

Barrett (SC)	Foley	McCotter
Barton (TX)	Forbes	McCrary
Bass	Fortenberry	McDermott
Beauprez	Foxx	McGovern
Becerra	Frank (MA)	McHenry
Berkley	Franks (AZ)	McHugh
Berman	Frelinghuysen	McIntyre
Biggert	Galleghy	McKeon
Bilirakis	Garrett (NJ)	McKinney
Bishop (GA)	Gerlach	McMorris
Bishop (UT)	Gilchrest	McNulty
Blackburn	Gillmor	Meek (FL)
Blumenauer	Gingrey	Meeks (NY)
Blunt	Gonzalez	Melancon
Boehlert	Goodlatte	Mica
Boehner	Gordon	Michaud
Bonilla	Granger	Millender-
Bonner	Green, Al	McDonald
Boozman	Grijalva	Miller (FL)
Boren	Gutierrez	Miller (MI)
Boswell	Hall	Miller (NC)
Boucher	Harman	Miller, Gary
Boustany	Harris	Mollohan
Boyd	Hart	Moore (KS)
Bradley (NH)	Hastings (FL)	Moore (WI)
Brady (PA)	Hastings (WA)	Moran (VA)
Brady (TX)	Hayes	Murphy
Brown (OH)	Herger	Murtha
Brown (SC)	Higgins	Musgrave
Brown, Corrine	Hinchey	Myrick
Burgess	Hinojosa	Nadler
Burton (IN)	Hobson	Napolitano
Butterfield	Hoekstra	Neal (MA)
Buyer	Holden	Neugebauer
Calvert	Holt	Ney
Camp (MI)	Honda	Northup
Cannon	Hooley	Nunes
Cantor	Hoyer	Obey
Capito	Hunter	Olver
Capps	Hyde	Ortiz
Cardin	Inslee	Osborne
Cardoza	Israel	Otter
Carnahan	Issa	Owens
Carson	Istook	Oxley
Carter	Jackson (IL)	Pallone
Case	Jackson-Lee	Pascrall
Castle	(TX)	Pastor
Chabot	Jefferson	Payne
Chocola	Jenkins	Pearce
Clay	Jindal	Pelosi
Cleaver	Johnson (CT)	Pence
Clyburn	Johnson (IL)	Peterson (MN)
Coble	Johnson, E. B.	Peterson (PA)
Cole (OK)	Johnson, Sam	Pickering
Conaway	Jones (OH)	Pitts
Conyers	Kanjorski	Poe
Costa	Kaptur	Pombo
Cramer	Kelly	Porter
Crenshaw	Kennedy (RI)	Price (NC)
Crowley	Kildee	Pryce (OH)
Cubin	Kilpatrick (MI)	Putnam
Cuellar	King (IA)	Radanovich
Culberson	King (NY)	Rahall
Cummings	Kingston	Rangel
Davis (AL)	Kirk	Regula
Davis (CA)	Kline	Rehberg
Davis (FL)	Knollenberg	Reichert
Davis (IL)	Kolbe	Renzi
Davis (KY)	Kucinich	Reynolds
Davis (TN)	Kuhl (NY)	Rogers (AL)
Davis, Jo Ann	LaHood	Rogers (KY)
Davis, Tom	Langevin	Rogers (MI)
Deal (GA)	Larsen (WA)	Rohrabacher
DeFazio	Larson (CT)	Ros-Lehtinen
DeGette	Latham	Rothman
DeLauro	LaTourette	Royal-Allard
Dent	Leach	Royce
Diaz-Balart, L.	Lee	Ruppersberger
Diaz-Balart, M.	Levin	Rush
Dicks	Lewis (CA)	Ryan (OH)
Dingell	Lewis (GA)	Ryan (WI)
Doolittle	Lewis (KY)	Ryun (KS)
Doyle	Linder	Sabo
Drake	Lipinski	Sánchez, Linda T.
Dreier	LoBiondo	Sanchez, Loretta
Edwards	Lofgren, Zoe	Sanders
Ehlers	Lowey	Saxton
Emanuel	Lucas	Schakowsky
Emerson	Lungren, Daniel E.	Schniff
Engel		Schmidt
English (PA)	Lynch	Schwartz (PA)
Eshoo	Mack	Schwartz (MI)
Evans	Maloney	Scott (GA)
Everett	Marchant	Scott (VA)
Farr	Markay	Serrano
Fattah	Matsui	Shaw
Feeney	McCarthy	Sherman
Ferguson	McCaull (TX)	Sherwood
Fitzpatrick (PA)	McCollum (MN)	

Shuster	Terry	Watson
Simmons	Thomas	Watt
Simpson	Thompson (CA)	Waxman
Skelton	Thompson (MS)	Weiner
Smith (NJ)	Thornberry	Weldon (FL)
Smith (TX)	Tiahrt	Weldon (PA)
Smith (WA)	Tiberi	Weller
Snyder	Towns	Westmoreland
Sodrel	Turner	Wexler
Solis	Udall (NM)	Whitfield
Souder	Upton	Wicker
Spratt	Van Hollen	Wilson (NY)
Stark	Velázquez	Wilson (SC)
Strickland	Visclosky	Wolf
Stupak	Walden (OR)	Wynn
Sullivan	Walsh	Young (AK)
Sweeney	Wamp	Young (FL)
Tancredo	Wasserman	
Tauscher	Schultz	
Taylor (NC)	Waters	
NAYS—53		
Barrow	Green (WI)	Paul
Bartlett (MD)	Green, Gene	Petri
Bean	Gutknecht	Platts
Berry	Hayworth	Pomeroy
Brown-Waite,	Hefley	Price (GA)
Ginny	Hensarling	Ramstad
Capuano	Herseth	Ross
Chandler	Hostettler	Salazar
Cooper	Hulshof	Sensenbrenner
Costello	Jones (NC)	Shadegg
Delahunt	Kennedy (MN)	Shays
Doggett	Kind	Shimkus
Duncan	Marshall	Stearns
Etheridge	Matheson	Tanner
Flake	Meehan	Taylor (MS)
Fossella	Miller, George	Tierney
Goode	Moran (KS)	Udall (CO)
Graves	Norwood	Wu
NOT VOTING—18		
Bishop (NY)	Gibbons	Nussle
Bono	Gohmert	Oberstar
Campbell (CA)	Inglis (SC)	Reyes
DeLay	Keller	Sessions
Filner	Lantos	Slaughter
Ford	Manzullo	Woolsey
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE		
The SPEAKER pro tempore (during the vote). Members are advised to have 2 minutes to vote.		
□ 1701		
Mr. DELAHUNT and Mr. RAMS		
changed their vote from "yea" to "nay."		
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 for:		
Mr. FILNER. Mr. Speaker, on rollcall 229, final passage of H.R. 5521, I was representing the Congressional District on official business. Had I been present, I would have voted "yea."		
BROADCAST DECENCY		
ENFORCEMENT ACT OF 2003		
The SPEAKER pro tempore. The finished business is the question of pending the rules and passing the late bill, S. 193.		
The Clerk read the title of the Senate bill.		
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (UPTON) that the House suspend the rules and pass the Senate bill, S. 193, on which the yeas and nays are recorded.		
This will be a 5-minute vote.		
The vote was taken by electronic device, and there were—yeas 379, nays 18, as follows:		

[Roll No. 230]

YEAS—379

Ackerman	Doggett	Kirk
Aderholt	Doolittle	Kline
Akin	Doyle	Knollenberg
Alexander	Drake	Kolbe
Allen	Dreier	Kuhl (NY)
Andrews	Duncan	LaHood
Baca	Edwards	Langevin
Bachus	Ehlers	Larsen (WA)
Baker	Emanuel	Larson (CT)
Baldwin	Emerson	Latham
Barrett (SC)	Engel	LaTourette
Barrow	English (PA)	Leach
Bartlett (MD)	Eshoo	Levin
Barton (TX)	Etheridge	Lewis (CA)
Bass	Evans	Lewis (GA)
Bean	Everett	Lewis (KY)
Beauprez	Farr	Linder
Berry	Fattah	Lipinski
Biggert	Feeney	LoBiondo
Bilirakis	Ferguson	Lowey
Bishop (GA)	Fitzpatrick (PA)	Lucas
Bishop (UT)	Flake	Lungren, Daniel E.
Blackburn	Foley	Lynch
Blunt	Forbes	Mack
Boehlert	Fortenberry	Maloney
Boehner	Fossella	Marchant
Bonilla	Foxx	
Bonner	Franks (AZ)	Markey
Boozman	Frelinghuysen	Marshall
Boren	Gallegly	Matheson
Boswell	Garrett (NJ)	Matsui
Boucher	Gerlach	McCarthy
Boustany	Gilchrest	McCaul (TX)
Boyd	Gillmor	McCollum (MN)
Bradley (NH)	Gingrey	McCotter
Brady (PA)	Gonzalez	McCrary
Brady (TX)	Goode	McGovern
Brown (OH)	Goodlatte	McHenry
Brown (SC)	Gordon	McHugh
Brown, Corrine	Granger	McIntyre
Brown-Waite,	Graves	McKeon
Ginny	Green (WI)	McKinney
Burgess	Green, Al	McMorris
Burton (IN)	Green, Gene	McNulty
Butterfield	Gutierrez	Meehan
Buyer	Gutknecht	Meek (FL)
Calvert	Hall	Meeks (NY)
Camp (MI)	Harris	Melancon
Cannon	Hart	Mica
Cantor	Hastings (FL)	Michaud
Capito	Hastings (WA)	Millender-
Capps	Hayes	McDonald
Capuano	Hayworth	Miller (FL)
Cardin	Hefley	Miller (MI)
Cardoza	Hensarling	Miller (NC)
Carnahan	Herger	Miller, Gary
Carson	Herseth	Miller, George
Carter	Higgins	Mollohan
Case	Hinojosa	Moore (KS)
Castle	Hobson	Moore (WI)
Chabot	Hoekstra	Moran (KS)
Chandler	Holden	Moran (VA)
Chocola	Holt	Murphy
Cleaver	Hooley	Murtha
Clyburn	Hostettler	Musgrave
Coble	Hoyer	Myrick
Cole (OK)	Hulshof	Napolitano
Conaway	Hunter	Neal (MA)
Cooper	Hyde	Neugebauer
Costa	Inslee	Ney
Costello	Israel	Northup
Cramer	Issa	Norwood
Crenshaw	Istook	Nunes
Crowley	Jackson (IL)	Obey
Cubin	Jackson-Lee	Ortiz
Cuellar	(TX)	Osborne
Culberson	Jefferson	Otter
Cummings	Jenkins	Owens
Davis (AL)	Jindal	Oxley
Davis (CA)	Johnson (CT)	Pallone
Davis (FL)	Johnson (IL)	Pascrell
Davis (IL)	Johnson, E. B.	Pastor
Davis (KY)	Johnson, Sam	Pearce
Davis (TN)	Jones (NC)	Pelosi
Davis, Jo Ann	Jones (OH)	Pence
Davis, Tom	Kanjorski	Peterson (MN)
Deal (GA)	Kaptur	Peterson (PA)
DeFazio	Kelly	Petri
DeGette	Kennedy (MN)	Pickering
DeLauro	Kennedy (RI)	Pitts
DeLay	Kildee	Platts
Dent	Kilpatrick (MI)	Poe
Diaz-Balart, L.	Kind	Pombo
Diaz-Balart, M.	King (IA)	Pomeroy
Dicks	King (NY)	Porter
Dingell	Kingston	Price (GA)

□ 1701

Mr. DELAHUNT and Mr. RAMSTAD changed their vote from "yea" to "nay."

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 for:

Mr. FILNER. Mr. Speaker, on rollcall No. 229, final passage of H.R. 5521, I was in my Congressional District on official business. Had I been present, I would have voted "yea".

BROADCAST DECENCY
ENFORCEMENT ACT OF 2005

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 193.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 193, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 35, not voting 18 as follows:

Price (NC)	Schwarz (MI)	Thompson (MS)
Pryce (OH)	Scott (GA)	Thornberry
Putnam	Sensemanbrenner	Tiaht
Radanovich	Shadegg	Tiberi
Rahall	Shaw	Tierney
Ramstad	Shays	Towns
Rangel	Sherwood	Turner
Regula	Shimkus	Udall (CO)
Rehberg	Shuster	Udall (NM)
Reichert	Simpson	Upton
Renzi	Skelton	Van Hollen
Reynolds	Smith (NJ)	Velázquez
Rogers (AL)	Smith (TX)	Visclosky
Rogers (KY)	Smith (WA)	Walden (OR)
Rogers (MI)	Snyder	Walsh
Rohrabacher	Sodrel	Wamp
Ros-Lehtinen	Solis	Weiner
Ross	Souder	Weldon (FL)
Rothman	Spratt	Weldon (PA)
Royal-Allard	Stearns	Weller
Royce	Strickland	Westmoreland
Ruppersberger	Stupak	Wexler
Rush	Sullivan	Whitfield
Ryan (OH)	Sweeney	Wicker
Ryan (WI)	Tancredo	Wilson (NM)
Ryun (KS)	Tanner	Wilson (SC)
Salazar	Tauscher	Wolf
Sanchez, Loretta	Taylor (MS)	Wu
Saxton	Taylor (NC)	Wynn
Schiff	Terry	Young (AK)
Schmidt	Thomas	Young (FL)
Schwartz (PA)	Thompson (CA)	Young (FL)

NAYS—35

Abercrombie	Honda	Schakowsky
Baird	Kucinich	Scott (VA)
Becerra	Lee	Serrano
Berkley	Lofgren, Zoe	Sherman
Berman	McDermott	Stark
Blumenauer	Nadler	Wasserman
Clay	Olver	Schultz
Conyers	Paul	Waters
Delahunt	Payne	Watson
Frank (MA)	Sabo	Watson
Grijalva	Sánchez, Linda	Watt
Harman	T.	Waxman
Hinchey	Sanders	Woolsey

NOT VOTING—18

Bishop (NY)	Gohmert	Oberstar
Bono	Inglis (SC)	Reyes
Campbell (CA)	Keller	Sessions
Filner	Lantos	Simmons
Ford	Manzullo	Slaughter
Gibbons	Nussle	Woolsey

□ 1709

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate 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. FILNER. Mr. Speaker, on rollcall No. 230, final passage of S. 193, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ACKERMAN. Mr. Speaker, on rollcall vote No. 230 on S. 193, my vote was mistakenly recorded as "aye" when it should have said "nay."

REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 842, I call up the bill (H.R. 5254) to set schedules for the consideration of permits for refineries, and ask for its immediate consideration.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 5254

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 "Refinery Permit Process Schedule Act".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "applicant" means a person who is seeking a Federal refinery authorization;

(3) the term "biomass" has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term "Federal refinery authorization"—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term "refinery" means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or distillate;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel; and

(6) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 3. STATE ASSISTANCE.

(a) STATE ASSISTANCE.—At the request of a governor of a State, the Administrator is authorized to provide financial assistance to that State to facilitate the hiring of additional personnel to assist the State with expertise in fields relevant to consideration of Federal refinery authorizations.

(b) OTHER ASSISTANCE.—At the request of a governor of a State, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State to facilitate its consideration of Federal refinery authorizations.

SEC. 4. REFINERY PROCESS COORDINATION AND PROCEDURES.

(a) APPOINTMENT OF FEDERAL COORDINATOR.—

(1) IN GENERAL.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this Act.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(b) FEDERAL REFINERY AUTHORIZATIONS.—

(1) MEETING PARTICIPANTS.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a

Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under subsection (a) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(2) MEMORANDUM OF AGREEMENT.—(A) Not later than 90 days after receipt of a notification described in paragraph (1), the Federal coordinator and the other participants at a meeting convened under paragraph (1) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Federal refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(B) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(C) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(c) CONSOLIDATED RECORD.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (d) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(d) REMEDIES.—

(1) IN GENERAL.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(2) STANDING.—If an applicant or a party to a memorandum of agreement alleges that a failure to act described in paragraph (1) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this subsection.

(3) COURT ACTION.—If an action is brought under paragraph (2), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration