

Chairman DINGELL of the Energy and Commerce Committee supported that it be made in order. The subcommittee chairman, RICK BOUCHER of the Energy and Air Quality Subcommittee, to their credit, said that it should be in order. It is not in order.

□ 0945

So you have an energy bill before you that doesn't have any energy. Nothing on coal to liquids, nothing on alternative fuels, nothing on oil and gas. There is a little bit of a cleanup section on loan guarantees for nuclear power plants, but that is kind of offset because you have to use Davis-Bacon to build them now.

So, all in all, what we have got is a big bill. Congresswoman BLACKBURN pointed it out and held it up. But it is kind of a where-is-the-energy energy bill. If they had just made our substitute in order, you would have had a chance to actually have a bipartisan coalition come together on energy.

There is a majority on the House floor on both sides of the aisle for a comprehensive energy package. We put it together in the last Congress, "we" being JOHN DINGELL and JOE BARTON and others. We had an energy conference report that is now law that almost all of the Republicans voted for and almost half of the Democrats. Chairman DINGELL signed the conference report, as did several other Democrats who are now chairmen and subcommittee chairmen in this Congress.

So if you want lower gasoline prices, if you want more refineries built, if you want LNG facilities sited, if you really want to see alternative fuels jump-started in this country, don't look in that bill that we are going to vote on because of this rule. We will send you a copy of the Republican substitute which isn't going to be considered, and you will find all of those things in our substitute.

I would hope that we could vote "no" on the rule, send it back to the Rules Committee, make in order the substitute, come out on a bipartisan fashion and actually vote on a comprehensive energy package.

What is in the bill is mandatory building codes preempting the States, something called green energy which is good in concept but which would require every building in this country by 2050 be a consumer on a net basis of zero energy, regardless of the cost; a preemption of building codes for manufactured housing which will probably put the manufactured housing business out of business in this country. And, oh, yes, if you are a small mom-and-pop air conditioner repairman, you are probably going to be put out of business, too, because there is a standards section on appliance standards which requires more efficient, which is not a bad idea in concept of air conditioning, which is probably going to be very difficult to implement and put at risk many, many of our small mom-and-pop

air conditioning repair businesses in this country.

So what you have is no comprehensive energy package. Instead, you get a Federal Government, big brother, preempt the States, preempt the local governments on building codes and telling people what kind of light bulbs to use and what kind of air conditioners to use.

This is not my grandfather's energy package. Please vote "no" on the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague for yielding.

A major component of the Democrats' energy legislation and the Democrats' answer to our energy crisis is, hold on, wait one minute, wait one minute, it is promoting the use of the bicycle. Oh, I cannot make this stuff up. Yes, the American people have heard this. Their answer to our fuel crisis, the crisis at the pumps, is: Ride a bike.

Democrats believe that using taxpayer funds in this bill to the tune of \$1 million a year should be devoted to the principle of: "Save energy, ride a bike." Some might argue that depending on bicycles to solve our energy crisis is naive, perhaps ridiculous. Some might even say Congress should use this energy legislation to create new energy, bring new nuclear power plants on line, use clean coal technology, energy exploration, but no, no. They want to tell the American people, stop driving, ride a bike. This is absolutely amazing.

Apparently, the Democrats believe that the miracle on two wheels that we know as a bicycle will end our dependence on foreign oil. I cannot make this stuff up. It is absolutely amazing.

Ladies and gentlemen, I bring you the Democrats, promoting 19th century solutions to 21st century problems. If you don't like it, ride a bike. If you don't like the price at the pumps, ride a bike.

Stay tuned for the next big idea for the Democrats: Improving energy efficiency by the horse and buggy.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 30 seconds to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend from Florida for yielding.

I want to read one thing. "Every person has a right to have his or her voice heard, respectful of both the wishes of the Founders and the expectations of the American people. We offer the following principles for restoring democracy in the people's House, guaranteeing that the voices of all the people are heard." That quote is from Speaker NANCY PELOSI; yet the Republican substitute to this bill was not allowed.

#### MOTION TO ADJOURN

Mr. WESTMORELAND. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. WELCH of Vermont. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The yeas and nays are requested. Those favoring the yeas and nays will please rise.

The Chair is counting for the yeas and nays.

Mr. WELCH of Vermont. 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. A quorum is not required for an affirmative vote on a motion to adjourn.

The Chair is counting for the yeas and nays.

A sufficient number having risen, the yeas and nays are ordered.

Members will record their votes by electronic device.

#### PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary Inquiry.

The SPEAKER pro tempore. The gentleman is recognized for a parliamentary inquiry.

Mr. WESTMORELAND. Could the Speaker tell me what the magic number was that rose in order to get a vote?

The SPEAKER pro tempore. The Chair's count is not subject to challenge. The Chair counted one-fifth of those present standing.

The vote was taken by electronic device, and there were—yeas 136, nays 246, not voting 50, as follows:

[Roll No. 824]

YEAS—136

Aderholt	Diaz-Balart, M.	McCarthy (CA)
Akin	Drake	McCreery
Alexander	Dreier	McHenry
Bachus	Duncan	McKeon
Baird	Ehlers	Mica
Baker	English (PA)	Miller (FL)
Barrett (SC)	Everett	Miller (MI)
Bartlett (MD)	Feeney	Miller, Gary
Barton (TX)	Flake	Murphy, Tim
Biggart	Foxx	Musgrave
Billray	Franks (AZ)	Myrick
Bilirakis	Frelinghuysen	Neugebauer
Bishop (UT)	Garrett (NJ)	Nunes
Blackburn	Gilchrest	Pearce
Blunt	Gingrey	Peterson (PA)
Boehner	Gohmert	Petri
Bonner	Goodlatte	Pickering
Boustany	Graves	Pitts
Brady (TX)	Hastings (WA)	Porter
Broun (GA)	Heller	Price (GA)
Brown-Waite,	Hensarling	Pryce (OH)
Ginny	Herge	Putnam
Buchanan	Hobson	Regula
Burgess	Hulshof	Rehberg
Burton (IN)	Inglis (SC)	Reichert
Buyer	Issa	Reynolds
Calvert	Jindal	Rogers (AL)
Camp (MI)	Jordan	Rogers (KY)
Campbell (CA)	Keller	Rogers (MI)
Cannon	King (IA)	Ros-Lehtinen
Cantor	King (NY)	Roskam
Capito	Knollenberg	Royce
Carter	Lamborn	Ryan (WI)
Chabot	Latham	Sali
Davis (KY)	LaTourette	Schmidt
Davis, David	Lewis (CA)	Sensenbrenner
Davis, Tom	Linder	Sessions
Deal (GA)	Lucas	Shadegg
Diaz-Balart, L.	Manzullo	Shimkus

Shuster	Tancredo	Walberg
Simpson	Taylor	Wamp
Smith (NE)	Thornberry	Westmoreland
Smith (NJ)	Tiahrt	Wilson (SC)
Smith (TX)	Tiberi	Wolf
Stearns	Turner	Young (FL)
Sullivan	Upton	

NAYS—246

Ackerman	Grijalva	Nadler
Allen	Gutierrez	Napolitano
Altumire	Hall (NY)	Neal (MA)
Andrews	Hall (TX)	Obey
Arcuri	Hare	Olver
Baca	Harman	Ortiz
Baldwin	Hastings (FL)	Pallone
Barrow	Herseth Sandlin	Pascarell
Bean	Higgins	Pastor
Becerra	Hill	Payne
Berkley	Hirono	Perlmutter
Berman	Hodes	Peterson (MN)
Berry	Hoekstra	Platts
Bishop (GA)	Holden	Poe
Bishop (NY)	Hoit	Pomeroy
Blumenauer	Honda	Price (NC)
Boozman	Hooley	Rahall
Boren	Hoyer	Ramstad
Boswell	Hunter	Reyes
Boucher	Inslee	Rodriguez
Boyd (FL)	Israel	Rohrabacher
Boyd (KS)	Jackson (IL)	Ross
Brady (PA)	Jackson-Lee	Rothman
Brale (IA)	(TX)	Roybal-Allard
Brown (SC)	Jefferson	Rush
Brown, Corrine	Johnson (GA)	Ryan (OH)
Butterfield	Johnson (IL)	Salazar
Capps	Johnson, E. B.	Sanchez, Linda
Capuano	Jones (NC)	T.
Cardoza	Jones (OH)	Sanchez, Loretta
Carnahan	Kagen	Sarbanes
Carney	Kanjorski	Schakowsky
Castle	Kennedy	Schiff
Castor	Kildee	Schwartz
Chandler	Kilpatrick	Scott (GA)
Cleaver	Kind	Scott (VA)
Clyburn	Kingston	Serrano
Cohen	Kirk	Sestak
Cole (OK)	Kuhl (NY)	Shays
Conaway	Lampson	Shea-Porter
Conyers	Lantos	Sherman
Cooper	Larsen (WA)	Shuler
Costello	Larson (CT)	Lee
Courtney	Lee	Sires
Cramer	Levin	Slaughter
Crowley	Lewis (GA)	Smith (WA)
Cueellar	Lewis (KY)	Snyder
Davis (AL)	Lipinski	Solis
Davis (CA)	LoBiondo	Space
Davis (IL)	Loeb sack	Spratt
Davis, Lincoln	Lofgren, Zoe	Stark
DeFazio	Lowey	Stupak
DeGette	Lungren, Daniel	Sutton
DeLaHunt	E.	Tanner
DeLauro	Lynch	Tauscher
Dent	Mahoney (FL)	Terry
Dicks	Maloney (NY)	Thompson (CA)
Dingell	Markey	Thompson (MS)
Doggett	Marshall	Tierney
Donnelly	Matheson	Towns
Doyle	Matsui	Udall (CO)
Edwards	McCarthy (NY)	Udall (NM)
Ellsworth	McCollum (MN)	Van Hollen
Emanuel	McCotter	Velázquez
Eshoo	McDermott	Visclosky
Etheridge	McGovern	Walden (OR)
Fallin	McHugh	Walsh (NY)
Farr	McIntyre	Walz (MN)
Fattah	McNerney	Wasserman
Ferguson	McNulty	Schultz
Filner	Meek (FL)	Waters
Forbes	Meeke (NY)	Watson
Fossella	Melancon	Watt
Frank (MA)	Michaud	Weiner
Gallely	Miller (NC)	Welch (VT)
Gerlach	Miller, George	Weller
Giffords	Mitchell	Wexler
Gillibrand	Moore (KS)	Wilson (NM)
Gillmor	Moore (WI)	Wilson (OH)
Gonzalez	Moran (KS)	Woolsey
Gordon	Moran (VA)	Wu
Granger	Murphy (CT)	Wynn
Green, Al	Murphy, Patrick	Yarmuth
Green, Gene	Murtha	

NOT VOTING—50

Abercrombie	Clarke	Crenshaw
Bachmann	Clay	Cubin
Bono	Coble	Culberson
Carson	Costa	Cummings

Davis, Jo Ann	Klein (FL)	Pence
Doolittle	Kline (MN)	Radanovich
Ellison	Kucinich	Rangel
Emerson	LaHood	Renzi
Engel	Langevin	Ruppersberger
Fortenberry	Mack	Saxton
Goode	Marchant	Skelton
Hastert	McCaul (TX)	Souder
Hayes	McMorris	Waxman
Hinchev	Rodgers	Weldon (FL)
Hinojosa	Mollohan	Whitfield
Johnson, Sam	Oberstar	Wicker
Kaptur	Paul	Young (AK)

□ 1016

Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. GALLEGLY, Mr. RUSH and Ms. DELAURO changed their vote from “yea” to “nay.”

Mr. SMITH of Nebraska and Mr. TURNER changed their vote from “nay” to “yea.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3221, NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT, AND FOR CONSIDERATION OF H.R. 2776, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise in opposition to the rule and the underlying bill with its tax provisions. I think it's time that we level with the American public about this and be truthful about what we are trying to accomplish here. This bill has some good things in it, but it's not really addressing what we really need to be focused on right now. That is, the strategic management of our dependence over fossil fuels for the next 10 to 15 years as we transition.

We need to manage our strategic dependence on fossil fuels, a strategic dependence that we are going to have for the next 10, 15, maybe 20 years as these new technologies develop. Now, what does this bill do? It taxes U.S. companies working on production of oil, and making these companies less productive and less competitive, therefore, shifting more oil and gas activity into the hands of national oil companies that are not our friends. This will not bring down the price of oil and gas and not alleviate our energy concerns.

Secondly, it abrogates leases, very important leases in the Gulf of Mexico, with the stroke of a pen. Now, that's not the American way. That's not something that we would be proud of in this country, not something the American people would be proud of. It's certainly something that Hugo Chavez would be proud of.

Finally, I will say this bill is not technology neutral. It seeks to pick

winners and losers and eliminates some very promising technology for alternatives fuels.

For that reason and many other reasons, I oppose this bill. I oppose the underlying bill with its tax provisions and urge all Members to think twice about this. We have to level with the American people about the energy situation and manage our strategic dependence and not deal with fantasy.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding.

Mr. Speaker, I attempted to offer an amendment to H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act, to prevent possible waste and maintain appropriate management of our government expenses. The Energy Policy Act of 2005 requires the Secretary of Energy to contract with the National Academy of Public Administration to conduct a study for assessing management practices for research, development and demonstration programs at the Department.

My amendment would simply prohibit funds in the bill to the Advanced Research Projects Agency, or ARPA-E, within the Department of Energy, until the study has been completed and it makes a recommendation that we do establish ARPA-E.

However, the Rules Committee would not accommodate my amendment and refused to make it in order. Without this amendment, we are shooting in the dark. We are authorizing \$300 million for fiscal year 2008 that may not be necessary. This is not a good way to manage the people's tax money. If the majority is going to gamble like this, we might as well put the whole Federal Treasury on green double zero and just hope for the best.

I have another concern, and that's about a new portfolio standard. The renewable portfolio standard in this bill calls for 20 percent renewable by the year 2020, and it will not include any nuclear.

Well, the Southern Company, in my district, provides about 12 to 15 percent of their power by nuclear, but, yet, that cannot be included as a renewable. So we are projecting a wind farm off the coast of Georgia bigger than Cape Wind in Massachusetts, and that would only produce 1 percent toward this renewable standard. It's almost an impossible standard to meet, if you do not let us include nuclear as a renewable source, which, surely, it is. Basically, the compliance penalty for not meeting this standard, for the Southern Company in my district, would be \$745 million.

This legislation is nothing more than a backhanded attempt to ease our Nation into a carbon trade scheme, and it victimizes Georgia by making us a donor State.