

Barrett (SC)	Foley	McCotter	Shuster	Terry	Watson	[Roll No. 230]	
Barton (TX)	Forbes	McCrery	Simmons	Thomas	Watt	YEAS—379	
Bass	Fortenberry	McDermott	Simpson	Thompson (CA)	Waxman		
Beauprez	Fox	McGovern	Skellton	Thompson (MS)	Weiner	Ackerman	Doggett
Becerra	Frank (MA)	McHenry	Smith (NJ)	Thomberry	Weldon (FL)	Aderholt	Doolittle
Berkley	Franks (AZ)	McHugh	Smith (TX)	Tiahrt	Weldon (PA)	Akin	Doyle
Berman	Frelinghuysen	McIntyre	Smith (WA)	Tiberi	Weller	Alexander	Drake
Biggert	Gallely	McKeon	Snyder	Towns	Westmoreland	Allen	Dreier
Bilirakis	Garrett (NJ)	McKinney	Sodrel	Turner	Wexler	Andrews	Duncan
Bishop (GA)	Gerlach	McMorris	Solis	Udall (NM)	Whitfield	Baca	Edwards
Bishop (UT)	Gilchrest	McNulty	Souder	Upton	Wicker	Bachus	Ehlers
Blackburn	Gillmor	Meek (FL)	Spratt	Van Hollen	Wilson (NM)	Baker	Emanuel
Blumenauer	Gingrey	Meeks (NY)	Stark	Velázquez	Wilson (SC)	Baldwin	Emerson
Blunt	Gonzalez	Melancon	Strickland	Walden (OR)	Wolf	Barrett (SC)	Engel
Boehlert	Goodlatte	Mica	Stupak	Walsh	Wynn	Barrow	English (PA)
Boehner	Gordon	Michaud	Sullivan	Walsh	Young (AK)	Bartlett (MD)	Eshoo
Bonilla	Granger	Millender-	Sweeney	Wamp	Young (FL)	Barton (TX)	Etheridge
Bonner	Green, Al	McDonald	Tancredo	Wasserman		Bass	Evans
Boozman	Grijalva	Miller (FL)	Tauscher	Waters		Bean	Everett
Boren	Gutierrez	Miller (MI)				Beauprez	Farr
Boswell	Hall	Miller (NC)				Berry	Fattah
Boucher	Harman	Miller, Gary				Biggert	Feeney
Boustany	Harris	Mollohan	Barrow	Green (WI)	Paul	Bilirakis	Ferguson
Boyd	Hart	Moore (KS)	Bartlett (MD)	Green, Gene	Petri	Bishop (GA)	Fitzpatrick (PA)
Bradley (NH)	Hastings (FL)	Moore (WI)	Bean	Gutknecht	Platts	Bishop (UT)	Flake
Brady (PA)	Hastings (WA)	Moran (VA)	Berry	Hayworth	Pomeroy	Blackburn	Foley
Brady (TX)	Hayes	Murphy	Brown-Waite,	Hefley	Price (GA)	Blunt	Forbes
Brown (OH)	Herger	Murtha	Ginny	Hensarling	Ramstad	Boehlert	Fortenberry
Brown (SC)	Higgins	Musgrave	Capuano	Herseth	Ross	Boehner	Fossella
Brown, Corrine	Hinche	Myrick	Chandler	Hostettler	Salazar	Bonilla	Fox
Burgess	Hinojosa	Nadler	Cooper	Hulshof	Sensenbrenner	Bonner	Franks (AZ)
Burton (IN)	Hobson	Napolitano	Costello	Jones (NC)	Shadegg	Boozman	Frelinghuysen
Butterfield	Hoekstra	Neal (MA)	Delahunt	Kennedy (MN)	Shays	Boren	Gallely
Buyer	Holden	Neugebauer	Doggett	Kind	Shimkus	Boswell	Garrett (NJ)
Calvert	Holt	Ney	Duncan	Marshall	Stearns	Boucher	Gerlach
Camp (MI)	Honda	Northup	Etheridge	Matheson	Tanner	Boustany	Gilchrest
Cannon	Hooley	Nunes	Flake	Meehan	Taylor (MS)	Boyd	Gillmor
Cantor	Hoyer	Obey	Fossella	Miller, George	Tierney	Bradley (NH)	Gingrey
Capito	Hunter	Oliver	Goode	Moran (KS)	Udall (CO)	Brady (PA)	Gonzalez
Capps	Hyde	Ortiz	Graves	Norwood	Wu	Brady (TX)	Goode
Cardin	Inslee	Osborne				Brown (OH)	Goodlatte
Cardoza	Israel	Otter				Brown (SC)	Gordon
Carnahan	Issa	Owens	Bishop (NY)	Gibbons	Nussle	Brown, Corrine	Granger
Carson	Istook	Oxley	Bono	Gohmert	Oberstar	Brown-Waite,	Graves
Carter	Jackson (IL)	Pallone	Campbell (CA)	Inglis (SC)	Reyes	Ginny	Green (WI)
Case	Jackson-Lee	Pascarell	DeLay	Keller	Sessions	Burgess	Green, Al
Castle	(TX)	Pastor	Filner	Lantos	Slaughter	Burton (IN)	Green, Gene
Chabot	Jefferson	Payne	Ford	Manzullo	Woolsey	Butterfield	Gutierrez
Chocola	Jenkins	Pearce				Buyer	Gutknecht
Clay	Jindal	Pelosi				Calvert	Hall
Cleaver	Johnson (CT)	Pence				Camp (MI)	Harris
Clyburn	Johnson (IL)	Peterson (MN)				Cannon	Hart
Coble	Johnson, E. B.	Peterson (PA)				Cantor	Hastings (FL)
Cole (OK)	Johnson, Sam	Pickering				Capito	Hastings (WA)
Conaway	Jones (OH)	Pitts				Capps	Hayes
Conyers	Kanjorski	Poe				Capuano	Hayworth
Costa	Kaptur	Pombo				Cardin	Hefley
Cramer	Kelly	Porter				Cardoza	Hensarling
Crenshaw	Kennedy (RI)	Price (NC)				Carnahan	Herger
Crowley	Kildee	Pryce (OH)				Carson	Herseth
Cubin	Kilpatrick (MI)	Putnam				Carter	Higgins
Cuellar	King (IA)	Radanovich				Case	Hinojosa
Culberson	King (NY)	Rahall				Castle	Hobson
Cummings	Kingston	Rangel				Chabot	Hoekstra
Davis (AL)	Kirk	Regula				Chandler	Holden
Davis (CA)	Kline	Rehberg				Chocola	Holt
Davis (FL)	Knollenberg	Reichert				Cleaver	Hooley
Davis (IL)	Kolbe	Renzi				Clyburn	Hostettler
Davis (KY)	Kucinich	Reynolds				Coble	Hoyer
Davis (TN)	Kuhl (NY)	Rogers (AL)				Cole (OK)	Hulshof
Davis, Jo Ann	LaHood	Rogers (KY)				Conaway	Hunter
Davis, Tom	Langevin	Rogers (MI)				Cooper	Hyde
Deal (GA)	Larsen (WA)	Rohrabacher				Costa	Inslee
DeFazio	Larson (CT)	Ros-Lehtinen				Costello	Israel
DeGette	Latham	Rothman				Cramer	Issa
DeLauro	LaTourette	Roybal-Allard				Crenshaw	Istook
Dent	Leach	Royce				Crowley	Jackson (IL)
Diaz-Balart, L.	Lee	Ruppersberger				Cubin	Jackson-Lee
Diaz-Balart, M.	Levin	Rush				Cuellar	(TX)
Dicks	Lewis (CA)	Ryan (OH)				Culberson	Jefferson
Dingell	Lewis (GA)	Ryan (WI)				Cummings	Jenkins
Doolittle	Lewis (KY)	Ryan (KS)				Davis (AL)	Jindal
Doyle	Linder	Sabo				Davis (CA)	Johnson (CT)
Drake	Lipinski	Sánchez, Linda				Davis (FL)	Johnson (IL)
Dreier	LoBiondo	T.				Davis (IL)	Johnson, E. B.
Edwards	Lofgren, Zoe	Sanchez, Loretta				Davis (KY)	Johnson, Sam
Ehlers	Lowey	Sanders				Davis (TN)	Jones (NC)
Emanuel	Lucas	Saxton				Davis, Jo Ann	Jones (OH)
Emerson	Lungren, Daniel	Schakowsky				Davis, Tom	Kanjorski
Engel	E.	Schiff				Deal (GA)	Kaptur
English (PA)	Lynch	Schmidt				DeFazio	Kelly
Eshoo	Mack	Schwartz (PA)				DeGette	Kennedy (MN)
Evans	Maloney	Schwarz (MI)				DeLauro	Kennedy (RI)
Everett	Marchant	Scott (GA)				Dent	Kilpatrick (MI)
Farr	Markey	Scott (VA)				Diaz-Balart, L.	Kind
Fattah	Matsui	Serrano				Diaz-Balart, M.	King (IA)
Feeney	McCarthy	Shaw				Dicks	King (NY)
Ferguson	McCaul (TX)	Sherman				Dingell	Kingston
Fitzpatrick (PA)	McCollum (MN)	Sherwood					

NAYS—53

NOT VOTING—18

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes to vote.

□ 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	Sensenbrenner	Tiahrt
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)
Roybal-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)	

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	Watt
Grijalva	Sánchez, Linda	Waxman
Harman	T.	
Hinche	Sanders	

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