and heat efficiency, we, along with millions of other American homeowners, have an old house. We cannot make it completely, totally energy efficient, and so we are paying through the nose, as are millions of other American homeowners, for this 213 percent increase in heating oil profits.

The price of crude oil has gone up 215 percent during that time. And all the while, during that same period of time over the last 7 years, the profits of American oil companies have gone up 310 percent.

There aren't many things in this world in a 7-year span that increase threefold. Wages for the average Americans are lucky to creep up by 1 percent a year. Profits for most American businesses, in particular those small businesses and medium-sized businesses that power our economy, are lucky to grow by 5 or 10 percent every year. Even in robust economic times, 310 percent growth in profits over a 7-year period is unheard of.

And when those profits are derived in large part due to Federal policy through these $18 billion in Federal tax breaks that have gone to the oil companies, it should have a long time ago caused this Congress to step back and ask why.

Well, there are a lot of different reasons, and I am not here to suggest that those $18 billion in oil subsidies are the sole reason why you see a 310 percent spike in oil company profits. We have increased demand around the globe for oil, not just here in the United States but in India and China and in developing nations.

But I would also posit that another reason is not just because of the subsidies we have given these industries,

but also because we have done almost nothing here in this Congress, before 2007 when the 110th Congress was sworn in, to really start to work with the competitors of the oil industry, to try to give at least the same benefit that we give to the oil industry to the wind industry, to the solar industry, the geothermal industry, the tidal industry, all of the other energy competitors who ultimately will make sure that we never see another 310 percent, 7-year growth in profits.

□ 1745

And so I think a lot of us are really excited about the direction we're going with energy policy. It's not just the bill that we passed today which shifts that $18 billion in oil company energy profits to incentives and tax subsidies to individuals and small businesses and governments that are prepared to do the right thing and invest in renewable energy sources. This is also about what we've done to increase the fuel efficiency of vehicles, the first time in 30 years this Congress has passed and signed by the President an increase in fuel efficiency standards so that the average fleet sold here in the United States will now have to be up around the 35 mile per gallon standard, still not what it could be, but a lot better than the level that we've been sitting at for the last 30 years.

A new investment in green technology and green jobs, grants now going to businesses and nonprofit organizations that are going to do the training necessary to teach a whole new workforce how to compete and how to win in a renewable energy economy; and legislation that will say no more going to the store and looking at one product that's energy star or energy efficient rated and another product that hasn't had any improvements on it in the last 20 years, now every appliance, every microwave, every toaster that you buy, by virtue of legislation passed in the House and the Senate and signed by the President will make sure that appliances that you buy are going to meet the highest energy efficiency standards.

We still have to go farther. There's still so much more we can do. We can pass a renewable energy portfolio standard to say that 15 to 20 percent of the energy produced in this country comes from renewable energy sources. We should pass a cap and trade system that limits the amount of pollution and carbon that we emit into the air. But these are monumental steps forward that would have never happened if we didn't have a change in control of this Congress, because you've got a whole new group of people here. Mr. ALTMIRE and I are the two members of the 30-Something Group that are part of this new class of freshman Members of Congress. But you have a new group of Members here, in particular this freshman class, that really had a sense, from spending the last 2 years, 2005 and 2006, out campaigning for office but just frankly being on the outside of this institution for all of our lives, that the public got it; that the public understood that it was about time that we started shifting our resources, both privately and publicly, into a renewable economy. They understood that energy independence is the Holy Grail of Federal and State energy, of Federal and State policy, period, because it's not just about energy prices, the fact that by investing in renewable energy, increasing volume, increasing research and development, that you will eventually drive down energy prices.

It's also about the environment. We could talk for another hour about the benefit that investments in renewable energy will do to the air that we breathe around us, what it will do to combat the growing trend towards the warming of this planet.

It's also about our economy, as we've talked about. And we may not make rubber balls in this country like we used to. We may not have the large volume manufacturing base that we did 20 to 30, 50 years ago, but we can be the center of research and development for renewable energy technology. There are great strides still ahead of us on cellulosic ethanol, on photovoltaics, on the hydrogen economy. Our economic future here in the United States can be based in renewable energy.

And lastly, folks out there know that it's about national security as well. They know that by creating a dependence on domestically produced energy, rather than on foreign produced oil, that we will make decisions with regard to international policy, based not on our national energy interests but on our national security interests.

And so on behalf of the 30-Something Working Group, we're pretty excited about the bill that we were able to pass today, as we are about the entire trend that's happening here in Congress with regard to energy policy. We have farther to go, but the reason that we, as the 30-Something Working Group, talk about this is because the investments that we make today will pay off in 10 and 20 and 30 and 40 years, when our future children and grandchildren are living in this world. They might not have to deal with the consequences of a Congress that ignored the energy crisis in this country if we make the right decisions over the next several Congresses.

So I appreciate, as we always do, the opportunity for the 30-Something Working Group to come down here. It's a busy day and evening here, so Mr. MEEK was only able to join us for a short period of time. Mr. ALTMIRE had to leave before the hour started. We know when we come back to this floor next week, we'll make sure to have the full contingent of 30-somethings down here on the floor. We miss Ms. WASSERMAN SCHULTZ as well.

With that, Mr. Speaker, again I thank you for the opportunity to speak before the floor today. I thank the Speaker for her engagement with the 30-Something Working Group.

ENERGY ISSUES AND THE OIL AND GAS INDUSTRY

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. CONAWAY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CONAWAY. Mr. Speaker, it's good to be with you this afternoon.

I want to spend most of the next hour talking about the oil and gas business and energy issues in general but specifically about the oil and gas business.

In the interest of full and fair disclosure, I grew up in West Texas, home to much of the oil and gas production from the Permian Basin, and I now have the high honor of representing much of that region in Congress. My dad was in the oil business. He had a service company for the last 25 years of his career. I had oil and gas clients in my professional career. And so I hope the fact that I have some background and experience in this area doesn't disqualify me from talking about things that I know and that doesn't discount what I have to say.

In looking at our overall energy picture, almost every legitimate projection of energy usage in this country, over the next 20-plus years, shows that crude oil and natural gas will continue to be a vital part, an important part of the energy complement for this country for the next 20-plus years, as I mentioned.

There are no breakthrough technologies. There are no scientific advances that anyone can anticipate today that would reduce our dependency, particularly as it relates to driving cars and trucks and airplanes, on crude oil and natural gas. We don't produce enough of it domestically to meet the needs of our existing oil and gas needs, so consequently we import 60-plus percent of the crude oil, natural gas and gasoline products that we use every single day. And that percentage is growing, unfortunately.

Most commentators, and I agree, would believe that this importation of crude oil and natural gas from foreign sources coming from countries whose leadership hate us, whose political schemes are directly opposed to what we would want to do, is not in our best interest and represents a strategic vulnerability that our country has to other parts of the world that in many instances can be far less stable than you would want to count on.

So given the fact that we will be using crude oil and natural gas for the next 20, 30-plus years, and that we don't produce enough of it ourselves, it would seem that it would be in our best interest to promote policies that encourage and incentivize additional production of domestic crude oil and natural gas, policies and incentives like allowing the responsible and environmentally sound exploration of areas in this country which we currently, either by law or by executive order, prevent our crude oil and natural gas exploration companies from having access

to, promoting policies that, to the extent that it is safe and sound, reducing and eliminating unnecessary bureaucratic red tape.

You can look at the reasons we've not built a refinery in this country for a number of years is because of the long lead times it takes to get that done. The approval process, or the bureaucratic nightmare that companies have to go through, all of the money they invest on the front end, they don't get the return on that money until the plant is built and done, and the longer you extend that timeframe between when you start to when you actually begin to refine crude oil adds to your cost, it adds to the carrying cost, it adds to the cost of the money you've borrowed, and is a disincentive to actually entering into that particular business.

So when we on this floor from time to time, today may have been one of those times, when we on this floor from time to time put in place new laws, new regulations, added taxes and other burdens on the domestic and international oil and gas companies, we are, in effect, I believe, cutting our nose off to spite our face, because increased domestic production offsets the need for additional import of crude oil and natural gas.

No one that I'm aware of with any rational thought thinks that we can produce enough domestic crude oil and natural gas to completely wean ourselves from international imports or foreign imports of crude oil and natural gas. So it's not about totally doing away with those, but at least putting ourselves in a position to make ourselves less dependent on those foreign sources of crude oil and natural gas.

My colleagues earlier this afternoon were talking about the high cost of gasoline. And gasoline is high here in the United States. It is higher in other parts of the world than it is here in the United States, but that's scant comfort to the consumers and the folks out there who are, as they stand at the pump and they watch that price ratchet up past $40 and $50 for a tank full of gasoline, the fact that there are people around the world paying more for their gasoline than we are is not much comfort as that happens.

I understand that the high cost of diesel, whether it's ag producers or farmers or long distance truckers, whatever it is, adds to their operating cost. The cost of gasoline, of course, has taken an increasingly larger share of the family budget as that number goes up, and that's something that should be of concern to all of us.

The bad news is that over time those costs will simply continue to get higher. Short of a worldwide recession, in which demand for crude oil and natural gas was dramatically lessened or reduced, we are going to continue to have increases in the price of crude oil, an increase in the price of natural gas, and that, of course, will be reflected at the pump.

Our job should be to try to minimize those increases or delay those increases as long as we can, to smooth them out as best we can to allow consumers and businesses to make the accommodations they need to to begin to live with these higher gasoline and diesel prices that we're currently experiencing.

□ 1800

A big jump that we have seen from $30 a barrel to today, I guess, $100-plus per barrel has had an impact, a surprisingly limited impact to the extent that the economy that we've enjoyed over the last several years has not gone down as much as most folks had predicted with a rapid increase in crude oil and natural gas prices. But nevertheless, families are paying more out of their family budget each month for gasoline, and that's not going to get any better.

We can make it worse with the policies that we pass on this floor to the extent that as we make it more expensive to find and produce crude oil and natural gas, we will add to the costs and the burdens of families that are unnecessary additions to costs by taking a different tack of promoting and incenting crude oil and natural gas producers to produce more, then we would help go a long way of providing additional supply as the demand goes up.

So I was in Midland, Texas, in 1998 and 1999 when the price of crude oil was $10, $11 a barrel, a scant 9 years ago. It's hard to believe that today it's 10 times that number. But there's the yo-yo effect with respect to crude oil and natural gas prices. We have seen those prices go up and down dramatically over the last 40 years.

I think the difference this time in this run-up is that China and India are much greater consumers of crude oil than they were in the late 1990s, so we were able to see a price drop to $10 a barrel. I don't think anyone realistically expects that to happen because you have got additional consumers in the market, and those consumers are China and Japan, as I mentioned. I was in China last April and was told that a thousand new cars a day are being added to the traffic pattern in Beijing alone. A similar statistic for Shanghai. These aren't cars or people that are switching from one car to another. These are folks who are getting off their bicycles and beginning to drive automobiles. So this is a net-plus increase in the demand for crude oil and natural gas that has not been there before.

So while the prices are high, they will fluctuate some, but I don't think we will ever go back to the levels that we have seen 5 and 6 and 7 years ago.

The people who produce crude oil and natural gas, those companies are vilified in the press and, sad to say, with our Presidential candidates from time to time, as well as Members of this House come to this floor and will say some pretty outrageous things about the companies that supply us with the level of crude oil and natural gas that we have today at these prices as if they are some sort of a bad person.

When we make critical statements, critical statements about corporations, and let's take ExxonMobil, for instance, because they're the easiest target having just released earnings this past week or so, earlier this month, showing that they had set a record for a 2007 profit of some $40.7 billion. That is a huge number in any comparison, except, perhaps, maybe the total Federal budget. But it's out of context as it is taken most the time. It can be criticized, and some very unflattering adjectives are used such as ''outlandish,'' ''unjustifiable,'' or ''appalling'' or ''ruthless.'' These words have been used by some of my colleagues to describe ExxonMobil, and that's unfortunate.

Now, I'm not an apologist for ExxonMobil. They're a corporation, and if they've done something wrong, they should be held to high standards of conduct. But to the extent they have played the rules and played the game within the rules that are set for them, the fact that they have been successful, the fact that they have done well should not be held against them simply because the fact that they've done this well. They are not price gouging. Their prices are set by the international market like everybody else's. And the fact that they are big helps them do things that smaller companies simply cannot do.

The investments, the billion-dollar investments that are necessary to explore for and to produce crude oil in some of the more remote areas of this world require huge investments, and it takes big companies to be able to do that. And the fact that ExxonMobil is in that arena and is successful at it should not be denigrated the way it is.

Here is some of the bad things that ExxonMobil does, if you think that making money in the oil business is, in and of itself, bad.

They produce some 4.2 million barrels of crude oil a day, an oil equivalence of some 637,000 barrels a day. So that's a sizable production of things. I don't have the exact percentage of total worldwide percentage that that is off the top of my head, but I think the production is about 80 million barrels a day. ExxonMobil is 4.2. So that is a sizable piece.

When you consider the governmentally owned entities in that 80 million, ExxonMobil is a small player, given the fact that Saudi Arabia and others, as a group owned by the governments, are much bigger producers than that.

ExxonMobil, out of that $40.7 billion that they earned in 2007, they paid out $7.6 billion in dividends to their shareholders.

Now, when we denigrate corporations, it's easy to do because we don't

put a face on the corporation. We just think of it as an entity. But the truth of the matter is corporations can't do anything without people, employees, and directors and others at ExxonMobil. So when we make negative and ugly comments about this corporation or any corporation, we are, in effect, talking about the people who work there.

ExxonMobil has some 82,000 employees worldwide. That's 82,000 families who feed their families, feed their kids from hard work and the successful work at ExxonMobil; 82,000 families who own homes, 82,000 families that try to find a way to send their kids to college and pay for health care and take care of the things that they need to do to put braces on their children and all of those kind of things that families do. Those people are no different than anyone else working in America or around this world. They've got the exact same cares and responsibilities that every parent has. And so to denigrate the corporation and, by extension, these 82,000 people is really unfair.

Hidden in the conversation about the profits that ExxonMobil made of some $40.7 billion was the fact that they paid some $32 billion in taxes; $32 billion in taxes. Now, if you added up the bottom 50 percent of all individual taxpayers in the United States, I think that number is some $27 billion. And so ExxonMobil single handedly paid as much in taxes as half of the individual taxpayers in the United States, actually paid more than that half.

And so as you talk about all of the bad things that ExxonMobil has done, saying they're guilty of some pretty rotten stuff: creating 82,000 jobs, paying out $7.6 billion in dividends to their shareholders, creating the wealth that relates to what those shareholders do. Those shareholders have bought stock in this company. They bought it expecting to be able to sell it at some point in time in the future for a profit, which is not bad, because when they sell that, they will pay capital gains taxes on that. The 7.6 billion, to the extent it went to taxable entities and not to retirement plans or IRAs, those taxpayers pay taxes on that 7.6 billion.

So there's an additional 7.6. The 82,000 employees that are U.S. citizens pay individual income taxes on their salaries as well. And they're paying the payroll taxes, and ExxonMobil is matching those payroll taxes in a responsible way.

So, as you see, the comments made about the amount of money that ExxonMobil has made, please put it into context with the amount of money that they would have to invest in order to do that. The return on shareholders' investments is in line with other U.S. corporations and other industries within the United States. It should be a good investment. It should create wealth for the shareholders that are able to take advantage of owning that stock having bought it when hopefully the price is lower than what they could sell it for.

So, as you hear comments, negative comments, if it is about the breaking of a law or something like that, fine. We will deal with that. But if it is just the fact that they're big and the fact that they found a lot of crude oil, natural gas, and produced a lot of it, then those are misplaced. And when you make those comments about what Exxon does within the rules, you are criticizing people. You are criticizing 82,000 folks around this world who are getting up, going to work every single day trying to do the best job they can at providing a resource and a commodity that all of us enjoy each and every single day.

I did not mention the fact that ExxonMobil refines 5.6 million barrels a day worldwide and almost 4.7 million barrels a day here in the United States. So, again, jobs are created up and down the stream with respect to the oil and gas business.

As you look at energy policy, I think that we spend a lot of time in this Hall talking about what we should be doing, and yet we don't listen to each other very well in terms of what the impact is of what we are trying to do. And consequently, we don't have in place rational policy for what we should be doing in this country.

There are two broad areas of energy that we should talk about separately: One is electricity generation and the other is crude oil and natural gas. That is what we use to drive our cars.

With respect to electricity, we have had a dramatic event in Florida yesterday where we had a blackout, an infrastructure failure, overload of some sort that quickly got corrected, but it was a microcosm of a wreck that would happen if we didn't have adequate supplies of electricity.

Now, the growth in this country in terms of population, with it comes an automatic growth in the use of electricity. That's just the nature of the beast. Now, we should be doing all that we can to conserve. We should be using smart appliances and smart light bulbs and doing all of those kinds of things. But the truth of the matter is, as the population of the United States increases, we need more energy, more electricity to be able to meet the needs of this increased population, whether that is lighting their homes, air-conditioning their homes, providing electricity to power the businesses in which they work. That is going to be a demand that is there and is growing.

If we don't continue to invest in generating capacity, then we are going to get caught in a circumstance where our demand has outrun or outstripped our ability to supply that energy, and we will have very sizable increases in the cost of electricity.

You can see what happened a number of years ago in California where they got caught in that exact same wrinkle. They discouraged generating capacity to be built in California, but yet the demand for electricity continued to increase and they got caught in circumstances where the demand was higher than the supply and they had a dramatic increase in prices. They had some regulatory issues involved that created that problem, but when you have demand that outstrips supply, you have large price increases in that arena. And those kinds of circumstances have the dramatic effect on individuals as well as businesses, because when you are putting your monthly budget together or your business plan for your company, you try to estimate what your costs are going to be over a near-term and mid-term circumstance; and you ought to be able to predict reasonably close what your energy costs should be over the next 4 or 5 or 6 months. And when you get sharp spike increases, as was seen in California, then that wreaks havoc not only in the family budget but also with businesses that are subject to passing on those electrical costs through their products and services ultimately to consumers.

So as we look at the electrical side of this thing, we should be promoting wind, as we see in west Texas, and solar and hydropower. All of these alternative and green sources of electricity should be promoted as well. But the growth in that side of the business cannot even keep up with the growth in the demand. We've got two circumstances: natural gas-generated electricity, we've got coal used to generate electricity, and we've got nuclear that is used to generate electricity. Those are the three main backbones of the current grid.

And so as you look at those plants, they are all getting older every single day. Recently, the Nuclear Regulatory Commission has been able to go through a second round of licensing for existing plants and has been able, because of the good maintenance and upkeep and the proper operating procedures and plans that have been in place at the nuclear plants, have been able to extend the useful life of the current complement of plants we have for another 10 to 15 to 20 years, which is important, because the time frame of which a lot of that production capacity was built, they're all going to fall off the grid in a relatively short period of time, which means the supply is going to dry up if we don't create additional sources of electrical generation that can be counted upon.

□ 1815

So we've got a problem, going forward, with how to generate electricity. The green sources can't keep up with the growth in demand. Natural gas is an expensive commodity. We're not drilling for sources of domestic gas. And because natural gas is hard to import, those prices and costs of generating electricity using natural gas will continue to go up faster than the cost of using coal or nuclear.

The backbone of the grid, for certainly my lifetime and perhaps even

my children's lifetime and beyond, will have to be nuclear and clean coal burning technologies. I don't think realistically there is any other way to generate electricity on the scope that we're going to have to generate it on and get it done.

If you don't acknowledge that, if you put your head in the sand, then you develop policies that will not promote a rational, orderly, thoughtful process of how to provide electricity for this country over the next 50 or 60 years, and that is an unfortunate circumstance that we see ourselves in.

None of the alternative sources can fully replace everything that's going on, and yet we seem to be placing great reliance, or hope, that we can develop these alternative sources, green sources of electrical generation in time to offset the loss of the nuclear power plants that ultimately wear out, the coal-powered plants that ultimately wear out, and the natural gas that is a commodity of seemingly infinite supply. But that's wrong, too, because crude oil and natural gas are finite resources. There will be a day, a long time from now, when the last barrel will be produced and the last MCF of natural gas will be produced because it is such a finite resource and takes so long, millions of years, to create it underground.

The argument about nuclear is that it's unsafe and unsound. It's dangerous. I had the opportunity to visit the Comanche Peak Nuclear Power Plant that's just on the eastern edge of my district. It's not in my district, it's just outside on the eastern edge. Quite frankly, I had never been to a nuclear power plant, and so it was an eye-opening experience for me. Everybody had the little meters on, DOSA meters on that will show whether or not you've had an exposure to radiation that is inappropriate.

We actually, as a part of that tour, went into the storage facility for the spent fuel rods, the spent rods that they've used over the years to create the nuclear reactions. And I'll admit to being a little apprehensive. You simply walk through this door and you're standing in front of what appears to be a giant swimming pool. At the bottom of this pool of water are these spent rods. And I kept kind of glancing at my DOSA meter to make sure that I wasn't getting a dose of radiation. Sure enough, I was not. It's perfectly safe. But I didn't know that. Ahead of time, if you would have said that this spent fuel is stored underwater like that in an open arena pool, I would have been a little bit skeptical about how safe that was. But our nuclear industry is a safe industry and deserves to be exploited as we look at ways to generate electricity.

The argument is that spent fuel creates a hazard and a problem for disposal and storage, and that's the case. But you have to weigh that against the way electricity is produced everywhere else. If we continue to use coal, until we learn how to capture the CO_2 and sequester that CO_2, the equivalent amount of electricity between producing with coal versus nuclear, the coal will have produced X tons of carbon dioxide that would have gone into the atmosphere, versus on the nuclear side, a small, relatively containable and handleable spent fuel that we have to deal with.

So you look at the two. And clearly, given the emphasis on global warming and climate change, the folks who are proponents of that argue that CO_2 and climate change are the single biggest things threatening our lives. Well, if CO_2 is the biggest threat to our way of life, why not deal with that by using nuclear? I mean, nuclear waste has to be way down the list of things that are dangerous for us to deal with.

I'm not a Pollyanna. I understand that when you build a nuclear plant, that it is subject to being somebody's target to do something stupid. But we have done a good job the last 7 years, since 9/11, protecting the nuclear plants, we'll get better at it, and assessing the risks to those power plants and understanding the opportunities that some bad guys might want to do at a nuclear power plant. But getting exposed to it, which is probably not a good word, but at least understanding and becoming more informed about how the nuclear power plants work and how the controls are in place, the systems they have in place for fail-safe circumstances, in addition to developing new generation or next-generation power plants which use a different model that in and of itself is a safer model of a way to generate electricity, and approaching that in a rational, thoughtful manner is going to be in all of our best interests.

And yet there are still an awful lot of people out there who are apprehensive to the point of not wanting to use nuclear because they believe that the risks are too great. We need to have these conversations between the folks who believe it's too risky and the experts who understand exactly what it is and how it works and where those risks are and where those risks aren't, to get those to come together and help us understand how we mitigate the risks and how we adjust them and go forward with a source for the grid that is clean, zero emissions, and is going to be one of those sources of electricity generation for the U.S. that is important to our grid. It's important already in France, and other countries of the world are using it safely without incident. And certainly we're as good as the French are at doing things, I would expect, and should be able to handle nuclear power in ways that are responsible, both to the areas where the plant would be, as well as to how we handle the spent fuel and the waste that is an issue, and where we store that. All those kinds of things can be solved and should be solved if we can begin to deal with the issue, and first dealing with our irrational paranoia about it, getting past that and dealing with the realities that the experts and the scientists could certainly help us understand that.

So, Mr. Speaker, the national energy policy, we've had several attempts at it over the years. We currently don't have one that's rational, I don't think. We continue to penalize the oil and natural gas industry with added taxes, as we did this afternoon, with red tape, with regulation that prevents them from being efficient. We lock away vast areas of the United States to prevent domestic production of crude oil and natural gas. We don't have a thoughtful, rational approach to electrical generation and how we're going to get that. Clearly, clean burning coal and nuclear have to be exploited and explored. Yes, continue to work on the wind and solar and other ways of generating electricity, but the truth of the matter is that those are going to be at the margin of the electrical grid.

Every American alive today, when they walk into a room and flick the switch on, expects the lights to come on. They don't know how that happens, but they expect it to happen. And except for yesterday afternoon in Florida, most all the time it does. When it doesn't happen, like what happened yesterday in Florida, it shows how vulnerable we are to not having electricity, what impact that has. You saw the traffic grids, the traffic parking lots across Florida because the traffic lights went out. You couldn't move traffic the way it normally moves. And all the people trapped in elevators and all that kind of anecdotal excitement that happens when that goes on helps give us a little bit of a sense of what a world without all the electricity that we need to produce and to use is not readily available at our fingertips at the flick of a switch.

With respect to crude oil and natural gas production, again, as I mentioned earlier, we are going to be using it for a long, long, long time. If it's imported from countries that are not operating in the same thought patterns that we are with respect to human rights and women's issues and other kinds of things, if it creates a strategic vulnerability to this country to import crude oil and natural gas, then it seems logical to me that we would put in place policies and regulations that would promote the domestic production of crude oil and natural gas as opposed to hindering them.

To reduce domestic supplies is wrongheaded. And when we increase taxes on the oil and gas business, that is money that is taken away from the exploration for new sources and new supplies of crude oil and natural gas.

The mechanics of an oil and gas company typically says that when you find, through the exploration process, through drilling and finding it, you understand that there's a reservoir of crude oil or natural gas underground. Through scientific estimates and from petroleum engineers, you can determine what the value of those reserves

are once you've drilled a well and begun to produce those.

Typically what happens, the independent producers in particular then go to the bank with the reserve report that shows what they think the estimated value of that crude oil and natural gas is in the ground. They go to the bank and use those reserves as collateral to borrow additional dollars to drill with and to explore that field further or to increase production. And so each dollar that goes somewhere else other than back into production is a multiple of that dollar that is not used to explore for and to produce crude oil and natural gas.

Most of the independents that I represent in West Texas are trying to drill in the United States. Statistics show that independents, as that term is defined, typically reinvest 600 percent of their profits back in the ground. In other words, they borrow six times as much money as they earn in a year in order to continue to grow their reserve base to replace the production that they've already produced and to continue to do the things that they do best. Major oil companies, such as ExxonMobil, are generally well above 100 percent, I think it's 170 percent of their profits go back into the ground to explore for and to produce additional crude oil and natural gas, much of that is worldwide, which in a commodity such as crude oil and natural gas, there is really no distinction between the oil produced around the world versus domestic production as far as creating supply against the demand that is out there and is a growing demand as well.

So a broad-based national energy policy that encompasses electricity production, how we drive cars and fly planes and drive trucks and those kinds of things, I think it is awfully important that this Congress come to grips with.

I have not mentioned conservation, but that is a huge piece of the pie as well. We can use less per person than we currently are, and that's less electricity and certainly less gasoline in our cars.

I have introduced a bill that would create a public-private partnership in order to help remind consumers that they have a direct role in energy usage in this country. The partnership would point out things that we can do individually, by choice, to reduce our own demand. Our own use of gasoline is an example. And it doesn't have to be draconian. I'm not talking about giving up your automobile and riding a bicycle to work. That's not rational. We're not going to do those kinds of things. But there are some small things that each one of us can do and choose to do on our own that would have a dramatic impact across the system. As an example, if we would arrange our affairs next week to use one gallon of gasoline less than we used this week, that would have a dramatic effect if everybody decided to do it. If the millions and millions of consumers and drivers out there would just simply use one gallon less, you would see a dramatic increase in inventories. When inventories go up, the folks who are in the business of retailing gasoline are very price sensitive, and their prices move around, up, and they also come down. But if their inventories begin to grow unexpectedly because we just simply used a little bit less individually, but if collectively across all the United States, you would see a big rise in inventory.

Now that does two things. One, you would save the cost of that one gallon of gasoline. And at $3.50 a gallon, you may think, well, that's not all that much. But if you look at the impact that that savings would have across the system, you would save $3.50 per person, but you would also see a drop in the price of that gasoline because the supplies and inventories would go up. That means that collectively all of us would be better off.

□ 1830

Now, how do you save a gallon of gasoline? You do some simple things like you keep your tires aired up to the proper limit. You take the extra weight out of the trunk of the car so you're not hauling it around. You think each day about what are the trips I'm going to make today. How can I drive a few miles less today than I drove yesterday, and just be smart about it. You can be a safer, more polite driver to the extent that as you accelerate your car, if you're not aggressive in accelerating it, if you don't slam the accelerator down and race away from red lights and stop signs, if you drive a little friendlier than some of us are used to, that uses less gasoline as well.

So there are a lot of things that you and I can choose to do. It doesn't require a government mandate. It doesn't require a bureaucracy to administer. It's just simply all of us working in our own best interests to save a little bit of gasoline. And, again, 1 gallon this week less than I used less last week would have a dramatic impact on those prices, and we would all collectively benefit because we would be doing what we ought to be doing, and that is conserving the resources that we've got responsibility for.

The same thing applies to electricity. Using less electricity, you could do a lot of things, and we all can do that, to reduce the growth in the demand for electricity. Again, you're not going to read at night by candlelight or campfire or lanterns. We're not going to do those kinds of things, but we can have a dramatic impact on electrical uses.

I had a client when I was with Price Waterhouse back in the early 1970s, Recognition Equipment. Recognition Equipment made some pretty, at that time, sophisticated optical readers, and they had a very complicated cost accounting system in which they would allocate their indirect costs, heating and air-conditioning and lighting and all those kinds of stuff, would allocate those to their products that were being produced. As you remember, in 1973 we had the Arab oil embargo and prices shot up from $3 a barrel to 30 bucks a barrel. There was a big push to use less electricity, to use less energy. REI went all through their plant and did everything they thought they could do rationally to reduce their electrical usage; things like they went to every other light in the hallways and all kinds of things. They were able to so dramatically reduce their electrical usage that it screwed up or messed up their indirect cost allocation to their products, and they had to go back through and readjust the amount of money that they were applying to come up with the cost of their products through their process. So we can do those kinds of things when we have to. Typically when we have to is when the prices get so exorbitant that we are forced to do it. We can choose to do those things ahead of time without being forced to.

I currently represent a chain of convenient stores in west Texas where I know the folks who run it, and we were talking about gasoline uses. They make a lot of money selling gasoline at these convenience stores. And 2 years ago when the price first started going over 3 bucks a gallon, they could see a dramatic difference and a change in their consumer patterns when the price of gasoline was above $3 versus when it was below. Consumers would immediately react to that. Now we have become desensitized or less sensitive to the $3 number, and that new number is somewhere north of that where we would feel the pain enough where we would be willing to make some changes in our own personal life to do that. We don't have to wait for that price to go up in order to motivate us to do those kinds of things. There should be plenty of motivation for us to be able to take the kinds of conservation steps that each one of us individually could do as a free-will choice that would help this issue tremendously as we move forward.

In conclusion, Mr. Speaker, there are no magic bullets. There's no magic wand that we could wave across this problem and instantly fix it. It requires thoughtful compromise across a lot of folks who are in this arena, folks who have legitimate concerns, legitimate worries, legitimate issues. Working through those, working off of sound science, looking at rational approaches to things and not taking the extremes is going to be important as we as a society continue to move forward with an energy policy that makes sense.

Calling each other names, talking about the producers of crude oil and natural gas like ExxonMobil in some very unflattering terms is counterproductive to the system. Beating up ExxonMobil makes absolutely no sense if you think that the product that they are producing is something that we need. Now, you may not like the prices that they're producing it at, but those

82,000 people who work for ExxonMobil are human beings. And when they hear their company denigrated by folks in this Chamber and Presidential candidates and others because they have been successful working within the rules and within the laws, that sends a really bad message to folks who are providing a service, providing a commodity to us that we simply can't get along without.

So thank you, Mr. Speaker, for allowing me this time tonight. I would encourage my colleagues to thoughtfully think about the words they use, the adjectives they use as they describe this problem. This is not a Republican issue. It's not a Democrat issue. This is an issue that's important to every single American out there. It's one that deserves our best, thoughtful consideration. It deserves our listening to each other and hearing the concerns each of us have and working toward a solution and actually putting it into place.

ENERGY

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. KLEIN) is recognized for 60 minutes.

Mr. KLEIN of Florida. Mr. Speaker, it's a pleasure to be here. I'm going to be joined by a number of the members of the freshmen class, and I appreciate the Speaker being one of our Members from Ohio. We have a great group of Members from all over the United States who were elected a year ago on certainly a campaign of change and bringing some new ideas, new energy. And energy is going to be the subject tonight because a lot of us have a lot of it.

I know Americans are looking for some new ideas on how to solve our problems with energy and how to move our country forward. And the reason it's important, particularly important today is because today this House Chamber took a bold, new step, and we passed the Renewable Energy and Energy Conservation Tax Act of 2008. And as I said, many freshmen, and many Members, Democrat and Republican, ran on a platform of change and new ideas. Energy is that idea. It's that platform.

And if you're old enough, you'll remember the Manhattan Project. I know I'm speaking to people who are listening in this Chamber tonight that are familiar with that Manhattan Project. It was that great ingenuity that Americans came together and knew what they had to do in order to win World War II. It was done in secret, but it produced the results that were necessary to save lives at the end of the day.

More recently, again a number of years but more recently, we had something called the Sputnik that Russia sent up, a little tin can that went up into space. And for those people who were alive at that time, they were frightened, rightfully so, that the Russians had gotten ahead of us and had put something in space that could potentially give the Russians the control, the Soviet Union control, of the space above our heads and maybe they would rain down on us weapons and have other kinds of threats against the United States.

And President John F. Kennedy, at that moment in time when Americans looked up and saw that can, that little flash in the sky, and realized that it wasn't the United States that put that up there but a country that at that time was viewed as in competition and the Cold War was just developing, what happened at that moment was John F. Kennedy said we are going to take this moment, capitalize on the concern, and channel that into a new program, a space program that was going to put a man on the moon by the end of the decade. And, boy, that was something that was incredible. It was unheard of. Could we do it? I mean, the Moon is up there, and it would take a great amount of technology and science, and maybe it was a dream that our philosophers and other scientists years ago had, but to actually accomplish that in 10 years?

And lo and behold, in 1969, in July, I remember the moment. I was in a camp at that time, and I remember watching with my friends. In July of 1969, Americans put a man on the Moon and landed a man on the Moon. What an incredible accomplishment. And today we are still receiving the dividends from a space program that has just had so much impact not only on American ingenuity in terms of the space program and all the great things that have come out of that, but in consumer products, microwave ovens and a whole lot of other things that we take for granted today that came out of the science, and the math and the science and all the great things that went on in our schools to create the future leaders and the science program and the space program that has continued through today.

This is that moment. This is that time when Americans need to seize this crisis that has been developing for quite some time, and we need to do something about it. And there are three groups of people in the United States that are all coming together behind renewable energy and making sure that America becomes energy self-sufficient over the next number of years.

We have had many people in this country from the environmental community that for years have said that the pollution caused by various types of fossil fuels have clouded our air and damaged and polluted our waters, and it's not only in the United States but throughout the world. The environmental community has been very concerned about this and has tried to build bridges and coalitions, and they've really worked hard on that. And they are now joined by two other groups.

All Americans join in the notion that as a matter of national security, and I certainly believe this and I know the Speaker does too, and many of the men and women in this room and most Americans understand this, that for too long we in America have made foreign policy decisions based on where the next drop of oil is coming from. And what a mistake. What a mistake. We've done it over and over and over again, whether it's dealing with Iran in our past history, dealing with Iraq presently, dealing with Venezuela, or any number of other countries in the Middle East, some of whom at best, at best, may not be our friends and, at worst, are our enemies. And yet every time you go to the pump, you're putting money not necessarily in an American company, but you are putting money that is eventually getting into the pockets of some of the owners of these oil wells in these countries that are damaging our interests and in many cases are funneling to the terrorists and the people around the world that are really putting our men and women at risk, whether it's in Iraq or anywhere around the world. This is a very dangerous prospect and it's unacceptable.

The third group, of course, and I think this is one of the most exciting things, is the new economy that is developing out of this energy discussion. The job opportunities, the great innovators, the scientists, the American men and women at our universities, our business entrepreneurs that understand that not only is this good for America in terms of our environment and our national security but we could be very successful at it from a business point of view. We can create new technologies. We can do lots of things that create jobs, create revenue, create income, make our standard of living higher and greater. And we cannot only take that and build for America, this can be the next economic boom that exports our technology, our products, our sciences to other countries around the world. It's pretty exciting.

And I really believe very strongly that the great notions that have come out of today's bill recognize the fact that a few years ago when President Bush was inaugurated as President, oil was at $26 a barrel. Think about that. That's $26 a barrel. Today it's hovering around $100 a barrel. And I know that every American should say shame on all of us, not only as elected officials, but also as American consumers, shame on us for allowing that to happen. That's not just a political thing; that's literally our responsibility. We have our own responsibility to make a decision and make a difference here.

So what we have done today, and I am joined by other members of our freshmen class and others and we are all going to talk about this for a few minutes, is pass a bill that does what we were talking about. It puts the emphasis, it puts the incentives, economic

and otherwise, into the science, the technology of renewable energy sources, whether it's wave power, wind power, any combination of coal, nuclear.

And, yes, I hear from so many people that some of these have issues, technology issues, safety issues. And they may. And it's up to us to solve those. Let's think big. I'm not here to advocate for any one of these alternatives. I think all of them have possibilities, and we have to make sure that all of them have the necessary safety and necessary science that goes with them before we move in any direction. But this is the time for us to focus all of our energy, our attention, and our resources on making sure our country is energy independent. And today is the first step where we are going to do that. And I look forward to working with all of our colleagues in the Senate and hopefully get our President to go along with us because I know America is ready, willing, and able to accomplish this goal.

I am joined by a good friend, Congressman ELLISON. Congressman ELLISON has been a very outspoken person on the importance of energy independence, and I'm going to yield to him to give his thoughts on today's action.

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Mr. ELLISON. Representative KLEIN, thank you, and your introduction was excellent because it really does set the stage for this new energy future that America is walking into.

Today, the House considered H.R. 5351 which would end unnecessary subsidies to big oil companies and invest in clean, renewable energy and energy efficiency. It is similar to the House bill passed, the Renewable Energy and Energy Conservation Tax Act passed as part of a bipartisan energy package in August 2007.

And I just want Americans to know that when you sent this class, this 110th Congress, this freshman class here to Washington, you expected that we would take a step in favor of our energy future. And I want you to know that we are doing that. We are stepping into that energy future, putting innovation, putting incentives into the hands of people who are going to make the difference, and we are putting the best interests of the American people forward.

As I think about our energy future, I think about it every time I walk up to the pump, Representative KLEIN. Every time I go to the pump, I am reminded of why we need a new energy future. I remember back in 2001 when I would be able to put that gas pump in the tank, and I think I was paying somewhere around $1.50 a gallon. Well, that is not so today. You and I both, whether you are in Florida or Minnesota, or whether you are in California or Arizona, you are probably paying somewhere north of $3, somewhere close to $3. And that is double what I remember paying. And that is wrong.

And this is especially at a time when we are seeing energy prices go up and food prices go up, because it costs money to get food from one place to another, and we see family budgets being pinched. We are in the middle of this subprime mortgage crisis. And it is time that we get a handle on our energy future, get a handle on not only the issue of global climate change, not only on the issue of pollution, but on the issue of cost to the American consumer that we get our hands on top of this important issue.

So as I hand it back to you, Representative KLEIN, let me just say that the big five oil companies recently reported record profits in 2007. ExxonMobil earned $40.6 billion, the largest corporate profit in American history. These profits, well, I just want to say that the American taxpayer, we are paying a whole lot more, and it might be going pretty good for some folks, but a lot of the rest of us are hurting.

So let me toss it back to you, Representative KLEIN, and thank you for leading the charge today on this new energy future.

Mr. KLEIN of Florida. Thank you, Congressman, and I appreciate, I know you come from the Midwest and obviously dealing at this time of the year with the oil costs for people that have to heat their homes and to drive cars, this is a very serious issue.

As we take a look at some of these charts that we have here, we already talked about the fact back in January of 2001, it cost $1.47 for a tank of gas. Today, it is $3.13. Now the inflation rate hasn't gone at that pace. The inflation rate is starting to pick up now, but nothing like this. And I have to tell you something, where I live in south Florida, it is not $3.13. It is higher than that. It is $3.40.

Mr. ELLISON. That is what it means at the pump. But what does it mean in terms of food prices and prices of other things, because you have to ship this stuff, right?

Mr. KLEIN of Florida. Absolutely. And as a matter of fact, we had a discussion in our Financial Services Committee today. I am on the Financial Services Committee with you. And we heard Mr. Bernanke, who is the chairman of the Federal Reserve, who is really trying to do the best that he can under difficult circumstances, and he talked about 6 months ago, we talked about the fact that we had a subprime mortgage crisis problem and a couple of other things, but that all the other indicators, inflation and cost of living were pretty okay. Well, guess what? Today, we see the things that really affect families. When we talk about families, we are not talking about Wall Street. We are talking about what it really costs to live day to day. Look through your checkbook, your monthly expenses. Your mortgage or your rent, the cost of utilities, all have gone up because oil prices have gone up. The cost of food, extraordinarily, inflation, big inflation costs of food, a gallon of milk, vegetables, fruits, cereals, all these kinds of things all have gone up. Gasoline now costs $50, $60 a tank, depending on what kind of car you have or how big the tank is. Do you know something? For people that are earning 20, 30, $40,000 a year, it is pretty hard to make ends meet. For people on minimum wage, it is even worse. So I think this is a real economic issue for people at this moment that we have to solve. And there will be short-term issues we put in this bill and some longer term issues we started out talking about today.

Let me just talk for a second, Congressman, about the bill itself and talk about what it does. First of all, it extends the tax credit for solar energy and qualified fuel cells. We start talking about some of these renewable energy ideas. I happen to be from Florida, so I'm a big fan of solar. But do you know something? The State of Washington, with all the rain that Seattle gets actually does more solar than other States and Florida does. Nationwide there are opportunities to do solar. Solar power has been around a long time. Many countries depend on solar. The State of Israel, the Middle East, a big portion of their electric grid is supported by solar power. Technology just has to make some changes in the battery capacity and storage and things like that. But these are all solvable problems when we put our minds to it.

Again, investment tax credits, using the Federal Government to stimulate market, which is exactly what we want to incentivize the science and business development.

We are authorizing over $2 billion of new, clean renewable energy bonds for public power providers and electric cooperatives, again encouraging through market, through incentives, our utilities, to start to convert over to clean, renewable energy products and fuels.

We create a new production tax credit for cellulitic alcohol produced for fuel in the United States. Now we all know about corn ethanol, corn-based ethanol. Brazil, the largest industrial country in South America, 190 million people, they are now energy independent. This is not an 8 million person country. This is a country that put its goal on the line about a generation ago and said we are going to do it, and a whole lot of different types, but they use sugar-based ethanol as one way of doing it. We extend the biodiesel production tax credit. We extend the tax credit for purchase of fuel-efficient plug-in hybrid vehicles. We extend the energy-efficient commercial buildings deduction. All these things are designed to create market. We don't have to have the Federal Government involved in all of this, other than to say create market. Federal buildings, let's make them energy independent. And by doing so, as taxpayers, we are getting a better cost for our utility, and we are also creating the products and

encouraging the development of products that are going to save money.

So these are the kinds of things that are in this bill. And there are a whole lot of other things we have already done. We have increased the CAFE standards, that is for fuel miles per gallon in automobiles, for the first time in 36 years. Imagine Congresses over the last 10, 20 years that haven't touched that. Technology has grown, but no commitment. So I am really proud that we have worked together in a bipartisan way to do this.

And President Bush has gone along. One thing President Bush has not gone along with, and I hope he does right now, is this notion of $15 billion or so of tax rebates or incentives to oil companies for more oil drilling. God bless the oil companies. They are doing just fine. As a matter of fact, I think there is a chart that we have here on oil company profits. This is not a question of bashing oil companies. We are all entrepreneurs. We are all capitalists. We understand what that means. But at the same time, a little fairness here, this is a chart that shows the major oil companies in the United States. In 2002, $30 billion of profit. In 2004, $109 billion of profit, 2 years later. In 2007, $123 billion of profit. That is a lot of profit. That is more money than any other company in the history of the United States has ever made.

Now I am not even going to knock that. But what I will say is the American taxpayer doesn't have to put $15 billion of additional taxpayer money on top of that. And when you hear our friends on the other side of the aisle say, oh, well, if you take away the incentives that the Federal Government is giving them, all you are going to do is raise the price at the pump. Excuse me? Lots of profit here to generate more oil wells and things like that, and they will do that because it makes good economic sense, and let them do it. That is good. I just don't think we have to put some frosting on the cake. I would rather take our taxpayer money and put it toward development of energy independence.

Mr. ELLISON. Let me just lend my voice and agree with you. I do believe that the oil companies do not need any more help from the American taxpayer. It's time to repeal these tax breaks and credits, and I am glad that we have done so. I just want to say that the 110th Congress, this Congress that you and I came in as freshmen, as majority makers, really has been productive in the area of energy.

I am so glad that within the first 100 hours, and I know Congressman KLEIN, you will remember the first 100 hours, that we passed a bill to repeal tax breaks to the big oil companies and to incentivize production of clean and renewable sources. And then, of course, it was just last year that we passed the bill for CAFE standards. So many Congresses, so many years passed where we had no CAFE standards to speak of, no increases in the CAFE standards. Now we are at 35 miles per gallon. I think we should look at this not as some great victory but as a start down the road of progress.

And then again today we passed this I think historic bill and it signals change. It signals change. It signals that the United States Congress is serious about our renewable future. It signals a change that we can have a future where we can have air that we can breathe, where we can be at peace with our environment and not warm up the globe to the degree that no life can live on it, or that the changes in the world temperatures will be so drastically changing that we can't sustain life as it exists now.

And I think that we can also live in a future where we can get around and have transportation that is affordable and make some sense and actually is something that we can all live with and all participate in. But I think that these changes that we have seen in the 110th Congress, the 100 hours, CAFE standards and then today, signal that we are going in the right direction.

We need the American people to continue to fuel the movement that we are on. And one thing we are doing here tonight is trying to let you know what we have done and then ask for your continued participation. Because the American people are demanding change, and I think that the 110th Congress is giving it to you.

Let me just say that those statistics that were just shown about oil profits earned, I just think it is very important to bear in mind that as oil profits have been skyrocketing, the average person that we have seen increases in prices in everything from food to fuel, we have also seen inflationary tendencies, and we have also seen increase in unemployment. We are in a time where clean, renewable energy and a new path towards energy is something that everyone needs, and it is something that I think our entire society, our entire economy, oil companies included, need to take a part in and need to look at the tremendous bounty they have received from being able to be an American corporation and saying that, look, we are going to do something to participate.

I would like to see our oil companies take some of their own profits and invest it into renewable energies. I would like to see them take some of the great bounty they have received and make a commitment to the American people to get into a green future. So again, what we see today is signaling change, sending us in the right direction, and I look forward to going much, much further.

Mr. KLEIN of Florida. Thank you, Congressman, and I just want to touch on, if I can, because this freshman class of ours along with many others in the Congress were very frustrated, along with most Americans, about the way that Congress had been operating for the last number of years. The last 6 years before this past term, Congress was passing these bloated budgets, the President was signing them going deeper and deeper into deficit, and obviously there are a lot of very expensive things going on right now, but no lack of discipline in terms of control of our fiscal house. And I have kids, Congressman, you have kids, we all have children, grandchildren, parents whatever, why would we, as a country, want to continue to put ourselves farther and farther in debt? And that is the direction we have been going.

I am very proud to say that this Congress in the first week, we passed something called PAYGO. It's a simple principle, pay as you go. It is no different from when I had a business, if I couldn't meet my payroll, I made cuts. You can't spend more than you have coming in. Maybe you can borrow a little bit. But you have to pay your debt service. You can't keep on borrowing, and in the case of government, printing money. The good news is that this Congress is showing fiscal discipline for the first time in a long time. I am committed to it, I am a fiscal discipline person, a hawk if you will, and I know you are, as well, Congressman, and as we go through this process, this bill is fully paid for. And the rule that we have, PAYGO, is that no bill can pass unless it is fully paid for. So that means no speculation that the budget is going to grow by 3 percent next year and we will have the money next year, and money is going to appear out of nowhere. The money has to be in the budget. We have to make cuts somewhere else or prioritize something. And that is exactly what budgeting is all about.

I am proud not only as a Democrat but as an American, as a Member of this Congress, that is the direction we are going. It is going to take time to dig out of this hole, but it is a start. This particular piece of legislation is paid for. The way it has been paid for is in part taking the subsidy I mentioned a few minutes ago which is billions and billions of dollars and saying instead of just giving it to oil companies for more oil drilling, oil is always going to be a part of our national energy policy. But it can't be the only. And just to give more money and flush it in that way, let's bring it in. And so we have taken money from one source and put it in what I believe and I think many of us believe is a higher priority of renewable energy sources and moving in that direction.

I will just share this with you real quickly because I thought it was quite unique. A lot of this stuff that we pass out of Washington is viewed in a partisan way, but there are different groups that have different positions on it and different opinions. I am going to read, this is a very long list, I will read just a handful of the supporters, the organizations that are supporting this energy legislation because I think it speaks volumes coming from different points in the country and how important it is.

We have the American Institute of Architects, American Society of Heating, Refrigerating and Air-Conditioning Engineers, the Audubon Society, DuPont, a big manufacturer; Friends of the Earth, an environmental group; Greenpeace, The Home Depot, Florida Power & Light, a big producer in my State of electricity; Macy's, Mitsubishi Electric and Electronics U.S.A., National Association of Home Builders, National Association of Industrial Office Properties, PG&E Corporation, Target Corporation, Wal-Mart, Yahoo. And I can go on. There are pages and pages of groups that are behind this, environmental all the way on one end or wherever you want to place them, to large industrial corporations, entrepreneurs, innovators, venture capitalists, scientists and universities on the other. That to me is the ideal position you want to be in. You want to have an ownership of an idea that we've taken into context all the various ideas and brought in a piece of legislation that is good for everyone.

It is not perfect. We are going to continue to build on this. But it is an excellent first step, Congressman.

Mr. ELLISON. Let me just say that I agree with you. You have to understand that when you borrow all this money to fund the government, you have to pay that back. And that payback accounts for a part of your budget which squeezes out other things you might really want to do. So pay as you go has a whole lot of merit, and I'm glad we are not adding already to the enormous debt. As you know, when this President came into office, he inherited a fairly significant budget surplus. But that is yesterday.

One of the things I want to mention, Congressman KLEIN, about this important bill, is that provisions are critical to creating hundreds of thousands of good-paying, green collar American jobs. This issue of jobs, green collar jobs, is critical. Green collar jobs are jobs perhaps in the construction industry where people would help retrofit old buildings in order to make them more fuel efficient. For example, green roofs on buildings, more fuel efficiency in buildings, construction jobs, jobs that people can earn a good wage in.

I think it is important to understand that part of the new energy future that we are talking about takes into consideration not just the scientists who are going to be working in labs and not just the folks who are going to be working on the policy issues, but actually hardworking Americans who work every single day to put food on the table for their families. The green collar job is something I think we have to pay close attention to. And as you may know, our farm bill actually included a provision about green collar jobs, which is very important. I was happy to be a part of that.

The preservation of existing jobs relies on these green collar jobs as well. A recent study showed that allowing the renewable energy incentives to expire would lead to about 116,000 jobs being lost in the wind and solar industries through the end of 2009.

Now this is a big deal, because if we incentivize the production of clean, renewable energy, of wind, of solar, of biomass, of cogeneration, of other forms of energy production, it has the effect of spinning off more and more employment. And, of course, as I led in before, the first part of creating a green future for America is in conservation. That which we save, we never have to use energy to fuel. And so in this area of conservation, as I mentioned before, all kinds of jobs in the area of construction, in the area of so many things that would allow people who can make a good honest living and at the same time preserve our energy future and make our economy cleaner and make our economy one in which everybody can even avoid the health risks associated with some of the burning of hydrocarbons.

So, again, green collar jobs is a big part of what we did today, a big part of what we have been doing, and I am proud to be associated with that.

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Mr. KLEIN of Florida. Well, I agree with you. And if you think about the bills that we passed, this one and the other one, the other bill we passed, in addition to increasing the fuel efficiency for automobiles, which I think is long overdue, also creates changes in specifications of light bulbs, dishwashers, refrigerators, freezers.

These are products all of us have in our home. Many of them, they are inefficient. They may be older, or they may just not be efficient to start with. What we have done is, as the products are now going to come out of the market, they are going to have to have a greater efficiency standard for the amount of power that they use.

That is a very important thing, because now what we are seeing is with light bulbs or any other thing that uses electricity out there, that over time we are going to be able to save massive amounts of power, and the amount of power that we save directly goes into the amount of fuel and pollution and hydrocarbons and all of the rest of those things that are produced.

This is something that Americans are asking for. And as competition comes into play, more and more companies will be producing these, the prices will come down, the normal competitive forces work.

So the fact that if you hear about one company right now that manufactures a refrigerator that uses 30 percent less power but it costs you $1,000 more, well, you are not going to buy it. Some people may, but it is not going to have wide market appeal. But it will when you have 10 companies producing it, and they are all in there trying to make it better than the other companies.

This is just like any other product that comes to market. We know that happens with TVs, and even with the flat screen TVs. They are all coming down in price now, and DVDs and VCRs and all those kinds of things. It is the same concept. American people want products that are going to be efficient because they can save money in the long run. If you can pay for it over the next 3 years in savings, it is a wonderful thing.

But I think it is very exciting, because we are in there to promote the general idea of renewable energy. There is not one answer for all of this, but there are so many different parts of this country where there is lots of great research going on.

Right off the coast of Florida where I live is the Gulf Stream. You may be familiar with the Gulf Stream. It is a current that developed off the coast of the United States and goes all the way up north.

I am told by the scientists who are working on this right now that the power of the Gulf Stream, if harnessed with various types of turbines and things like that, and these turbines have to be generated and have to be environmentally friendly and all the rest and all of this is under development, that over time they believe that power can generate enough electricity to power half of Florida's power needs. Wow. I don't know if that is going to happen, but I like the idea that people are thinking and creating and innovating.

We have enough coal in the ground in the continental United States to power this country for decades to come, but there are problems with coal. Some of it is high sulfur and it creates pollution problems. But there may be technology that can be developed to scrub the coal. Again, there needs to be this emphasis to say, we are not just going to accept the fact that this is coal and that we are going to continue to pollute. We are going to be able to find a solution here. There are solutions to every problem.

As I said before, it is not only the United States, because we can do all that we want to do in terms of leading the world in dealing with these environmental issues and energy solutions, but there are other countries, China and so many other countries, that are huge power users and huge fossil fuel users, that if we can create something that is cost-effective, environmentally friendly, will create a better life for everybody, we are going to have a huge market to sell those products to.

So, I am just very excited, and you can probably hear it in my voice because I have been talking about this for many years, but I am so happy to be a part of Congress with our freshman class, Democrats and Republicans and Members who just have been hearing loud and clear from people back home, all over America, that they want change. And this is one of these areas that allows such opportunity for us to come together as a country, solve a

problem, create jobs, fix the environment, and do things that will increase our national security.

As we go forward with this, we have so many members of our caucus who have been interested in this. We are joined by another member of our freshman class, I like to call them freshmen, we are still freshmen, it is Congressman HALL from New York. Congressman HALL has a long history before he got to Congress of having a tremendous amount of interest in energy, and he has some personal experiences in work in his own community on energy issues.

I am glad you joined us for this discussion. We have been talking about the landmark bill that we passed today and what a great thing it is for America and how we are going to take many, many more steps forward. But please give us your thoughts, Congressman HALL.

Mr. HALL of New York. Thank you, my colleagues. This is an important step we took today. Simply put, our success in ending our addiction to foreign oil and fossil fuels is going to determine whether or not America will continue to grow and prosper in the 21st century. There is perhaps no other issue that could have as much of a profound effect on our economy as our ability to meet this goal of producing our own energy and new breakthroughs in ways of developing that energy.

We have seen the terrible toll that the economic downturn has taken on working families over the past few months. Skyrocketing energy costs have made the burden harder to bear, and, at the same time, wages have stagnated, growth is far from certain, oil is over $100 a barrel, translating into homes in my district that are literally burning up their savings every time they burn oil to heat their home.

I would remind those of you who don't know that you can call up your local distributor of heating oil if you, as my wife and I do, burn heating oil to heat your homes, and ask for biodiesel. Ask for a biodiesel blend. You will be surprised at how many distributors have it. We are currently burning in New York State, in my home in Dover Plains, a 20 percent soy-biodiesel blend, and that is that many barrels of oil less that have to come into the country from unstable parts of the world.

Failure to take swift aggressive action would simply result in more of the same. I think that the House has taken leadership, which I am proud of, and all of the government can join us in this leadership, toward clean energy technology.

The Renewable Energy and Energy Conservation Tax Act which we passed today will provide the kind of market incentives and financial support needed to usher in a new era of clean energy technology and innovation that will create jobs here, enhance our security, retrieve our balance of payments deficit, protect our environment and create thousands of green jobs.

I just want to point out too that some people might see this, might read this, especially with the connotations that have been attached to the word ''tax ,'' and think that this is something that it is not.

Actually what this bill did was to take back a tax giveaway that was given by a previous Congress to the oil companies who are reporting, even week-to-week now we seem to hear about new record profits being set by companies which are breaking their own record from only a couple of years ago. And it is hard to juxtapose that and to balance that in my mind with the increased poverty rate, with the increased amount of personal indebtedness and national indebtedness and the balance of trade deficit that is being fed and exaggerated by our addiction to oil.

I would prefer that we go in the direction of the bill we passed today, which will support new technologies to power our homes, business economies and vehicles, and the vital tax incentives to spur renewable energy generation, the production of biofuels of all kinds, innovative technologies like plug-in hybrid cars.

I am driving an American made, union-made, Detroit hybrid four-by-four, which I hope soon I will be able to convert into a plug-in hybrid. In fact, there is a company in Massachusetts that is already making a plug-in conversion kit to double the gas mileage of a car like mine, or a Prius or any hybrid. So we can help push these things forward.

In my district, the 19th District of New York, we have had meetings all around the five counties I represent about renewable energy. We have a solar forum and wind forum and a geothermal forum. And one of the most popular things, the thing that got adults on their feet, was the students' presentation from Newburgh Free Academy, Newburgh, New York, of the solar racing team.

They had a beta vehicle that ran on solar energy. It was a little bit larger than this oval table sitting here. It looked sort of like a flying saucer. It had a seat that a student could crouch in and just barely get behind the steering wheel. It is covered entirely with solar panels and has batteries to store the energy in it. And it won, or tied for first place, in a race from Houston, Texas, to Newburgh, New York, 2,000 miles on the highway in a car powered by solar power and electricity generated therefrom, and built by the BOCES vocational track high school students who know how to put together machinery and weld and so on, and working with the advanced placement math and science kids, who know how to calculate how many square inches of solar panels you need to produce the sufficient amount of electricity. It was the kids who got the adults excited.

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I ran into constituents of mine who were leaving there saying, why don't the big auto companies do this with the resources they have? Why can't government incentivize this sort of thing with the resources that government has? I am happy to say that we are taking a big step in that direction today, and I encourage our colleagues in the Senate to follow suit and to join us.

Just this weekend on the front page of the New York Times, a major story about a wind boom in Texas, which is now the leading State for installed wind technology. None other than T. Boone Pickens, the oil tycoon, was quoted, if I could paraphrase him saying he is as excited now about wind power as he ever was about any oil field he ever discovered.

That warms my heart to hear a guy like Mr. Pickens recognizing the financial value, which also translates into the jobs value and the boost to our economy that can come from wind and solar and geothermal and low-head hydroelectric power and all the other biofuels and all the other things that we are trying to incentivize and give tax credits for in this legislation.

I am just thrilled to be here to talk with my colleagues about it and to be here today to vote on it, because I see it as moving from the lose-lose-lose energy policy of the past or, unfortunately, still the present, where we send billions of dollars a day to the oil potentates in the Middle East which, either by weaponry, some of that money goes to fund radical schools which result in young, mostly men but some women in those parts of the world being taught, among other things, to attack U.S. interests or Israeli interests or to be seen as, you know, as fighting against America.

Then for the privilege of doing that, and also funding, as Tom Friedman likes to write in his columns, we pay for our troops to try to go and defend our interest, and at the same time we get to borrow the money from the Chinese for the whole endeavor, because we don't have it. So for all of this trouble and all of this expense of this lose-lose-lose policy, we also have asthma and emphysema epidemics in our inner cities, acid rain, oil spills, et cetera.

The win-win-win policy would put us back in control of our own foreign policy, put us back in control of our own economic policy, would make us, once again, leaders in the technologies that we should have been leading in all along, like hybrid technology or wind and thin film flexible solar technology and so on.

I am glad to see us moving toward the win-win-win.

Mr. KLEIN of Florida. Well, I hope that as we are all discussing this today, it's clear that the level of deep understanding of this issue from my colleagues here and many on the floor of the United States House of Representatives today really gives you the sense that we are moving in a direction that has been well thought out, it has been deliberated carefully.

As I said before, you have got a remarkable group of people from one end of our country to the other, the business community, the environmental community that have come to embrace this and break down this, it's either good for the environment and bad for the economy or, you know, bad for jobs and good for the environment. It's a fallacy. It's a false statement, it's a misstatement, and it's just the wrong way to approach it, but it has been that way for so many years. People seem to position it that way in the political environment.

As you very clearly made the case today, it's a win-win-win, good for the environment, good for our economy and people's lives and really solves a national security problem that we should have never been in but has now come to the point where we have to listen to OPEC. We have to listen to these countries that are deciding our future.

As I said previously in this Chamber, all it's going to take is one super tanker to go down the Strait of Hormuz in the Middle East and we will have a worldwide energy crisis. We can't allow that to happen. We cannot allow that to happen. We will not solve it overnight, we will have to take the necessary steps, but today through your efforts Mr. HALL and Mr. ELLISON and so many people in the United States House of Representatives, so many Americans who came forward and said take these ideas and put them in legislation and collaborate together, work with Democrats and Republicans, people from all walks of life to come up with something that is innovative, exciting, forward thinking, progressive, this is what we have today.

I thank the gentleman from New York for great insight and great thought, because you are truly one of the architects of the great piece of legislation today.

Mr. ELLISON, I know you were ready to add something to Mr. HALL's comments as well.

Mr. ELLISON. That's right, and I do thank you. I will have to take my leave shortly after making my remarks, but I want to thank you for holding it down tonight. Mr. KLEIN, you are doing a good job as usual.

But I just want to say as I hear Mr. HALL make comments about young people who are involved in innovation and creative use of their talents and skills, it reminds me of the fact that this bill that we passed today, plus the bill that we passed in the 100 hours, plus the farm bill and the energy bill we have already passed, is a policy that all Americans can get behind, whether you are a young person in high school trying to figure out how much of the surface of your solar vehicle needs to be paneled so that it can run efficiently, or whether you are a person working in a company or whether you are a person who is just trying to earn enough money for a family, this is a bill that meets the needs of many people, which is why it's good legislation.

You ran off a list of supporters of the bill. I also just want to point out that whether you are a mom and a dad or whether you are Home Depot or even Dow Chemical or the Sierra Club, or the United Steelworkers or the National Farmers Union, this is good legislation. This is legislation America can get behind.

I look forward to a more renewable, greener future that we all can participate in, and I just want to say, finally, to our oil companies that have made such monumental profits over the last numbers of years, I do hope that you all look within yourselves and take some of those profits that you have been able to get based on you being an American company and invest in America.

Mr. KLEIN of Florida. Thank you, Congressman. Again, Minnesota is well served by great leadership there. You know, it's funny, as the gentleman was talking about our children, I look back and think when I was growing up, and you would drive down the road, and people would just, when they were done with a bag of food, they would just throw it out the window; a can of soda, throw it out the window; cigarettes, throw it out the window. On any side road, you just see garbage.

It wasn't until our kids started saying what are you doing, why are you doing this? Then the whole notion of recycling and how that became built in. But it wasn't from parents that came forward or grandparents. It was children. Learning in school, learning about their environment, learning about how important it was to preserve and to protect and clean up and not add to pollution and things that caused environmental problems.

Those are the things. Those are the changes. Seat belts, those are another example. Children were taught about it. We as adults, many people didn't do it. Obviously laws were passed later, but it was children. I remember my kids saying to my wife early on, you got in the car, where is your seat belt? Why don't you put your seat belt on? She obviously was not shamed into it but learned from our kids.

I think our generation today is a generation, as I started today's conversation, this is the calling of this generation, a calling of our young people to call upon our adults, our grandparents, everyone in America to say this is something that is so important to the United States on so many levels as we have been discussing, that we are going to have to do it.

It's the generation that's in school today, that's in college today that are young adults that are driving and realize that they have a lifetime to live. That lifetime needs to be on a planet that is clean, has fresh air, has fresh water and all the things that are important, and, at the same time, we can live in a country that produces high-quality jobs and creates all sorts of products and services that can be done.

Last week in West Palm Beach, I was in an office building that's a green building, a certified building. Now some people don't know what that is, and I am learning about this as we go, but this is a building that is designed from top to bottom. Its energy use, the whole construct of the building is such that it is really designed to save energy, to create a much more productive environment. So it's not just the energy side, but it's the whole environment, working and living and all those kinds of things.

It was fascinating, because a lot of people say, well, I am not going to go there. It costs a lot more. If you build it from the ground up, it doesn't cost that much more. There are a lot of savings to be generated out of these types of savings, savings of water in the plumbing, savings of water in the energy, the lights, the electricity, the heating, the ventilating and the air conditioning, all very important, lots of opportunity.

Market is being created. The support is there. These people are leasing up this building. Things are a little slower for it right now, but this gentleman who has speculated on this building, he is finding tenants because they are saying, you know something, it makes sense. It's good for my corporate image. It's good for my employees, my production. We're going to save money in the long run. Why not.

There are lots of ways to retrofit buildings, too, that I know the gentleman is very familiar with. So these are the kinds of things that I know are very important to all of us that are created and encouraged in this bill and in other bills. Of course, as we move forward we are going to look for ideas from our constituents, our business people, our kids, our scientists and what other things we can do for our country, some through legislation, some just talking about it, moving it forward.

These are the things, and now we are joined by another Member who is so active, and I know his campaign was heavily involved in environmental and energy issues, the gentleman from California, the Golden State, Mr. MCNERNEY. If you would please join us and give us your thoughts on today's legislation and how you feel about the issue.

Mr. MCNERNEY. I have to say, I started my career developing wind energy technology. I got started when I was in college because of a few things that motivated me. We had the oil embargo of 1973. We had exciting technology that was being developed, computer simulations, actual hardware being placed in the field and then tremendous economic promise.

What spurred that on was the tax incentives of the 1970s. They gave us the motivation to move forward and to develop these new technologies. I can tell you the first time we put a wind mill together, we brought the investors in, we turned on the machine, and the wind, the blades flew everywhere, we would have had to run for cover, but that was the very start.

We kept going, the motivation was there, the economics were there. We kept improving year by year. We improved the aerodynamics, we improved the control system, we improved the mechanical system, the gears. Every bit of that technology and knowledge was improved over a 20-year period until today. We have one of the most economic forms of new energy technology in the world. It's growing by leaps and bounds all over the world, and I think there is a very big parallel to what's happening today.

Right now, we have a national security issue. We have very exciting technology taking place all over this great country. There is economic security at stake and now we also have a new element. It's global warming. So the motivation is there.

The problem is that the companies can't move forward without long-term planning. Part of that long-term planning is knowing what your rate of return is going to be, and if we don't move forward with production tax credits and investment tax credits, then the investors don't know what to expect, so they are not going to get into the game.

This has happened to our country repeatedly over the last 20 years, whereas Europe has kept a very steady plan, a very steady investment incentive, and they are way ahead of us in terms of renewable energy technology in terms of production, in terms of employment.

Now it's our turn to catch up. A 5-year extension is just exactly what we need, and I am so happy that the House, I am so proud of the House for coming together and moving forward with this legislation.

It's going to keep us competitive, it's going to create jobs throughout our great country in rural areas that have been depressed. It's going to create jobs in cities, in manufacturing, so this is the kind of legislation that I was sent here to produce. This is the kind of legislation that my colleagues all agree with me that is so important to our country, and I think the House did a wonderful job today.

It's going to help our country long, long into the future, and it's going to also benefit our national security, as I mentioned before, because we are importing about 11 million barrels of oil per day into this country. That's a tremendous amount of money going overseas. That's a tremendous amount of carbon dioxide going into the air.

So we are motivated by national security. We are motivated by economic security, and we are going to fight global warming, and we are going to adapt and we are going to move forward with the new technology, creating the kind of country that we want for our children to live in.

My good friend from New York, you look like you are ready to talk.

Mr. HALL of New York. I am always ready to talk, my friend. I was thinking, as you were speaking, about how institutions starting with the United States Government and State and county and local governments can all do their part, and we have done our part by voting today for this legislation, by voting, actually, earlier in this session, last year, in the Transportation and Infrastructure Committee, we voted out legislation to put solar panels on the south-facing wall on the Department of Energy building, which would be a symbolic step forward, as well as a practical one, because the south-facing wall was designed in the 1970s when the Department of Energy was first created to be at the proper angle for photovoltaic cells to generate the best and most power from the sun.

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It is that kind of investment that government can make. It is that kind of investment that States can make.

I met today for probably the third time with representatives of New York State's Energy Research and Development Authority about ideas like putting infrastructure on the New York State thruway service stations, the whole route that goes from Buffalo across to Albany and down to New York City of interstate highways, which would include biofuels and which would include at least a blend of biodiesel, and hopefully some E85. We have hundreds of thousands of vehicles, at least, of vehicles that have been sold as flex-fuel vehicles to American citizens by TV commercials saying you are doing something green when you buy them.

But in New York State, the 19th Congressional District of New York State that I represent, we got a call in our district office from a lady saying, ''I just bought a flex-fuel vehicle. Where can I get some fuel?'' And our staffer had to say there is one pump in Albany and another one in Westchester somewhere.

Congressman MARKEY told me that in Massachusetts, he said there is one pump for the whole State for E85 and 140,000 flex-fuel vehicles on the roads. So we have to start pulling the string through the tube, the string of demand through the tube, and make sure there is more supply created by creating the demand.

I would hope that the Arlington High School Action Club which I just met with last week, which is in the middle of a project right now of putting solar panels on the roof of their school, a new wing of their school, and I suggested to them that their next project, after they do their solar panels, they should switch their school bus fleet for that school district to biodiesel or to a biodiesel blend. It is made to order for school bus fleets, for post office trucks, for town and county highway trucks, any entity of government or private enterprise like FedEx or UPS, or trucking companies that use a lot of diesel fuel, can just as well burn. If I can burn 20 percent biodiesel at home, they can burn it in their diesel trucks.

Some of my musician friends, Willie Nelson and Bonnie Raitt, have been driving for years tour buses and trucks all over this country on biodiesel. It definitely can be done, and I think each of us as Americans should look at this as an opportunity to lead and to do our part to push this revolution forward and to push this new policy into being.

Government can't do everything. It certainly can't do everything all at the same time. But together, businesses, government, and individuals can make the decisions on a day-to-day basis to vote with our dollars for those new forms of energy, where available, whether it is by flipping our electric bill over and voting for wind. In New York State, we are allowed to do that. We are allowed to choose whether it is wind or hydro or whatever form of electrical generation we choose, whether it is by asking for biofuels whenever we can get them, by driving the most fuel-efficient car, in the most fuel-efficient way, I might add.

At any rate, there is nowhere to go but up. And in the process, we will regain our sovereignty and somewhere down the road we will not have to worry about speaking honestly to Saudis or other nondemocratic governments about human rights, just as we won't have to worry about speaking honestly to the Chinese about lead-tainted toys because we are afraid we won't get the oil from one or get the debt floated by the other.

So it is getting ourselves back on our feet economically and diplomatically and energywise.

Mr. KLEIN of Florida. I thank the gentleman from New York for the encouragement to help move this in the right direction.

And to close, I yield to the gentleman from California.

Mr. MCNERNEY. We have just seen the gentleman from New York showing his excitement about the future of energy technology in his own district.

I have seen this with Representatives from New York, from Alaska. Well, a new Representative we are going to have in 2009 from Alaska, from California where I live, from all over the country. From the Great Plains, even from the South where they don't have wind, they are always cloudy there, but they have biomass. So everybody can get excited, everybody can take part. Our whole country can move together, forward together in such a way that benefits all of us and enhances our national security.

So I am looking forward to opening up a whole new economy. The naysayers are saying we can't afford what is going to happen with global warming. I can tell you we can more than afford it. We can't afford not to. It is going to create jobs and it is going to create security. It is going to create a great future for our country.

Mr. KLEIN of Florida. I thank the gentleman from California.

I certainly call on those in the other body, the Senate, to also think boldly about energy independence and help us pass this bill as fast as possible.

When the Senate passes the energy bill, we as Americans urge the President of the United States to sign it quickly and to join together with all of us. This is the calling of our generation, and the time is now. I thank the gentlemen and all of our Members of the House of Representatives, those who supported the bill today, and encourage others to join us on the ride.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for February 26 after 2 p.m. and the balance of the week on account of a family medical emergency.

Mr. KELLER of Florida (at the request of Mr. BOEHNER) for February 25 and the balance of the week on account of the birth of his baby daughter.

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. ALTMIRE) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. POE, for 5 minutes, March 5.

Mr. FRANKS of Arizona, for 5 minutes, March 4 and 5.

Mr. HAYES, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2082. An act to authorize appropriations for fiscal year 2008 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.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2571. To make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on February 25, 2008 she presented to the President of the United States, for his approval, the following bills:

H.R. 1216. To direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H.R. 5270. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

ADJOURNMENT

Mr. KLEIN of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, February 28, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5514. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting notification of the 2008 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix, in accordance with Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; to the Committee on Agriculture.

5515. A letter from the Secretary, Department of Commerce, transmitting the annual report on the Emergency Steel Loan Guarantee Program, as required by Section 101(i) of Chapter 1 of Pub. L. 106-51; to the Committee on Financial Services.

5516. A letter from the Assistant Secretary for Policy, Department of Labor, transmitting the Department's Report on the Impact of Increased Minimum Wages on the Economies of American Samoa and the Commonwealth of the Northern Mariana Islands, pursuant to Public Law 110-28, section 8104; to the Committee on Education and Labor.

5517. A letter from the Assistant Secretary for Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's semi-annual Implementation Report on Energy Conservation Standards Activities, pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

5518. A letter from the Public Printer, Government Printing Office, transmitting the Office's Annual Report for Fiscal Year 2007; to the Committee on House Administration.

5519. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report that summarizes the activities regarding prison rape abatement during calendar year 2006, pursuant to Public Law 108-79, section 5(b); to the Committee on the Judiciary.

5520. A letter from the Ombudsman for Part E, Department of Labor, transmitting the Third Annual Report of the Ombudsman for Part E of the Energy Employees Occupational Illness Compensation Program, pursuant to 15 U.S.C. 7385s-15(e); to the Committee on the Judiciary.

5521. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Recurring Marine Events in the Seventh Coast Guard District [Docket No. USCG-2007-0179] (RIN: 1625-AA08) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5522. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Port of Tampa, Port of St. Petersburg, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River; Florida [USCG-2007-0062] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5523. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Molokini Crater, Maui, HI [Docket No. USCG-2007-0128] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5524. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Trent River between New Bern and James City, North Carolina [USCG-2007-0169] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5525. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Trent River between New Bern and James City, North Carolina [Docket No. USCG-2007-0169] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5526. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Northeast Gateway, Deepwater Port, Atlantic Ocean, Boston, MA [USCG-2007-0191] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5527. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulation; San Francisco Bay, CA [Docket Number: USCG-2007-0023 formerly CGD11-04-002] (RIN: 1625-AA01) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5528. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulation; Port Everglades, FL [Docket No. USCG-2007-0036, formerly CGD07-122] (RIN: 1625-AA01) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5529. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds, Hampton Roads, VA [Docket No. USCG-2008-0041 formerly published under CGD05-06-064] (RIN: 1625-AA01) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5530. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between

Maryland and Virginia [USCG-2008-0015] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5531. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River — Eastern Branch, at Norfolk VA [USCG-2008-0018] received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5532. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulation; Gulf Intracoastal Waterway (Algiers Alternate Route), Belle Chasse, LA; Correction [[USCG-2007-0176] Formerly published as [CGD08-07-042]] (RIN:1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5533. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Norwalk River, Norwalk, CT [USCG-2007-185] received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5534. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Corson Inlet, New Jersey Intracoastal Waterway (NJICW), Townsend Inlet, NJ [[USCG-2007-0026] [formerly published under CGD05-07-093]] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5535. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Isle of Wight Bay (Sinepuxent Bay), Ocean City, Maryland [[USCG-2007-0065 [previously published as CGD05-07-100]] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5536. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kahului Harbor, Maui, HI [Docket No. USCG-2007-0093] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5537. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Port of Tampa, Rattlesnake, Big Bend, Florida [Docket No. USCG-2007-0097] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5538. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting a copy of a draft bill to authorize a temporary surcharge on the passenger aviation security fee to enhance deployment of checked baggage screening systems, to modify the use of the Aviation Security Capital Fund, and to increase training fees applicable to registration of aliens in U.S. flight schools; to the Committee on Transportation and Infrastructure.

5539. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30580; Amdt. No. 3245] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5540. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30583; Amdt. No. 3247] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5541. A letter from the Executive Director, National Surface Transportation Policy and Revenue Study Commission, transmitting the Commission's final report entitled, ''Transportation for Tomorrow''; to the Committee on Transportation and Infrastructure.

5542. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill to authorize major medical facility projects for the Department of Veterans Affairs for fiscal year 2009; to the Committee on Veterans' Affairs.

5543. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Fiscal Year 2009 Budget Overview; to the Committee on Ways and Means.

5544. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Medicare bundled end-stage renal disease prospective payment system, pursuant to Public Law 108-173, section 623(f)(1); jointly to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. PAYNE, Ms. LEE, Mr. WAXMAN, and Ms. JACKSON-LEE of Texas):

H.R. 5501. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself and Mr. YOUNG of Alaska):

H.R. 5502. A bill to amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 5503. A bill to suspend temporarily the duty on certain engines for snowmobiles; to the Committee on Ways and Means.

By Mr. ROSS (for himself, Mr. SNYDER, Mr. BERRY, and Mr. BOOZMAN):

H.R. 5504. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. RUSH:

H.R. 5505. A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility of designating the study area as the Black Metropolis District National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Natural Resources.

By Mr. SIRES:

H.R. 5506. A bill to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the ''Bishop Ralph E. Brower Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY (for herself, Ms. LEE, Ms. WATERS, Ms. CLARKE, Mr. CUMMINGS, and Mr. GRIJALVA):

H.R. 5507. A bill to require the safe, complete, and fully-funded redeployment of United States Armed Forces and contractor security forces from Iraq and to prohibit the establishment of any enduring or permanent United States military bases in Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H. Con. Res. 304. Concurrent resolution expressing the sense of Congress that allowing motor carriers domiciled in Mexico to operate in the United States without adequate regulation jeopardizes the safety and security of United States citizens, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. PUTNAM, Mr. MCCOTTER, Ms. GRANGER, Mr. CARTER, Mr. COLE of Oklahoma, Mr. DREIER, Mr. CANTOR, Mr. CAMP of Michigan, Mr. HOBSON, and Mr. TIAHRT):

H. Res. 1003. A resolution amending the Rules of the House of Representatives to provide increased accountability and transparency in the Committee on Standards of Official Conduct; to the Committee on Rules.

By Mr. ROHRABACHER (for himself and Mr. HUNTER):

H. Res. 1004. A resolution expressing sincere congratulations to the United States Navy and the Department of Defense for successfully intercepting the disabled National Reconnaissance Office satellite, NROL-21, on February 20, 2008; to the Committee on Armed Services.

By Mr. TOM DAVIS of Virginia (for himself and Mr. VAN HOLLEN):

H. Res. 1005. A resolution supporting the goals and ideals of Borderline Personality Awareness Month; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 5508) for the relief of Daniel Wachira; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. SIMPSON.
H.R. 351: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 371: Mr. DAVIS of Illinois.
H.R. 402: Mr. ROGERS of Alabama.
H.R. 460: Mr. FILNER.
H.R. 688: Mr. SMITH of New Jersey, Mr. COHEN, Mr. PLATTS, Mr. VISCLOSKY, and Mr. LAHOOD.
H.R. 943: Mr. GALLEGLY.
H.R. 1000: Mr. KING of New York, Mr. MCHENRY, Mr. BILBRAY, Mrs. BONO MACK, Mrs. DRAKE, Mr. DREIER, Mr. FORBES, Mr. PEARCE, Mr. PORTER, Mr. REICHERT, Mr. REYNOLDS, Mr. ROSKAM, Mr. SESSIONS, Mr. SMITH of Texas, Mrs. WILSON of New Mexico, Mr. CASTLE, Mr. CHABOT, Mr. UPTON, and Mr. WITTMAN of Virginia.
H.R. 1197: Mr. FILNER.
H.R. 1273: Mrs. MALONEY of New York.
H.R. 1278: Mr. WALBERG.
H.R. 1320: Mr. EHLERS.
H.R. 1328: Mr. PEARCE.
H.R. 1418: Mr. ROGERS of Alabama.
H.R. 1436: Mr. KAGEN.
H.R. 1439: Mr. LATOURETTE.
H.R. 1537: Ms. CASTOR and Ms. SCHWARTZ.
H.R. 1554: Mrs. WILSON of New Mexico.
H.R. 1565: Mr. TAYLOR.
H.R. 1576: Mr. SMITH of Nebraska.
H.R. 1653: Mr. HINCHEY and Ms. MATSUI.
H.R. 1687: Ms. SOLIS.
H.R. 1709: Mr. SHAYS.
H.R. 1742: Mr. OBERSTAR, Ms. MATSUI, Ms. HERSETH SANDLIN, and Mr. WEINER.
H.R. 1829: Mr. REHBERG.
H.R. 1881: Mr. BISHOP of Georgia, Mr. GOODE, and Mr. VAN HOLLEN.
H.R. 1932: Mrs. WILSON of New Mexico.
H.R. 1992: Mr. MARKEY and Mr. DELAHUNT.
H.R. 2016: Mr. GONZALEZ and Mr. PASTOR.
H.R. 2040: Ms. KILPATRICK, Mr. SPRATT, Mr. ORTIZ, Mr. EMANUEL, Mr. SESTAK, Ms. BORDALLO, Mr. COURTNEY, Mr. MURTHA, Mr. CAPUANO, Mr. DELAHUNT, Mr. DOYLE, Mr. GEORGE MILLER of California, Mr. VISCLOSKY, Mr. ROTHMAN, Mr. NEAL of Massachusetts, Mr. COSTELLO, Ms. SHEA-PORTER, Mr. WALZ of Minnesota, Mr. SHERMAN, Mr. GUTIERREZ, Mr. ISRAEL, Mr. WELCH of Vermont, Mr. UDALL of New Mexico, Mr. LARSEN of Washington, Mr. MITCHELL, Mr. SIRES, Mr. RUPPERSBERGER, Mr. DONNELLY, Ms. HIRONO, Mr. OBERSTAR, Mr. LIPINSKI, Mr. GENE GREEN of Texas, Mr. YARMUTH, Ms. MOORE of Wisconsin, Mr. PERLMUTTER, Mr. PASCRELL, Mr. OBEY, Mr. TANNER, Ms. WATERS, Mr. WU, Mr. ENGEL, Mr. CLYBURN, Mr. MURPHY of Connecticut, Mr. CUELLAR, Mr. RYAN of Ohio, and Mr. KANJORSKI.
H.R. 2045: Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. DAVIS of Illinois, and Mr. SESTAK.
H.R. 2046: Mr. GEORGE MILLER of California.
H.R. 2075: Ms. FALLIN.
H.R. 2169: Mrs. LOWEY.
H.R. 2183: Mr. MCHENRY.
H.R. 2219: Mrs. MUSGRAVE.
H.R. 2266: Mr. CLAY.
H.R. 2331: Mr. CUELLAR and Mr. PASCRELL.
H.R. 2352: Mr. THOMPSON of Mississippi.
H.R. 2521: Mr. GALLEGLY.
H.R. 2539: Mr. ENGLISH of Pennsylvania.
H.R. 2567: Ms. SHEA-PORTER.
H.R. 2606: Mr. GONZALEZ, Mr. SIMPSON, Ms. MCCOLLUM of Minnesota, Mrs. CAPITO, Mr. ROSS, Mr. CULBERSON, Mr. PAUL, Mr. MICHAUD, and Mr. SCOTT of Virginia.
H.R. 2634: Mr. WALZ of Minnesota.
H.R. 2708: Mr. SCOTT of Virginia.
H.R. 2762: Mr. LATHAM.
H.R. 2818: Mr. PORTER and Mr. HINOJOSA.
H.R. 2864: Mr. COSTELLO and Mr. LOBIONDO.
H.R. 2885: Mr. BILBRAY, Mr. SALI, Mr. FRANKS of Arizona, and Mr. WALBERG.
H.R. 2894: Mr. PITTS and Ms. TSONGAS.
H.R. 2915: Ms. HERSETH SANDLIN and Mr. MARKEY.
H.R. 2991: Ms. BERKLEY and Mr. WAMP.
H.R. 3041: Mr. WILSON of Ohio.
H.R. 3223: Mr. GILCHREST.
H.R. 3232: Mr. COURTNEY, Mr. REICHERT, Mr. RANGEL, and Mr. VISCLOSKY.
H.R. 3471: Mr. MICHAUD.
H.R. 3533: Mr. NEAL of Massachusetts, Mr. UPTON, and Mrs. MILLER of Michigan.
H.R. 3618: Mr. RAHALL, Mr. GENE GREEN of Texas, and Mr. GORDON.
H.R. 3622: Mr. FEENEY, Mr. HELLER, Mr. RAMSTAD, Ms. MCCOLLUM of Minnesota, Mr. MILLER of Florida, Mr. KLINE of Minnesota, and Mr. KING of New York.
H.R. 3654: Mr. TANNER.
H.R. 3660: Mr. WELDON of Florida.
H.R. 3663: Mr. REICHERT.
H.R. 3692: Mr. WEXLER.
H.R. 3700: Mr. PRICE of North Carolina.
H.R. 3819: Mr. INSLEE.
H.R. 3820: Mrs. MYRICK.
H.R. 3902: Mr. FILNER.
H.R. 4061: Mr. STARK and Mr. MATHESON.
H.R. 4116: Mr. FORBES.
H.R. 4133: Ms. FOXX and Mr. BROWN of South Carolina.
H.R. 4185: Mr. ISSA, Mr. DOOLITTLE, Mr. MCKEON, Mr. NUNES, and Mr. ROYCE.
H.R. 4201: Mr. LOBIONDO.
H.R. 4206: Mr. WEINER.
H.R. 4218: Ms. SHEA-PORTER.
H.R. 4236: Mr. DELAHUNT.
H.R. 4264: Mr. PUTNAM.
H.R. 4305: Ms. BERKLEY.
H.R. 4460: Mr. TANCREDO, Mr. INGLIS of South Carolina, Mr. NEUGEBAUER, Mr. CAMP of Michigan, and Mr. CHABOT.
H.R. 4464: Mr. TIBERI, Mr. BONNER, Mr. MCHENRY, Mr. BROWN of South Carolina, Mr. LINCOLN DAVIS of Tennessee, Mr. BARTLETT of Maryland, Mr. HASTINGS of Washington, and Mr. POE.
H.R. 4545: Mr. PASTOR, Mr. FRANK of Massachusetts, Mr. THOMPSON of Mississippi, and Mr. BUTTERFIELD.
H.R. 4926: Mr. PLATTS and Mr. FILNER.
H.R. 5058: Ms. SHEA-PORTER.
H.R. 5131: Mr. BUCHANAN and Mr. BILIRAKIS.
H.R. 5157: Mr. SIRES.
H.R. 5161: Ms. RICHARDSON, Mr. MCNERNEY, and Mr. CARNAHAN.
H.R. 5167: Ms. WOOLSEY.
H.R. 5173: Mrs. BACHMANN, Mr. HINCHEY, Ms. LEE, Ms. SUTTON, Mr. ALTMIRE, and Mr. LOEBSACK.
H.R. 5174: Mr. DAVIS of Illinois.
H.R. 5180: Mr. POE, Mr. MCNERNEY, Mr. PAYNE, Mr. COURTNEY, Ms. SHEA-PORTER, Mr. RUSH, Mr. MARSHALL, Mr. HARE, Mr. RAMSTAD, Mr. SALAZAR, Mr. JEFFERSON, Mr. Miller of North Carolina, Mr. RENZI, Mr. GRIJALVA, Mr. SIRES, Ms. GIFFORDS, Mr. LIPINSKI, and Mr. NADLER.
H.R. 5191: Mr. ENGLISH of Pennsylvania.
H.R. 5232: Ms. FOXX.
H.R. 5233: Mr. CONAWAY.
H.R. 5235: Mr. JORDAN, Mr. MCHUGH, Mr. ENGLISH of Pennsylvania, Mr. PLATTS, Mr. KING of New York, Mr. JONES of North Carolina, and Mr. YOUNG of Alaska.
H.R. 5238: Mrs. MUSGRAVE.
H.R. 5244: Mr. BAIRD, Mr. CUMMINGS, Mr. SIRES, and Mr. BERMAN.
H.R. 5265: Mr. WAXMAN, Mr. SKELTON, Mr. FRANK of Massachusetts, and Mrs. EMERSON.
H.R. 5435: Mr. ORTIZ and Mr. GONZALEZ.
H.R. 5443: Mr. FRANKS of Arizona.
H.R. 5445: Mr. SHADEGG, Mr. SAM JOHNSON of Texas, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. BROUN of Georgia, Mr. FEENEY, Mr. LAMBORN, Mr. BROWN of South Carolina, Mr. MCHENRY, Mr. AKIN, Mr. GOODLATTE, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. DAVID DAVIS of Tennessee, Mr. WESTMORELAND, Mr. CONAWAY, and Mrs. BLACKBURN.
H.R. 5454: Mr. PETERSON of Pennsylvania and Mr. PASTOR.
H.R. 5461: Mr. MILLER of Florida.
H.R. 5465: Mr. SESTAK, Mr. FRANK of Massachusetts, and Mr. FILNER.
H.R. 5475: Mr. BOSWELL, Mr. NEUGEBAUER, Mr. WAMP, Mr. SHULER, and Mr. CONYERS.
H.R. 5491: Mr. PORTER.
H.J. Res. 68: Ms. JACKSON-LEE of Texas, Mr. PETERSON of Minnesota, Mr. KIND, and Mr. SESTAK.
H. Con. Res. 163: Mr. ROGERS of Alabama, Ms. BALDWIN, and Mr. PEARCE.
H. Con. Res. 285: Mr. PLATTS.
H. Con. Res. 290: Mr. SHERMAN.
H. Con. Res. 295: Mr. FEENEY and Mr. STEARNS.
H. Res. 49: Mr. HIGGINS, Mr. GONZALEZ, and Mr. PORTER.
H. Res. 241: Mr. CAPUANO.
H. Res. 259: Mrs. MALONEY of New York, Mr. SIRES, Mr. RANGEL, and Mr. GONZALEZ.
H. Res. 265: Mr. SESTAK, Mr. MILLER of Florida, Mr. PETERSON of Minnesota, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Ms. SLAUGHTER, Ms. BORDALLO, and Mr. WILSON of South Carolina.
H. Res. 424: Mr. HOLT.
H. Res. 795: Mr. MICHAUD. 21H. Res. 821: Mr. FORTUÑO, Mr. TIAHRT, and Mr. SESSIONS.
H. Res. 838: Mr. AKIN, Mr. FORTENBERRY, Mr. GINGREY, Mr. MACK, Mr. MCCAUL of Texas, Mr. MCHUGH, and Mr. WILSON of South Carolina.
H. Res. 854: Mr. SHERMAN.
H. Res. 888: Mr. MILLER of Florida, Mr. PAUL, and Ms. FALLIN.
H. Res. 896: Mr. DAVIS of Illinois.
H. Res. 924: Mr. HODES.
H. Res. 925: Mr. CUMMINGS.
H. Res. 937: Mr. LATHAM.
H. Res. 951: Mr. UDALL of Colorado, Mrs. BONO MACK, Mr. CANNON, Mr. ELLSWORTH, Mr. SIRES, Mr. WELDON of Florida, Mr. SHERMAN, Mr. MARKEY, Ms. GRANGER, Mr. TANNER, Mr. LATHAM, Mrs. NAPOLITANO, Mr. LYNCH, Mr. WAXMAN, Mr. COLE of Oklahoma, Mr. SAXTON, Mr. WU, and Mr. JONES of North Carolina.
H. Res. 962: Mr. TOWNS, Mrs. NAPOLITANO, Mr. MEEKS of New York, Ms. CLARKE, and Mr. BISHOP of Georgia.
H. Res. 977: Mr. BISHOP of New York and Mr. HODES.
H. Res. 997: Mr. HASTINGS of Florida.