Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
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 (FL)

NOT VOTING—18

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