

child pornography on the Internet did not satisfy the interstate requirement in child pornography laws.

H.R. 4120, the "Effective Child Pornography Prosecution Act of 2007," responds to that decision by expanding jurisdiction for prosecuting Internet child pornography crimes.

This bill allows the government to prosecute cases when child pornography or is transmitted "using any means or facility of interstate or foreign commerce." This is the broadest assertion of interstate commerce power that Congress can make consistent with the Constitution.

H.R. 4120, as passed by the Senate, includes provisions similar to H.R. 4136, the "Enhancing the Effective Prosecution of Child Pornography Act of 2007" which also passed the House last November.

This language closes a loophole used by child pornographers to circumvent the law by expanding current child pornography statutes.

Current law prohibits the "possession" of child pornography. This law pre-dates the prevalence of the Internet in transmitting child pornography images. Today, a pedophile can access child pornography and view it but, under the current statute, may not be criminally liable for possessing it. This provision will prohibit accessing such content with the intent to view it and will no longer require an offender to actually download the material.

It is no longer sufficient to warn our children to not talk to strangers. With the expansion of the Internet and other technologies, we must now find new ways to protect our children from the dangers of the world.

H.R. 4120, the "Effective Child Pornography Prosecution Act of 2007," provides law enforcement important tools for combating these heinous crimes.

I urge my colleagues to support this bill.

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

□ 1215

Ms. ZOE LOFGREN of California. Mr. Speaker, I appreciate the comments made by the gentleman from Utah. I enjoy working with him, as he knows. I urge Members to support this bill.

Mrs. BOYDA of Kansas. Mr. Speaker, the Department of Justice estimates that, in the last year, one in five children between the ages of 10 and 17 received a sexual solicitation or approach while they were using the Internet. With so many threats out there, Congress must provide a unified message that we, as a society, will not stand for anything less than a safe Internet. We will do that today when we pass five good pieces of legislation that will help keep our children safe. I am proud that my legislation, H.R. 4120, Effective Child Pornography Prosecution Act will be a part of that message.

A man from Kansas, William Schaefer, was found guilty of both "knowingly receiving" and "knowingly possessing" child pornography that had been "transported in interstate commerce, by any means including by computer."

Sadly, the 10th Circuit Court of Appeals overturned this decision and the offender was not prosecuted to the fullest extent of the law. The Court ruled that just because images are obtained on the Internet, does not mean they were transmitted across state lines and issued the following statements:

We decline to assume that Internet use automatically equates with a movement across state lines.

Congress' use of the "in commerce" language, as opposed to phrasing such as "affecting commerce" or "facility of interstate commerce," signals its decision to limit federal jurisdiction and require actual movement between states to satisfy interstate nexus.

The Court essentially asked Congress to clarify its intent that the Internet is in fact Interstate Commerce and we did that with passage of the Effective Child Pornography Prosecution Act of 2007. This legislation closes the jurisdictional loophole that allowed a guilty man to escape punishment.

As concerned citizens, parents, and Members of Congress, we must do all we can to keep our children safe. That means we must make a commitment to being tough on crime—to make sure that those who violate the law are fully prosecuted—to ensure that the law is so clear that it deters such heinous crimes from happening.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4120.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### CODE TALKERS RECOGNITION ACT OF 2008

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on one motion to suspend the rules previously postponed.

The unfinished business is the question on suspending the rules and passing the bill, H.R. 4544, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 4544, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI from the Committee on Rules, submitted a privileged report

(Rept. No. 110-883) on the resolution (H. Res. 1500) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7060, RENEWABLE ENERGY AND JOB CREATION TAX ACT OF 2008

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110-884) on the resolution (H. Res. 1501) providing for consideration of the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1490 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 1490

*Resolved*, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on any legislative day through September 27, 2008, providing for consideration or disposition of a measure to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of this rule is for debate only.

#### GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Mr. Speaker, House Resolution 1490 waives a requirement of clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. The resolution applies to any rule reported on any legislative day through September 27, 2008, providing for consideration or disposition of a measure to

provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

I rise today in support of this rule because American families and small businesses need tax relief now more than ever. This rule will allow us to bring legislation to the House floor later today that will not only strengthen our economy by directing tax relief to middle class families and creating jobs at small businesses, but also will help to bring this country into a new alternative energy future that will help to create green collar jobs right here in America, jobs that cannot be outsourced to foreign countries or overseas.

Since being elected to Congress, I have voted, along with this body, to cut taxes for middle class families and small businesses on at least 14 separate occasions. In doing so, this Congress has upheld its pledge to the American people, and I have kept the promise I made to my constituents to provide much-needed tax relief and incentives for economic growth.

I know that there are many families and businesses in my district that are struggling in the current economic crisis. With talk of a \$700 billion plan to bail out Wall Street, we cannot, in good conscience, fail to take action to help so many families facing the ever-escalating costs of gasoline and home heating fuel into this winter.

This legislation we will consider provides tax relief and incentives to those who need them most at a fraction of the cost of bailing out the financial industry.

This Congress has shown a strong commitment to the pay-as-you-go rule that we adopted last January. I applaud my Blue Dog Coalition colleagues for their outspoken leadership on the PAYGO consideration and the PAYGO issue. When I explain to folks back home what PAYGO is, I ask them a question: You have to balance your books each month, don't you? The individuals say, of course. They, of course, understand what it means to balance their books. They would not think of spending more than they earn. Businesses would not think of spending more than they earn. You have to ensure that you have enough income coming in to cover your expenses, and, of course, they respond with a nod of the head. They understand it. They get it. And then I say: Shouldn't the Federal Government operate in the same way when it involves spending your tax dollars?

The legislation this rule will allow us to consider today will extend a number of critical tax relief measures targeted at middle class families and small businesses to improve the quality of life and strengthen our economy. Supporting this rule and the tax legislation we will consider later today is simple common sense.

We can provide tax relief and incentives to middle class families, spur in-

novation, create tens of thousands of new green collar jobs, reduce our dependence on oil from hostile nations and reduce greenhouse gases—and we can do it all in a fiscally responsible manner. I urge my colleagues on both sides of the aisle to support this rule and the underlying legislation.

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

Mr. SESSIONS. I want to thank the gentleman, my friend, Mr. ARCURI, for the time that he has yielded me, and I yield myself such time as I may consume.

"Mr. Speaker, I rise in strong opposition to this martial law rule and in opposition to the outrageous process that continues to plague this House. We have before us a martial law rule that allows the leadership to once again ignore the rules of the House and the procedures and the traditions of this House. Martial law is no way to run a democracy, no matter what your ideology, no matter what your party affiliation."

I strongly agree with these words, but I cannot, in good faith, take credit for them because I did not write them. I simply just read them. My staff did not write them, nor did any of the Republican staff on the Rules Committee.

In fact, as far as I know, not one Republican had any hand in the composition of this eloquent defense of democracy in the House of Representatives, because their author is actually the gentleman from Massachusetts and a senior member of the Democrat Rules Committee, the gentleman, Mr. MCGOVERN.

He spoke these exact same words on the floor 2 years ago regarding what he eloquently and accurately called a martial law rule, which is what we are being asked to consider here today.

□ 1230

Although these are not my words, I associate myself with them fully because they are as true and relevant today as when they were first used. And since I have already borrowed one selection of the gentleman's words, I would like to point out another comment my esteemed Rules Committee colleague made regarding martial law rules. On December 6, 2006, just 1 month before Democrats were to take control of the House of Representatives, Democrats made a number of promises on how they would run the House which, unfortunately, have not held up well in the contrast to reality.

Before they had control, Mr. MCGOVERN said, "Mr. Speaker, there is a better way to run this body. The truth, Mr. Speaker, is that the American people expect and deserve better. That's why the 110th Congress must be different. I believe we need to rediscover openness and fairness in the House. We must insist on full and fair debate on the issues that come to this body."

I would like to ask my friends on the Democrat Rules Committee and this Democratic leadership: What hap-

pened? What happened? Where is that openness and the fairness? Where was the openness on the no-energy bill rule where over 90 amendments were closed out, including a Republican substitute?

Where was that openness when we first considered SCHIP reauthorization and we were handed two closed rules by the Democrat leadership? Where has it been over these last 2 years when Democrats have forced a record number of lock-down, closed rules through this House of Representatives with no opportunity for Members, Republicans or Democrats, to improve that legislation? And where is that openness today when we are being asked to consider this tax extenders rule by once again suspending regular order in this House of Representatives?

I know where it is. Our friends, the Democrats, left it out on the campaign trail. And with an upcoming election, I suspect that is where we will be able to find these broken promises once again this next January. It was an empty promise when they made it, and the emptiness of this promise was fulfilled on the opening day of the new majority when the Democrats wrote into the rules of the House closed rules for consideration of the first six bills that they were able to take up, in effect discharging the Rules Committee from its duties for the first six bills they were going to consider. Ah, yes, 6 in '06.

The remedy for examples of unfairness, they criticized the Rules Committee for the way they did their work, and that trend has started, sadly, and continues today.

As the gentleman from Massachusetts (Mr. MCGOVERN) said, "Mr. Speaker, there is a better way to run this body. The truth, Mr. Speaker, is that the American people expect and deserve better. That is why the 110th Congress must be different. I believe we need to rediscover openness and fairness in this House. We must insist on full and fair debate on the issues that come before this body."

Mr. Speaker, with these wise words, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I would inquire of my colleague, my friend Mr. SESSIONS, if he has any further speakers. I am prepared to close.

Mr. SESSIONS. Mr. Speaker, I have several speakers.

At this time I yield for such time as he may use to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. I thank my colleague and friend from Texas for yielding.

I come to the floor today bitterly disappointed that this majority is one more time denying the opportunity to fund county timber payments to districts like mine.

The Secure Rural Schools Program aids more than 600 rural counties, and 4,400 school districts in 42 States. Let me say that again: 4,400 school districts, 42 States, 600 rural counties are affected by this.

There is broad bipartisan support to reauthorize this legislation and keep a

nearly century-old commitment to the areas like I represent in rural Oregon where the Federal Government owns more than half of the land, much of it timbered. In the old days they would share the receipts from the timber harvest, and then the Federal Government and the courts shut all of that down.

I have three counties that have more than 8 percent unemployment. Virtually all of the mills are gone. I had people coming up to me last weekend in their overalls asking, Is there any hope? Is there any hope for them and their kids to make a decent living taking care of America's forests? Is there any hope to reauthorize the Secure Rural Schools and Community Self-Determination Act in this Congress? I gave them a little hope. I said the Senate, the United States Senate, seems to be caring about us. And, indeed, in the tax extenders bill passed by the United States Senate by 93-2, they reauthorized the Secure Rural Schools, phrasing it out over 4 years in a formula we all agreed to, but we don't necessarily like.

Time and again, Democrat leadership in this House has said "no" to that legislation. That is happening right here, right now. It just happened up in the Rules Committee by denying an amendment offered by the gentleman from Washington (Mr. HASTINGS) on a party-line 8-3 vote. They said, no, we won't even let the House vote to take care of these folks back home and keep this 100-year-old Federal commitment. It is outrageous. It is outrageous.

Let me tell you what it means to the people out there. These are real jobs being lost. There are counties in Oregon that may declare bankruptcy. Half the police force in sheriff's offices, the deputies are gone. Road department after road department after road department, cut, slashed, gone. I have counties that have one road maintenance person for every 100 miles of road in their county now. That is the distance from the Nation's capital to Richmond, Virginia, in case you're counting.

You are down to where there won't be any patrols by sheriff's deputies. And yet Americans want to recreate in America's forests. Unfortunately, they go out there and occasionally they get lost. And when they get lost, whom do they call upon to come find them but these same search and rescue teams. Tragically, often they have perished in my State before they get rescued.

It was through funding through this program, or in the old days through the revenue sharing that came to those counties that we were able to have the search and rescue teams and the equipment and everything necessary to go out and try and rescue these families who would get lost or caught in a snowstorm. That is going away.

Schools are deeply affected. In my State, the money, \$280 million a year, was funneled throughout all of the school districts. In some States they didn't do it that way. They have already laid off teachers.

Now what is wrong with keeping the word that this Speaker and others said at the beginning of this Congress that there would be an open and fair opportunity for the minority to offer up amendments, have them fully considered, and have them so people can see them.

No, this Rules Committee on an 8-3 basis said we are not going to even allow you to have a vote. And the heck with these county roads and schools where the Federal Government has total control, and the heck with the people who live out there.

County roads and school reauthorization should never have been a partisan issue, and yet it has become that. This House could simply take up the Senate bill under a different rule and allow a vote. And the President of the United States, although he is not the biggest fan of reauthorizing this county payments program, said he would sign that bill that came out of the Senate. So he is not the obstacle. He never said he would veto this. He doesn't like parts of it, but the staff is pretty clear that he would sign it into law and we would reauthorize it.

Republicans would like to see a vote on this. They tried in the Rules Committee, but your Rules Committee said no. So here we are today. This same day rule short-circuits that process with a rule that says this is all you get, and shoves it back to the Senate.

It is time for reform and time for change, and it needs to start right here right now by defeating this same-day rule, by defeating the next rule and giving people in this House the chance to represent their people back home by at least having a vote to reauthorize and fund county roads and schools.

I will tell you, when you let them down, you are hurting literally school kids and putting people's lives in peril because search and rescue will be reduced or eliminated in some areas, and police forces are already being dramatically cut. And that is wrong. It doesn't have to be that way. If we really wanted to solve problems, you wouldn't ram this through the way you are doing it.

Mr. ARCURI. Mr. Speaker, I continue to reserve my time.

Mr. SESSIONS. Mr. Speaker, the gentleman from Oregon (Mr. WALDEN) has now for at least the last 2 years made himself available, built bipartisan support, spoken to people in both parties, built a case, invited people to see the circumstance, and talked on behalf of 42 States, people who live in rural areas that have timber.

The gentleman invited me out this last August, notwithstanding that I am a friend of his, but he invited me out. I landed in Portland, drove east on the beautiful highway that goes to Hood, Oregon, and had an opportunity to meet a lot of the people in the area. They are fabulous. They are outstanding people who live in the very midst of Mount Hood.

I had an opportunity to see Mount Hood from a different perspective than

the three climbers from Dallas who were trapped and who died earlier last winter. I had a chance to see Mount Hood in the summertime. As I was there with the gentleman, Mr. WALDEN, he told me the story about the big blowout in the mountain which happened on a separate event, that devastated the area as a result of what Mother Nature had done. He spoke about how the communities got together, how they worked together and solved their problems, just as they did when the three climbers from Dallas perished on the mountain.

But he forthrightly, along with others, reminded me that it is really up to us to get our work done here in Washington. And by no means did the gentleman task me with doing it, but he knew, he knew that I would have the opportunity, along with our colleague, the gentleman from Pasco, Washington, DOC HASTINGS, who is also greatly affected, that we could come back to a committee that we have served on for 10 and 12 years respectively between the two of us, that we would be able to talk to our colleagues whom we have served with on that committee for the past 10 years, that we would be able to express to them the need and the desire for public policy to be addressed at the appropriate time.

Well, the appropriate time is now. The Senate has spoken. Today the bill came over from the Senate, overwhelming vote, and the gentleman from Oregon (Mr. WALDEN) rushed to me to find out what the Rules Committee would do, really just to find out what was in the bill. We found out about the bill only minutes before, which once again is against the rules of the House that you don't consider a bill until it is laid out publicly for 24 hours. But that didn't matter again today.

And so we asked on behalf of the gentleman, Mr. WALDEN, the other members of the Rules Committee what we thought was a bipartisan basis because I believe it is true to say that there are five people on the committee who serve rural areas also or who had heard the compelling story that impacts people all across this country.

So I told Mr. WALDEN, I think we stand a good chance because we are able to come to our colleagues whom we have spent hundreds of hours with over the last 10 years and to say if it is not in your bill, and we found out it was not, but it is in the package that came from the Senate, will you please just include that?

Mr. WALDEN of Oregon. Will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman.

Mr. WALDEN of Oregon. I appreciate the gentleman's kind and generous comments, and also his willingness to come out to my State this summer and see what we are facing in some of these forests.

I talked to a county commissioner from Klamath County yesterday morning. The Winema National Forest now, between the Federal forest land and adjacent private land, there is a half-a-million acres, 500,000 acres, that is now bug infested and nearly dead, if not completely dead. They can go in and treat that area, clean it up, replant it, get the dead trees out for about \$250 an acre. If we wait until it catches on fire, taxpayers will spend \$1,500 to \$2,000 an acre to fight the fire.

Reauthorizing the Secure Rural Schools and Community Self-Determination Act makes funds available through different titles in the bill to assist those local governments and the Forest Service to get in and make our forests less susceptible to catastrophic fire, healthier by removing the dead or diseased trees or those that are bug infested and get ahead of this and actually be better stewards of our lands.

□ 1245

This year, the Federal Forest Service budget spent over half, 52 percent so far, to fight fire. In that forest alone, they had to take \$1 million away from forest treatment efforts to pay for fighting fires elsewhere. So we fall further and further behind.

This is not the stewardship of our forests that we should be proud of. It is the lack of stewardship that would cause Theodore Roosevelt to roll over in his grave, the great founder of our Nation's forest system. And it doesn't have to happen. It doesn't have to happen.

Communities shouldn't be evacuated because of fire threat. Our budgets at the Forest Service shouldn't be exhausted to put out fires. And the biggest economic activity in a rural, forested timbered community around these Federal lands shouldn't be the making of sandwiches for the fire fighters. This has to stop.

The gentleman from New York is a cosponsor of the legislation I'm advocating here. There are other members of the Rules Committee that are cosponsors of this legislation on both sides of the aisle. This is our opportunity. This is our moment. This is our time.

The Senate and the White House support this effort in the legislation sent here by the Senate. If not now, when? Or do you let it all burn? Because that's what's happening out there.

Do you put people out of work?

You claim you're for family wage jobs. You're killing them in my part of the world.

Am I angry about this?

You bet I am. This is real life-and-death stuff. I was at the memorial service for the firefighters who were killed in Northern California, killed fighting fires. And while that, tragically, will happen again, and it is not all the fault that we don't have the Community Self-Determination Act in place, we need to get better policy. We need to get ahead of this problem. We need to

be the good stewards we're entrusted to be of these lands. It is not that hard to be fair. It shouldn't be that hard.

Mr. SESSIONS. Reclaiming my time, Mr. Speaker, you're hearing a story that happened just minutes ago up in the Rules Committee where the members of the committee had within their sole jurisdiction the ability to handle this issue, to take what is referred to as the ping-pong, the bill that moved over, that was completely in the bill that the gentleman, Mr. WALDEN, and the gentleman, Mr. HASTINGS, have worked so diligently for the last few years to do.

The Rules Committee chairman, the gentlewoman, Ms. SLAUGHTER, said, well, you know, I had to wait 13 years for one of my bills. That was the response.

The answer was, we came back and reasked the Rules Committee if they would please vote for it. Well, what they did is they turned it down on a voice vote. So we asked for a recorded vote.

On a party-line basis, every single Democratic member of that Rules Committee said no to something that is completely within their jurisdiction, completely within their endeavor. And I fail to know where there's any opposition.

It was obstinate, and it was a slap in the face to the members of the committee who have served with them for making a very simple, honest request.

Open, honest, and ethical. These were the words that we were told and the American people were told. Well, the people in these 41 States are going to have to judge that, but they will know, they will know that it was the Rules Committee and the Speaker of this House, not the United States Senate, who voted 93-2. It's not the President of the United States. He's already said he'd sign the bill. It was the Rules Committee, under the complete jurisdiction of the gentlewoman, Ms. SLAUGHTER, and the Speaker of this House.

So we're on the floor today, a little upset. Being slam dunked I can handle. I think being treated in the way that we were is wrong. I think it's wrong to this committee. I think it's wrong to the members who are on it.

We reserve the balance of our time.

Mr. ARCURI. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Vermont, my colleague from the Rules Committee, Mr. WELCH.

Mr. WELCH of Vermont. I thank the gentleman from New York, my colleague on the Rules Committee. I thank my friend from Texas, also a colleague on the Rules Committee.

The legislation before us is long overdue. It's about jobs, about energy efficiency and energy independence, and it's about restoring our confidence that we can produce jobs and produce energy that's clean, environmentally sensitive and strong and durable to help move our economy ahead.

This transition language would allow us to extend about \$42 billion in tax in-

centives. Mr. Speaker, I'm a skeptic oftentimes on tax incentives because they are frequently given to industries that are mature and profitable at the expense of taxpayers. An example of that, of course, is the \$13 billion in tax breaks that continue to go to the oil industry that has been doing extremely well with the high price of oil.

Tax incentives properly should be focused on emerging technologies, and emerging industries, where our country, where our companies, our small businesses can use the boost in order to develop the new technologies that will solve a problem that we have, the need for energy, the need for clean energy, and the need to create jobs and energy independence here in this country. This legislation will do that.

I will give just an example. In Vermont, Jeff and Dorry Wolf are two folks who moved to Vermont in 1998, and they had a dream. The dream was they could create a company that would build renewable energy. They got involved in solar energy. And their company, when they started it, at a time when this was a pipe dream, has now become one of our big companies in Vermont. It's become a leader in solar technology. It is doing work all around the country. And these incentives are critical to its continuation.

So, Mr. Speaker, I urge us to pass this rule so that we can pass the underlying legislation, move towards energy independence, create jobs here in this country, and clean up our environment.

Mr. SESSIONS. Mr. Speaker, if I could inquire the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 8½ minutes remaining, and the gentleman from New York has 23 minutes remaining.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 5 minutes to the gentleman from Pasco, Washington, a gentleman who has spoken very eloquently and consistently up in the Rules Committee, and has worked his heart out for the needs of the 41 States that fall within the same position that the gentleman Mr. WALDEN and the gentleman Mr. HASTINGS have. He's a strong advocate. I would like to yield him 5 minutes.

Mr. HASTINGS of Washington. I want to thank my friend from Texas for yielding me the time.

Mr. Speaker, I have been in this body for going on 14 years, and I thought I understood how this system works. We have Republicans and we have Democrats. And always, I think, it's in the best interest of the American people when we can work in a bipartisan way.

The issue I want to address myself to is the Secure Rural Schools Act. It expired. It is very, very important to States, particularly in the western part of the United States where there's a big influence of Federal lands and particularly forest lands.

I just caught the end of what my colleague from Oregon talked about as to

why we are in this situation in the first place. But I can tell you, this is a big economic hit for those rural areas because they don't get the revenue from the Federal lands that they otherwise would have had.

But what I don't understand is that this issue has strong bipartisan support. I serve on the Rules Committee, and there are five of my Democrat colleagues on the Rules Committee, five out of nine, that are cosponsors of this legislation.

We know that we are nearing the end of this Congress. And we know that there are things that have to pass. The tax extender package is a very important package for other provisions in that bill. For example, the sales tax deductibility for States that don't have a State income tax. Florida is in that situation. There are several members of the Rules Committee that are affected by that. My State is one of those.

But this issue of Secure Rural Schools is very, very important. I have four counties in my district that are impacted, and one that is heavily impacted, impacted in a way that my friend from Oregon (Mr. WALDEN) talked about.

What I find rather confusing about this is that we have now a bill that will be brought before us that we could pass in a nanosecond. It's a tax extender bill that the Senate sent over with a vote of 93-2. It has essentially the same provisions that I think everybody agrees, taxes that need to be extended. But it has the provision and a fix to the Secure Rural Schools for 4 years. For 4 years. It allows those communities now to make some plans as to what the transition may be in the future, since we—of course, I think the best thing we ought to do is utilize our Federal lands. But if that's not going to happen, at least they'll have some time to plan for it.

This morning, and, by the way, we got the text of this bill at 9:52 this morning, which is a little over 3 hours ago, even though we were told that we're going to have 24 hours to look at any bill. But we had it at 9:52 this morning. And we discovered that the Secure Rural Schools Act was out of the House bill. It wasn't in there.

Well, I'm a member of the Rules Committee, and as a member of the Rules Committee, you can amend the rules by suspending rules to put certain provisions in that you think need to be passed. It happens all the time, especially at the end of the session.

So here we are, this morning, discovered the Secure Rural Schools wasn't in there. I questioned the individual from the Ways and Means Committee, Mr. BLUMENAUER from Oregon, who came up and testified on the bill, if this was in there. It wasn't in there.

By the way, his State is affected. Even though his district isn't affected, his State is affected.

So I asked him why this was not in the bill. And his response to me was,

well, this is a tax bill and really the Secure Rural Schools issue is a spending issue, so we felt it shouldn't be part of the package.

Well, I said, if that's the case, and I accept your argument, then maybe it could go on some appropriation bill.

And then I thought, wait a minute. Yesterday we had a continuing resolution with three appropriation bills that passed this House, and Secure Rural Schools wasn't on it. I don't know why the Democrat leadership didn't put it on that vehicle. That probably would have been the proper one. But we're running out of time. And the House Rules Committee can suspend the rules and attach a provision to anything they want to. We know the Senate bill came over here 93-2.

So, Mr. Speaker, I offered an amendment to take the text of the Senate language, which passed 93-2, and asked that that be debated on the House floor, just asked for it to be debated. If it loses, okay. That's fine. But I think there's broad support. But if it loses, I understand that.

I called for a vote on that. And the vote was on a party-line vote, 8-3 no. In other words, the five Democrats that are cosponsors of this provision, in the waning days of the session, voted "no" to consider this on the House floor.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I will yield the gentleman 1 additional minute with only 2 minutes remaining.

□ 1300

I thank the gentleman for his courtesy.

So as I said from the outset, Mr. Speaker, sometimes I don't understand how this process works because these extenders have to pass. We know that. And further, we know that the President will sign this bill with the Secure Rural Schools language in it. We know that. We know that.

So, Mr. Speaker, I'm kind of frustrated here, and I think this issue should pass. I think the best way to do that, frankly, is to pass the Senate bill and be on with it.

Mr. ARCURI. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman very much.

President Bush and the Senate Republicans have been given opportunity after opportunity to pass tax credit extensions for renewable energy. In just the past year and a half, the Republican leadership has followed the marching orders of the Bush administration and voted 13 times against Democratic efforts to increase our use of renewable energy, help protect consumers from high energy prices, and ensure that Big Oil pays its fair share. They have refused time after time, instead siding with Big Oil and their fossil fuel friends even as oil prices remain sky high.

Now the Senate Republicans couldn't resist this time around, either, sending us a renewable energy tax package stuffed with goodies for coal-to-liquids, tar sands, and oil shale. Big Oil even gets to keep most of their tax breaks even though they're tipping consumers upside down and shaking money out of their pockets. They also want to shake them upside down as taxpayers and get more money as tax breaks from the American people.

The only thing renewable about Republican energy policy for the last 8 years has been their inexhaustible support for the Big Oil agenda.

I commend the great work of Chairman RANGEL in stripping harmful and unnecessary provisions and giving us a genuine clean energy tax package to vote upon today.

This bill primes the renewable energy engine and gives coal a clean path forward with more than \$1 billion in tax incentives to demonstrate carbon capture and sequestration. This may be the last chance to get these renewable energy incentives passed into law. If President Bush and Senate Republicans shoot this package down like they've shot down every other opportunity for clean energy tax breaks, then there may not be another opportunity.

Solar and wind companies are delaying projects because of investment uncertainty. History has shown that renewable energy deployment could fall 70 percent or more if these tax incentives lapse. That would translate into a loss of 116,000 job opportunities and \$19 billion in private investment loss in 2009 alone. That's one more legacy I fear President Bush has no problem in carrying back to Crawford, Texas: Champaign celebrations for Big Oil and red ink and pink slips for America's high tech energy companies and their green collar workers.

Last year in the United States, more wind capacity was installed than any other source with the exception of natural gas. Thirty-five percent of all new electrical generating capacity installed in the United States last year was wind power.

This year, over 40 percent of all new electrical generating capacity in the United States will be new wind power. Solar photovoltaic installations also increased an amazing 80 percent last year. 2008 will surpass that. But what about 2009? What about 2010?

This bill before us invests in the renewable revolution that will transform America. Electric cars, cellulosic biofuels, wind and solar will assert our energy independence over the coming decade if the President signs this bill.

After 8 years of running on a Bush-Cheney-Big Oil energy plan, America, it is time for an oil change. It is time for us to move off the oil agenda and move on to the solar, the wind, the biofuels.

The slogan for this Congress should be "Change, baby, change!" That is not what the Republicans are talking about.

Mr. SESSIONS. I would like to reserve my time.

Mr. ARCURI. I am prepared to close, so I would reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, in the remaining time I have, I want you to know that, however, despite everything you have heard, I have good news, good news for the American people. Right now with the passage of this continuing resolution yesterday, Republicans have finally removed the main Democrat roadblock to increasing the domestic production of American energy.

This underlying legislation—which I am going to put on the floor right now—which contains tax credits for energy efficiency and conservation will also help this House to implement what Republicans have advocated for months: an all-of-the-above strategy, including nuclear power.

So today I urge my colleagues to demonstrate the courage of these convictions by voting with me to defeat the previous question. If the previous question is defeated, I will move to amend the rule to allow this House to take up a measure right now right here today that will prevent Members from going home to campaign for reelection without actually passing a comprehensive energy bill into law.

It would make it plain and permanent for their support. It would allow States to expand their exploration and extraction of natural resources along the Outer Continental Shelf; it would open the Arctic energy slope and oil shale reserves to environmentally prudent exploration and extraction; it would extend expiring renewable energy initiatives; it would encourage the streamlining approval and refining of capacity for nuclear power facilities; it would encourage research and development of clean coal, coal-to-liquid, and carbon sequestration technologies and minimizing drawn-out legal challenges that unreasonably delay or prevent actual domestic energy production.

This requirement would force the Democrat leadership to take positive, comprehensive, permanent, and meaningful action to increase the supply of American energy.

Mr. Speaker, all across this country there are cities without gasoline—there are cities without gasoline—and it stands exactly at the feet of the Democrat leadership, the new majority, who is making sure that the American consumer pays record high prices and yet we've done nothing to make sure that the supply side is taken care of.

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. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I yield back the balance of my time.

Mr. ARCURI. I thank my friend from Texas.

Mr. Speaker, when you listen to the people on the other side of the aisle, you would think that everything that's happened is the fault of the Democratic Party.

They have had the White House for 8 years. We see oil prices as high as they have ever been. Two oilmen in the White House, yet we still see that. We see the economy as bad as the economy has ever been. We're talking about bailing out Wall Street with \$700 billion that we're borrowing.

This rule today for this bill is about tax extenders, and that is extenders that would create incentives for alternative energy to help us wean ourselves off of our addiction to foreign oil. And we're doing it in a prudent way, in a way that doesn't borrow and spend, doesn't dump this on the backs of our children and grandchildren, but rather as a paid-for.

The bill that my colleague from Washington spoke about, it's a very good bill, but it hasn't been paid for. These tax extenders today that we're talking about have been paid for. They are extenders that are prudent and responsible.

Supporting this rule and the tax relief legislation we consider later today is simply common sense. We can provide tax relief and incentives to middle class families, we can spur innovation, create tens of thousands of new jobs, reduce our dependence on oil from hostile nations, and reduce greenhouse gasses. And we can do all of it in a fiscally responsible way.

I urge my colleagues to vote "yes" on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1490 OFFERED BY MR.  
SESSIONS OF TEXAS

At the end of the resolution add the following new section:

SEC. 3. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

(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.

Mr. ARCURI. 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 yeas appeared to have it.



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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and motion to suspend the rules with regard to H.R. 758.

The vote was taken by electronic device, and there were—yeas 227, nays 198, not voting 8, as follows:

[Roll No. 637]

#### YEAS—227

Abercrombie	Green, Al	Olver
Ackerman	Green, Gene	Ortiz
Allen	Grijalva	Pallone
Altmire	Gutierrez	Pascarell
Andrews	Hall (NY)	Pastor
Arcuri	Hare	Payne
Baca	Harman	Perlmutter
Baird	Hastings (FL)	Peterson (MN)
Baldwin	Hereth Sandlin	Pomeroy
Barrow	Higgins	Price (NC)
Bean	Hinchey	Rahall
Becerra	Hinojosa	Rangel
Berkley	Hirono	Reichert
Berman	Hodes	Reyes
Berry	Holden	Richardson
Bishop (GA)	Holt	Rodriguez
Bishop (NY)	Honda	Ros-Lehtinen
Blumenauer	Hooley	Ross
Boren	Hoyer	Rothman
Boswell	Inslee	Roybal-Allard
Boucher	Israel	Ruppersberger
Boyd (FL)	Jackson (IL)	Rush
Boyd (KS)	Jackson-Lee	Ryan (OH)
Brady (PA)	(TX)	Salazar
Braley (IA)	Jefferson	Sanchez, Linda
Brown, Corrine	Johnson (GA)	T.
Butterfield	Johnson (IL)	Sanchez, Loretta
Capps	Johnson, E. B.	Sarbanes
Capuano	Kagen	Schakowsky
Cardoza	Kanjorski	Schiff
Carnahan	Kennedy	Schwartz
Carney	Kildee	Scott (GA)
Carson	Kilpatrick	Scott (VA)
Castor	Kind	Serrano
Chandler	Klein (FL)	Sestak
Clarke	Langevin	Shays
Clay	Larsen (WA)	Shea-Porter
Cleaver	Larson (CT)	Sherman
Clyburn	Lee	Sires
Cohen	Levin	Skelton
Conyers	Lewis (GA)	Slaughter
Cooper	Lipinski	Smith (WA)
Costa	Loeb sack	Snyder
Costello	Lofgren, Zoe	Solis
Courtney	Lowey	Space
Cramer	Lynch	Speier
Crowley	Mahoney (FL)	Spratt
Cuellar	Maloney (NY)	Stark
Cummings	Markey	Stupak
Davis (AL)	Marshall	Sutton
Davis (CA)	Matheson	Tanner
Davis, Lincoln	Matsui	Tauscher
DeGette	McCarthy (NY)	Taylor
Delahunt	McCollum (MN)	Thompson (CA)
DeLauro	McDermott	Thompson (MS)
Dicks	McGovern	Tierney
Dingell	McIntyre	Towns
Doggett	McNerney	Tsongas
Donnelly	McNulty	Udall (NM)
Doyle	Meek (FL)	Van Hollen
Edwards (MD)	Meeks (NY)	Velázquez
Edwards (TX)	Melancon	Visclosky
Ellison	Michaud	Walz (MN)
Ellsworth	Miller (NC)	Wasserman
Emanuel	Miller, George	Schultz
Engel	Mitchell	Waters
Eshoo	Mollohan	Watson
Etheridge	Moore (KS)	Watt
Farr	Moran (VA)	Waxman
Fattah	Murphy (CT)	Weiner
Filner	Murphy, Patrick	Welch (VT)
Foster	Murtha	Wexler
Frank (MA)	Nadler	Wilson (OH)
Giffords	Napolitano	Woolsey
Gillibrand	Neal (MA)	Wu
Gonzalez	Oberstar	Yarmuth
Gordon	Obey	

#### NAYS—198

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

#### NOT VOTING—8

Cubin	McCrery	Shuler
Davis (IL)	Miller (FL)	Udall (CO)
Davis, David	Moore (WI)	

□ 1336

Mr. FORTENBERRY and Ms. KAP-TUR changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:  
 Ms. MOORE of Wisconsin. Mr. Speaker, on rollcall No. 637, had I been present, I would have voted “yea.”

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.

#### RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 222, noes 198, not voting 13, as follows:

[Roll No. 638]

#### AYES—222

Abercrombie	Gillibrand	Napolitano
Ackerman	Gonzalez	Neal (MA)
Allen	Gordon	Oberstar
Altmire	Green, Al	Obey
Andrews	Green, Gene	Olver
Arcuri	Grijalva	Ortiz
Baca	Gutierrez	Pallone
Baird	Hall (NY)	Pascarell
Baldwin	Hare	Pastor
Barrow	Harman	Payne
Bean	Hastings (FL)	Perlmutter
Becerra	Hereth Sandlin	Peterson (MN)
Berkley	Higgins	Pomeroy
Berman	Hinchey	Price (NC)
Berry	Hinojosa	Rahall
Bishop (GA)	Hirono	Rangel
Bishop (NY)	Hodes	Reyes
Blumenauer	Holden	Richardson
Boren	Holt	Rodriguez
Boswell	Honda	Ross
Boucher	Hoyer	Rothman
Boyd (FL)	Inslee	Roybal-Allard
Boyd (KS)	Israel	Ruppersberger
Brady (PA)	Jackson (IL)	Rush
Braley (IA)	Jackson-Lee	Ryan (OH)
Brown, Corrine	(TX)	Salazar
Butterfield	Jefferson	Sanchez, Linda
Capps	Johnson (GA)	T.
Capuano	Johnson, E. B.	Sanchez, Loretta
Cardoza	Kagen	Sarbanes
Carnahan	Kanjorski	Schakowsky
Carney	Kennedy	Schiff
Carson	Kildee	Schwartz
Castor	Kilpatrick	Scott (GA)
Chandler	Kind	Scott (VA)
Clarke	Klein (FL)	Serrano
Clay	Langevin	Sestak
Cleaver	Larsen (WA)	Shea-Porter
Clyburn	Larson (CT)	Sherman
Cohen	Lee	Sires
Conyers	Levin	Skelton
Cooper	Lipinski	Slaughter
Costa	Loeb sack	Smith (WA)
Costello	Lofgren, Zoe	Snyder
Courtney	Lowey	Solis
Cramer	Lynch	Space
Crowley	Mahoney (FL)	Speier
Cuellar	Maloney (NY)	Spratt
Cummings	Markey	Stark
Davis (AL)	Marshall	Stupak
Davis (CA)	Matheson	Sutton
Davis, Lincoln	Matsui	Tanner
DeGette	McCarthy (NY)	Tauscher
Delahunt	McCollum (MN)	Taylor
DeLauro	McDermott	Thompson (CA)
Dicks	McGovern	Thompson (MS)
Dingell	McIntyre	Tierney
Doggett	McNerney	Towns
Donnelly	McNulty	Tsongas
Doyle	Meek (FL)	Udall (NM)
Edwards (MD)	Meeks (NY)	Van Hollen
Edwards (TX)	Melancon	Velázquez
Ellison	Michaud	Visclosky
Ellsworth	Miller (NC)	Walz (MN)
Emanuel	Miller, George	Wasserman
Engel	Mitchell	Schultz
Eshoo	Mollohan	Waters
Etheridge	Moore (KS)	Watson
Farr	Moran (VA)	Watt
Fattah	Murphy (CT)	Waxman
Filner	Murphy, Patrick	Weiner
Foster	Murtha	Welch (VT)
Frank (MA)	Nadler	Wexler
Giffords	Napolitano	Wilson (OH)
Gillibrand	Neal (MA)	Woolsey
Gonzalez	Oberstar	Wu
Gordon	Obey	Yarmuth

#### NOES—198

Aderholt	Blunt	Burgess
Akin	Boehner	Burton (IN)
Alexander	Bonner	Buyer
Bachmann	Bono Mack	Calvert
Barrett (SC)	Boozman	Camp (MI)
Bartlett (MD)	Boustany	Campbell (CA)
Barton (TX)	Brady (TX)	Cannon
Biggart	Broun (GA)	Cantor
Bilbray	Brown (SC)	Capito
Bilirakis	Brown-Waite,	Carter
Bishop (UT)	Ginny	Castle
Blackburn	Buchanan	Cazayoux

Chabot Johnson (IL)  
Childers Johnson, Sam  
Coble Jones (NC)  
Cole (OK) Jordan  
Conaway Keller  
Crenshaw King (IA)  
Culberson King (NY)  
Davis (KY) Kingston  
Davis, Tom Kirk  
Deal (GA) Kline (MN)  
DeFazio Knollenberg  
Dent Kuhl (NY)  
Diaz-Balart, L. LaHood  
Diaz-Balart, M. Lamborn  
Doolittle Latham  
Drake LaTourette  
Dreier Latta  
Duncan Lewis (KY)  
Ehlers Linder  
Emerson LoBiondo  
English (PA) Lucas  
Everett Lungren, Daniel  
Fallin E.  
Feeney Mack  
Ferguson Manzullo  
Flake Marchant  
Forbes McCarthy (CA)  
Fortenberry McCaul (TX)  
Fossella McCotter  
Foxy McCreary  
Franks (AZ) McHenry  
Frelinghuysen McHugh  
Gallegly McKeon  
Garrett (NJ) McMorris  
Gerlach Rodgers  
Gilchrest Mica  
Gingrey Miller (MI)  
Gohmert Miller, Gary  
Goode Mitchell  
Goodlatte Moran (KS)  
Granger Murphy, Tim  
Graves Musgrave  
Hall (TX) Myrick  
Hastings (WA) Neugebauer  
Hayes Nunes  
Heller Paul  
Hensarling Pearce  
Herger Pence  
Hill Peterson (PA)  
Hobson Petri  
Hoekstra Pickering  
Hulshof Pitts  
Hunter Platts  
Inglis (SC) Poe  
Issa Porter

## NOT VOTING—13

Bachus Lewis (CA)  
Cubin Lewis (GA)  
Davis, David Miller (FL)  
Hooley Shuler  
Kaptur Thompson (MS)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1343

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 638, I was unavoidably detained. Had I been present, I would have voted “no.”

BREAST CANCER PATIENT  
PROTECTION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 758, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the

rules and pass the bill, H.R. 758, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 10, as follows:

[Roll No. 639]

## YEAS—421

Abercrombie Cuellar  
Ackerman Culberson  
Aderholt Cummings  
Akin Davis (AL)  
Alexander Davis (CA)  
Allen Davis (IL)  
Altmire Davis (KY)  
Andrews Davis, Lincoln  
Arcuri Davis, Tom  
Baca Deal (GA)  
Bachmann DeFazio  
Backus DeGette  
Baird Delahunt  
Baldwin DeLauro  
Barrett (SC) Dent  
Barrow Diaz-Balart, L.  
Bartlett (MD) Diaz-Balart, M.  
Barton (TX) Dicks  
Bean Dingell  
Becerra Doggett  
Berkley Donnelly  
Berman Doolittle  
Berry Doyle  
Biggart Drake  
Billray Dreier  
Bilirakis Duncan  
Bishop (GA) Edwards (MD)  
Bishop (NY) Edwards (TX)  
Bishop (UT) Ehlers  
Ellison Ellison  
Ellsworth Ellsworth  
Emanuel Emanuel  
Emerson Klein (FL)  
Engel Kline (MN)  
English (PA) Knollenberg  
Eshoo Kucinich  
Etheridge Kuhl (NY)  
Everett LaHood  
Fallin Lamborn  
Farr Lampson  
Fattah Langevin  
Feeney Larsen (WA)  
Ferguson Larson (CT)  
Filner Latham  
Forbes LaTourette  
Fortenberry Latta  
Fossella Lee  
Foster Levin  
Foxy Lewis (CA)  
Frank (MA) Lewis (GA)  
Franks (AZ) Lewis (KY)  
Frelinghuysen Linder  
Gallegly Lipinski  
Garrett (NJ) LoBiondo  
Gerlach Loebach  
Giffords Lofgren, Zoe  
Gilchrest Lowey  
Gillibrand Lucas  
Gingrey Lungren, Daniel  
Gohmert E.  
Goode Lynch  
Goodlatte Mack  
Gordon Mahoney (FL)  
Granger Maloney (NY)  
Graves Marchant  
Green, Al Markey  
Green, Gene Marshall  
Grijalva Matheson  
Gutierrez Matsui  
Hall (NY) McCarthy (CA)  
Hall (TX) McCarthy (NY)  
Hare McCaul (TX)  
Harman McCollum (MN)  
Hastings (FL) McCotter  
Hastings (WA) McCreary  
Hayes McDermott  
Heller McGovern  
Hensarling McHenry  
Herger McHugh  
Herseth Sandlin McIntyre  
Higgins McKeon  
Hill McMorris  
Hinchey Rodgers  
Hinojosa McNerney  
Cramer McNulty  
Crenshaw Meek (FL)  
Crowley Meeks (NY)

Melancon Reyes  
Mica Reynolds  
Michaud Richardson  
Miller (MI) Rodriguez  
Miller (NC) Rogers (AL)  
Miller, Gary Rogers (KY)  
Miller, George Rogers (MI)  
Mitchell Rohrabacher  
Mollohan Ros-Lehtinen  
Moore (KS) Roskam  
Moore (WI) Ross  
Moran (KS) Rothman  
Moran (VA) Roybal-Allard  
Murphy (CT) Royce  
Murphy, Patrick Ruppersberger  
Murphy, Tim Rush  
Murtha Ryan (OH)  
Musgrave Ryan (WI)  
Myrick Salazar  
Nadler Sali  
Napolitano Sánchez, Linda  
Neal (MA) T.  
Neugebauer Sanchez, Loretta  
Nunes Sarbanes  
Oberstar Saxton  
Obey Scalise  
Oliver Schakowsky  
Ortiz Schiff  
Pallone Schmidt  
Pascarell Schwartz  
Pastor Scott (GA)  
Payne Scott (VA)  
Pearce Sensenbrenner  
Pence Serrano  
Perlmutter Sessions  
Kaptur Sestak  
Keller Peterson (PA)  
Kennedy Shadegg  
Kildee Shays  
Kilpatrick Shea-Porter  
Kind Sherman  
King (IA) Shimkus  
King (NY) Shuster  
Kingston Simpson  
Klein (FL) Sires  
Kline (MN) Skelton  
Knollenberg Slaughter  
Kucinich Smith (NE)  
Kuhl (NY) Smith (NJ)  
LaHood Smith (TX)  
Rahall Smith (WA)  
Ramstad Snyder  
Regula Solis  
Rehberg Souder  
Reichert Space  
Renzi Speier

## NAYS—2

Flake Paul

## NOT VOTING—10

Broun (GA) Hunter  
Campbell (CA) Kirk  
Cubin Miller (FL)  
Davis, David Rangel

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1353

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION  
OF H.R. 7060, RENEWABLE EN-  
ERGY AND JOB CREATION TAX  
ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1501 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1501

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in