

Clay  
Conaway  
Cubin  
Diaz-Balart, M.  
Frank (MA)  
Garrett (NJ)  
Gingrey  
Hunter

Jones (OH)  
Keller  
Lungren, Daniel  
E.  
McMorris  
Rodgers  
Miller (NC)  
Pearce

Renzi  
Reyes  
Ryan (OH)  
Slaughter  
Sullivan  
Udall (CO)  
Woolsey

□ 1239

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

Mr. WATT changed his vote from “nay” to “yea.”

So the Journal was approved.

The result of the vote was announced as above recorded.

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

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1001, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 189, not voting 25, as follows:

[Roll No. 80]

YEAS—214

Abercrombie	Delahunt	Kagen
Ackerman	DeLauro	Kanjorski
Allen	Dicks	Kaptur
Altmire	Dingell	Kennedy
Andrews	Doggett	Kilpatrick
Arcuri	Doyle	Kind
Baca	Edwards	Klein (FL)
Baird	Ellison	Kucinich
Baldwin	Ellsworth	Langevin
Becerra	Emanuel	Larsen (WA)
Berkley	Engel	Larson (CT)
Berman	Eshoo	Lee
Berry	Etheridge	Levin
Bishop (GA)	Farr	Lewis (GA)
Bishop (NY)	Fattah	Lipinski
Blumenauer	Filner	Loebsack
Boswell	Frank (MA)	Lofgren, Zoe
Boucher	Giffords	Lowey
Boyd (FL)	Gillibrand	Mahoney (FL)
Boyd (KS)	Gonzalez	Maloney (NY)
Brady (PA)	Gordon	Markey
Braley (IA)	Green, Al	Marshall
Brown, Corrine	Green, Gene	Matheson
Butterfield	Grijalva	Matsui
Capps	Gutierrez	McCarthy (NY)
Capuano	Hall (NY)	McCollum (MN)
Cardoza	Hare	McDermott
Carnahan	Harman	McGovern
Carney	Hastings (FL)	McIntyre
Castor	Herseth Sandlin	McNulty
Chandler	Higgins	Meek (FL)
Clarke	Hinchee	Meeks (NY)
Clay	Hinojosa	Melancon
Cleaver	Hirono	Michaud
Clyburn	Hodes	Miller, George
Cohen	Holden	Mitchell
Cooper	Holt	Mollohan
Costa	Honda	Moore (KS)
Costello	Hooley	Moore (WI)
Courtney	Hoyer	Moran (VA)
Crowley	Inslee	Murphy (CT)
Cuellar	Israel	Murphy, Patrick
Cummings	Jackson (IL)	Murtha
Davis (AL)	Jackson-Lee	Nadler
Davis (CA)	(TX)	Napolitano
Davis (IL)	Jefferson	Neal (MA)
DeFazio	Johnson (GA)	
DeGette	Johnson, E. B.	

Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Richardson  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta

Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skeltton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor

NAYS—189

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

NOT VOTING—25

Davis, Lincoln	Lungren, Daniel
Diaz-Balart, M.	E.
Doolittle	Lynch
Garrett (NJ)	McMorris
Herger	Rodgers
Jones (OH)	Miller (NC)
Keller	Pickering

Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Tsongas  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Wexler  
Wilson (OH)  
Wu  
Wynn  
Yarmuth

Renzi  
Reyes  
Rogers (KY)

Royce  
Ryan (OH)  
Udall (CO)

Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1245

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

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

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

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

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

The yeas and nays were ordered.

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

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

[Roll No. 81]

YEAS—220

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

Sánchez, Linda T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Serrano  
 Sestak  
 Shea-Porter  
 Sherman  
 Shuler  
 Sires  
 Skelton  
 Slaughter

Smith (WA)  
 Snyder  
 Solis  
 Space  
 Spratt  
 Stark  
 Stupak  
 Sutton  
 Tanner  
 Tauscher  
 Taylor  
 Thompson (CA)  
 Thompson (MS)  
 Towns  
 Tsongas  
 Udall (NM)  
 Van Hollen

Velázquez  
 Visclosky  
 Walz (MN)  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch (VT)  
 Wexler  
 Wilson (OH)  
 Wu  
 Wynn  
 Yarmuth

## NAYS—188

Akin  
 Alexander  
 Bachmann  
 Bachus  
 Barrett (SC)  
 Bartlett (MD)  
 Barton (TX)  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (UT)  
 Blackburn  
 Blunt  
 Boehner  
 Bonner  
 Bono Mack  
 Boozman  
 Boustany  
 Brady (TX)  
 Broun (GA)  
 Brown (SC)  
 Buchanan  
 Burgess  
 Burton (IN)  
 Buyer  
 Calvert  
 Camp (MI)  
 Campbell (CA)  
 Cannon  
 Cantor  
 Capito  
 Carter  
 Castle  
 Chabot  
 Coble  
 Cole (OK)  
 Conaway  
 Crenshaw  
 Culberson  
 Davis (KY)  
 Davis, David  
 Davis, Tom  
 Deal (GA)  
 Dent  
 Diaz-Balart, L.  
 Doolittle  
 Drake  
 Dreier  
 Duncan  
 Ehlers  
 Emerson  
 English (PA)  
 Everrett  
 Fallon  
 Feeney  
 Ferguson  
 Flake  
 Forbes  
 Fortenberry  
 Fossella  
 Foxx  
 Franks (AZ)  
 Frelinghuysen

## NOT VOTING—20

Aderholt  
 Berry  
 Brown-Waite,  
 Ginny  
 Cubin  
 Davis (CA)  
 Diaz-Balart, M.  
 Garrett (NJ)

Jones (OH)  
 Keller  
 Knollenberg  
 Lungren, Daniel  
 E.  
 McMorris  
 Rodgers  
 Miller (NC)

Pearce  
 Pence  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Platts  
 Poe  
 Porter  
 Price (GA)  
 Pryce (OH)  
 Putnam  
 Ramstad  
 Regula  
 Rehberg  
 Reichert  
 Renzi  
 Reynolds  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Roskam  
 Royce  
 Ryan (WI)  
 Sali  
 Schmidt  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shays  
 Shimkus  
 Shuster  
 Simpson  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Souder  
 Stearns  
 Sullivan  
 Tancredo  
 Terry  
 Thornberry  
 Tiahrt  
 Tiberi  
 Turner  
 Upton  
 Walberg  
 Walden (OR)  
 Walsh (NY)  
 Wamp  
 Weldon (FL)  
 Weller  
 Westmoreland  
 Whitfield (KY)  
 Wilson (NM)  
 Wilson (SC)  
 Wittman (VA)  
 Wolf  
 Young (AK)  
 Young (FL)

A motion to reconsider was laid on the table.

Stated for:

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

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

## RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5351

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

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

(a) SHORT TITLE.—This Act may be cited as the "Renewable Energy and Energy Conservation Tax Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

#### TITLE I—PRODUCTION INCENTIVES

Sec. 101. Extension and modification of renewable energy credit.

Sec. 102. Production credit for electricity produced from marine renewables.

Sec. 103. Extension and modification of energy credit.

Sec. 104. New clean renewable energy bonds.

Sec. 105. Extension and modification of special rule to implement FERC and State electric restructuring policy.

Sec. 106. Extension and modification of credit for residential energy efficient property.

#### TITLE II—CONSERVATION

##### Subtitle A—Transportation

###### PART 1—VEHICLES

Sec. 201. Credit for plug-in hybrid vehicles.

Sec. 202. Extension and modification of alternative fuel vehicle refueling property credit.

Sec. 203. Modification of limitation on automobile depreciation.

###### PART 2—FUELS

Sec. 211. Extension and modification of credits for biodiesel and renewable diesel.

Sec. 212. Clarification that credits for fuel are designed to provide an incentive for United States production.

Sec. 213. Credit for production of cellulosic alcohol.

###### PART 3—OTHER TRANSPORTATION INCENTIVES

Sec. 221. Extension of transportation fringe benefit to bicycle commuters.

Sec. 222. Restructuring of New York Liberty Zone tax credits.

##### Subtitle B—Other Conservation Provisions

Sec. 231. Qualified energy conservation bonds.

Sec. 232. Extension and modification of credit for nonbusiness energy property.

Sec. 233. Extension of energy efficient commercial buildings deduction.

Sec. 234. Modifications of energy efficient appliance credit for appliances produced after 2007.

Sec. 235. Five-year applicable recovery period for depreciation of qualified energy management devices.

#### TITLE III—REVENUE PROVISIONS

Sec. 301. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.

Sec. 302. Clarification of determination of foreign oil and gas extraction income.

Sec. 303. Time for payment of corporate estimated taxes.

#### TITLE IV—OTHER PROVISIONS

##### Subtitle A—Studies

Sec. 401. Carbon audit of the tax code.

Sec. 402. Comprehensive study of biofuels.

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

Sec. 411. Application of certain labor standards on projects financed under tax credit bonds.

#### TITLE I—PRODUCTION INCENTIVES

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

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

(1) Paragraph (1).

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

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

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking "the 8 cent amount in paragraph (1)," in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

"(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

"(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

"(i) the applicable percentage with respect to such facility, multiplied by

"(ii) the eligible basis of such facility.

"(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

"(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such

So the resolution was agreed to.

The result of the vote was announced as above recorded.