arrived in Texas with his father and three sisters just prior to the Texas War for Independence from Mexico.

McCulloch was a free black, and with his freedom he volunteered as a private in the Texas Army to fight for independence. On October 9, 1835, McCulloch took part in the Battle of Goliad. While storming the Mexican line, McCulloch was severely wounded when a musket ball shattered his right shoulder. Thus, Samuel McCulloch, Jr. became the first Texas casualty of the war.

After Texas won its independence and became a free Republic, Samuel McCulloch, Jr. went on to fight against the Comanches along with the Texas Rangers at the famous Battle of Plum Creek, and he served as a spy for the Texas Army when Mexico reinvaded Texas in 1842. Later, McCulloch lived as a farmer and a rancher with his family on the land that the Texas government gave him for his service to the Republic.

He died in November of 1893. He triumphed over all obstacles and voluntarily risked life and limb to establish freedom for Texas, the land he loved. During Black History Month, we honor this freedom fighter and this first to shed blood for Texas independence.

And that's just the way it is.

BALANCING SECURITY WITH CIVIL RIGHTS

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Mr. Speaker, when 9/11 happened, we, as a Nation, realized that, while we used to like away games, we liked our wars over there, suddenly we were confronted with a home game, a danger right here in America. And so the discussion over the last few weeks over the wiretapping capability of the United States is absolutely critical. I know. I headed, after 9/11, the Navy's Antiterrorism Unit.

When the bill came over here from the Senate, we asked for what we should have done. Time to address two important issues. One, what's the proper oversight that we should have on those who wiretap? An Inspector General, a report to Congress and to the Surveillance Court. And second, amnesty. Do we give someone who has broken the law, the telecommunication companies, amnesty for facilitating wiretapping? We may. But first let us know, before you give someone amnesty, why they did it and what they did.

In short, right now we're operating under the same rules as President Reagan had, as the first President Bush and the second President Bush had for 6½ years. Now we need to compromise on both sides to ensure that our security is balanced with proper civil rights.

CELL PHONE BILL

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, picture a cell phone in 1989. Back then, cell phones were huge, the size of a suitcase, and air time cost a fortune.

A law was put in place in 1989 to require that detailed log sheets be kept by employees of their cell phone use in order to document their business use. Those rules made sense back then.

Fast forward to today. Clearly, time and technology have marched on and companies give their employees cell phones and BlackBerrys with unlimited minutes. And these communication devices are really just an extension of the business day and place to anywhere at any time.

The IRS wants employees to keep detailed call sheets or be forced to include the value of cell phones and BlackBerrys in their pay. The law needs to be brought up to date with the fact that the office cell and BlackBerry is just an extension of the phone on an employee's desk. Employees and employers have better things to worry about than keeping detailed logs of calls only for tax purposes.

It's time for the Congress to pass the Mobile Cell Phone Act, H.R. 5450, and stop the IRS harassment.

ON FISA, PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Good morning, Mr. Speaker.

The Bush administration continues a daily drumbeat of fearmongering on the Foreign Intelligence Surveillance Act, wiretapping, despite its own admission over the weekend that it has access and authority to continue all surveillance.

The U.S. intelligence community has expansive authorizations for wide-ranging surveillance limited by each American's right to privacy. If any new surveillance needs to begin, the FISA Court can approve a request within minutes. But National Security Director Mike McConnell says President Bush is holding up a compromise on FISA legislation because he wants to give blanket immunity to telecommunications companies who turned over information about their customers. Once again, President Bush is putting the biggest corporations first and shrinking the constitutional rights we all enjoy as Americans.

We can protect this country and the Constitution at the same time, and that's precisely what the Democratic majority will do.

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

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1001 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1001

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House 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. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) an amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative McCrery of Louisiana or his designee, which shall be in order without intervention of any point of order (except those arising under clause 7 of rule XVI, clause 9 of rule XXI, or clause 10 of rule XXI), shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5351 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 983 is laid upon the table.

POINT OF ORDER

Mr. CONAWAY. Mr. Speaker, I make a point of order against the consideration of the resolution because it is in violation of section 426(a) of the Congressional Budget Act.

The resolution provides that all points of order against consideration of the bill are waived except those arising under clause 9 and 10 of rule XXI. This waiver of all points of order includes a waiver of section 425 of the Congressional Budget Act which causes the resolution to be in violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Texas makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Texas and a Member opposed, the gentlewoman from California, each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit:

Will the House now consider the resolution?

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Speaker, this bill that is the subject of this rule that is about to come before us includes two tax increases, one on section 199, which eliminates the oil and gas industry's ability to take advantage of this provision within the law to increase their taxes over the next 10 years by some $13 billion. There is also some tweaking with, and that's an odd word to use when it raises $4 billion, but a tweaking with the way foreign oil and gas income plays into the computation of the foreign tax credits that these companies could take advantage of.

□ 1030

Both of these violate the Unfunded Mandate Reform Act provision on private initiatives and therefore are subject to this point of order on being waived. So I think that favorable consideration of this point of order is where we should be going with respect to the private sector mandates that are waived under this rule.

Mr. Speaker, I would also at this point in time like to yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, as was mentioned, you could easily say that there are unfunded mandates in the bill. You could also say there is a particular earmark in the bill. Because the bill didn't go through regular order and we don't have a committee report to go along with it, there was not a certification that came saying that there were no earmarks in the bill.

Of particular concern is a provision that would allow New York City to keep up to $2 billion worth of the employer share of payroll taxes and invest the funds in a transportation project. This is not the first time we have seen this. The New York Liberty Zone Tax Credit earmark was included in a previous energy bill passed by the House, but it was removed by the Senate.

Now, I think we can all quibble about where the benefits go on some of these things, but it's clear that the target here is New York City. It's a targeted tax provision, and it's what we typically refer to as an earmark in the authorizing bill. And I would say that if it looks like an earmark and acts like an earmark, it is one. And it shouldn't be in this bill unless there is some kind of certification or something that is not an earmark. I just don't know how you can call it anything but that. This is just another example of how little impact Congress's steps to reform the process have actually had in the day-to-day operation of the House.

For a point of order against an earmark to be rejected, the chairman needs to simply insert a statement into the RECORD saying there are no earmarks in the bill, and then the point of order can't be lodged. Here we don't even have that kind of statement, and still we are saying a point of order can't be lodged in this regard.

So I would say that we ought to reject this bill for many reasons, not the least of which it's going to blow a $2 billion hole in the budget here for a limited specific tax provision benefiting only one group across the country.

With that, I thank the gentleman for yielding.

Mr. CONAWAY. I thank my colleague for pointing that out.

Mr. Speaker, the Congressional Budget Office on a similar, almost exact, bill, 2776, earlier in the year, clearly stated that these were unfunded mandates. They breached the threshold appropriate under the Unfunded Mandate Reform Act, and a point of order should be sustained against this bill.

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

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

This point of order is about whether or not to consider this rule and ultimately the underlying bill. In fact, I would say that it is simply an effort to try to kill this bill before we even have an opportunity to debate it. I hope my colleagues will vote ''yes'' on this procedural motion so we can consider this important legislation today.

Mr. Speaker, H.R. 5351 is about investing in clean, renewable energy and energy efficiency. It is about boosting our economy and national security while protecting our environment.

It is abundantly clear that our dependence on foreign oil has skyrocketed with much of it imported from the volatile Middle East with a price tag today of $102 a barrel. It's time to reduce our dependence on foreign oil, not only to strengthen our national security but to support domestic production of renewable energy. We need to take action now and start by considering and passing the Renewable Energy and Energy Conservation Tax bill today.

This bill is about the hardworking American families. It is about creating jobs for the American worker and about protecting their rights. If we are creating jobs in this bill, which we are, we should be making sure that workers are making prevailing wages.

The Davis-Bacon Act requires contractors to pay no less than the locally prevailing wage on Federal contract construction. Davis-Bacon was adopted in 1931, during the Hoover administration, to protect the rights of the American workforce. During the more than 70 years since its enactment, Davis-Bacon has come under fire many times but has always received support from the Congress and American families who benefit from it.

The Renewable Energy and Energy Conservation Tax Act addresses the priorities of the American people. In addition to tackling our energy crisis, H.R. 5351 complies with PAYGO rules, which is a priority of the 110th Congress. The bill is therefore paid for. Most of the funding is by reducing tax cuts to the top-earning oil companies. In order to pay for the important tax extensions and comply with PAYGO, there had to be revenue raisers. Our country is facing record deficits, and this Congress is acting responsibly.

This bill will develop a progressive energy policy that is long term, not shortsighted. It does away with the tired strategies of the past, which focused only on producing more oil at the expense of the environment and of the American taxpayer. We are heeding the calls of the American people by adopting it.

Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I oppose this point of order. I think that the gentlewoman from California made it very clear that it is appropriate and needed that we do what we're trying to do with H.R. 5351. And I want to support the rule for H.R. 5351, and I would like to thank Congresswoman MATSUI for her leadership and Chairman RANGEL for their continued work to ensure these vital tax credits are extended.

This legislation takes many needed steps to ensure the United States continues to be a major player on the renewable energy stage. This legislation extends the renewable energy production tax credit which Iowa and my district have seen firsthand the benefits of. It creates a cellulosic alcohol production tax credit which will give a 50 cent per gallon credit for cellulosic alcohol produced for use of fuel, a step to get us out of bondage to OPEC, and anybody knows we have got to do this for the salvation of this country. This legislation also extends the biodiesel production tax credit and creates a new credit for plug-in hybrid vehicles, among other things.

I'm also pleased to see that components of a bill I introduced, H.R. 5373, the Consumer and Manufacturer Energy Efficient Tax Credit Extension Act, were also included in this legislation. The underlying bill, which goes further than mine, would extend and modify the energy efficient appliance credit for 3 years and extend and modify the energy efficiency tax credits for improvements to existing homes.

I'm very pleased to see that the chairman, the gentlewoman from California (Ms. MATSUI), and the House leadership recognize these tax credits are important, not only to the environment but also to the economy. I believe that all consumers want to make more energy-efficient choices, and this legislation will help them do that. It's a win-win situation for the environment and the American consumer's pocketbook.

Iowa has been a leader for renewable energy, and I am proud to say in my district we are leading the State with a new biodiesel plant in Newton just last year and a new wind turbine plant, which provides the State with the equipment needed to supply its growing wind energy.

I am also excited that we have the opportunity to make America more energy independent, create high-tech ''green'' jobs for a ''green future,'' ensure low-income families have affordable energy costs, and I look forward to continuing to work for a more energy-efficient future.

So, again, I thank the gentlewoman for this time. And I would once again reiterate my support for this rule, that we can move on and oppose this point of order.

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

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

I was laboring under a misconception that the debate was to be limited to the point of order rather than the underlying bill itself. So since the other side has raised the issues in the bill, I'll take a couple of seconds to add some gratuitous comments about those as well rather than strictly talking about my point of order.

At a time when we are clearly dependent on foreign oil, imported foreign oil, crude oil, and natural gas, and everyone recognizes that it's a strategic vulnerability to our country, a reduction in domestic production of crude oil and natural gas seems to be very wrongheaded in the sense of trying to reduce our dependency on imported foreign oil and natural gas.

This bill will take $17 billion out of the search for crude oil and natural gas, domestic supplies in most instances, and put it towards some very worthy initiatives in terms of trying to find alternatives to that. There is no rational projection that any of these alternatives will develop in the next 15 to 20 years to supplant the need for crude oil and natural gas to drive the economy, whether you're talking about generating electricity or driving cars and trucks and airplanes. So at a time when we are fully dependent on crude oil and natural gas, it seems to make eminent sense that we ought to be encouraging domestic oil and gas companies to reinvest their profits, reinvest their moneys back in the ground.

Now, mechanically what happens with respect to the oil and gas business is when they do find crude oil and natural gas, they find reserves in the ground and there is value associated with those reserves. Typically, those producers then go to the bank and use those reserves as collateral in the ground to borrow more money to spend additional money going into the ground. So for each dollar that we increase their taxes, there is a multiple of that dollar that does not get spent on searches for crude oil and natural gas that would be used domestically. We do nothing about the restrictions on a responsible, environmentally sound development of other areas that have proven crude oil and natural gas reserves, domestic crude oil and natural gas reserves. We do nothing in this legislation to affect that.

In addition, my colleagues brought up the vaunted PAYGO rule, which is used almost every day in this Chamber. Quite frankly, these taxes have been used multiple times already in this Congress to pay for a variety of things. So if our constituents back home fully understood how theatrical the PAYGO situations with this bill really are, they would be probably offended, that that is just the typical Washington business-as-usual kinds of things that are going on.

So while this bill, I believe, creates an unfunded mandate that is in violation of the Unfunded Mandate Reform Act and it should be properly subject to this point of order, the underlying bill itself is flawed on a variety of things as well.

I will close, then, by just saying that I believe this point of order should be sustained and this rule should be defeated.

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

Ms. MATSUI. Again, Mr. Speaker, I urge my colleagues to vote ''yes'' on the motion to consider so we can debate and pass this important piece of legislation today.

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

The SPEAKER pro tempore. The question is: Will the House now consider the resolution?

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 186, not voting 18, as follows:

[Roll No. 78]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
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
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—186

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.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen

Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
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 (FL)

NOT VOTING—18

Aderholt
Brown-Waite, Ginny
Cubin
Diaz-Balart, M.
Doolittle
Gilchrest
Gohmert
Jones (OH)
Keller
LaTourette
Lungren, Daniel E.
Miller, George
Moran (VA)
Reyes
Ryan (OH)
Smith (NJ)
Woolsey
Young (AK)

□ 1108

Mr. KIRK changed his vote from ''yea'' to ''nay.''

Mr. SHULER changed his vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded for consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

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

Mr. Speaker, H. Res. 1001 provides for consideration of H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008 under a structured rule. The rule provides 90 minutes of debate on the bill, equally divided and controlled by the Committee on Ways and Means. The rule makes in order an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD if offered by Representative MCCRERY or his designee. The substitute amendment is debatable for 1 hour. The rule also provides for one motion to recommit the bill, with or without instructions.

Mr. Speaker, today's debate is quite simple: It is about taking action on an important priority of the American people. It is about investing in renewable energy, which will chart a new direction for our country's energy policy. This bill will ensure that hardworking Americans can buy affordable energy that is environmentally sound. It restores balance to our energy policy after years of favoring Big Oil.

Mr. Speaker, hardworking American families are struggling to pay their bills in an uncertain economy. They face the growing cost of basic necessities, such as gasoline and heating oil. This is a direct result of rising oil prices.

As Members of Congress, we have a responsibility to protect our constituents from big oil companies and countries that are taking advantage of working families. The Renewable Energy and Energy Tax Conservation Act restores balance to our energy policy. For years, we have had a tax structure that favors huge oil companies over the American family.

Mr. Speaker, I believe the facts speak for themselves. Oil costs today rose to $102 a barrel for the first time in history. It is more expensive for Americans to drive their kids to school, to go to the grocery store, to heat their homes, and to vacation with their families. Americans are paying more than ever to fill up their cars, and big oil companies are reaping the profits.

In my home State of California, the price of gasoline is more than double what it was when this administration came into office. Last year, ExxonMobil posted the largest profit in American history, nearly $40 billion to one company. This equation is simple: Americans pay more; oil companies make more. This is unacceptable for the families we represent.

Unfortunately, it is perfectly acceptable for our President. This is a President who said that we don't need incentives for oil and gas companies to explore. That was back when the price of oil was $55 per barrel. It is now almost double that. It is obvious that any system that rewards the top earning oil companies and neglects our constituents and the environment ignores the priorities of the American people.

Mr. Speaker, today's legislation will correct this inequity. It will transfer some of the massive profits enjoyed by these oil companies and invest them in renewable resources that will power our economy in the future.

Our scientists have been hard at work researching ways to harness the powerful assets of our planet. We can have a healthy economy even as we preserve our natural resources and our skies. Solar, wind, and geothermal technologies are ready for the mainstream. Our legislation will help get them there.

In the case of solar, we are not just creating new incentives. We are extending successful tax breaks that have helped these industries get off the ground. Our legislation will allow public agencies to issue bonds to pay for clean energy projects. Some of the most effective public energy agencies in the country have put this provision at the top of their priority list.

This bill envisions a future where our country is no longer beholden to the oil market. It will dramatically pump up our domestic production of renewable fuels, such as biodiesel and cellulosic alcohol. The bill also contains a tax break to increase the number of alternative refueling stations so that Americans have options to fill up on the next generation of fuels.

□ 1115

This legislation recognizes that we can and must create the technologies today that we will use in the future. It harnesses our inventive American spirit to tackle our energy problems. It creates a sliding-scale tax incentive for consumers to purchase plug-in hybrid electric vehicles. It encourages investment in solar fuel cells and harnesses the power of cutting-edge technologies that produce energy from landfill gas and marine sources.

It builds on the desire of the American people for a more balanced and progressive energy policy. Making our homes and buildings more energy efficient is one of the most cost-effective ways to save money and power.

Our legislation contains significant incentives for efficiency programs. These changes will save money for constituents in the short and long run. They will also help preserve jobs. If tax incentives for wind and solar production are not extended, 116,000 American jobs will be lost. The legislation before us is critical to the health of our economy.

Most important, though, is that this legislation builds on the desire of the American people for a more balanced and progressive energy policy. The American people want us to take action to modernize our energy supply, and that is what we are doing. This bill will also help to lessen our dangerous dependence on oil from unstable parts of the world.

Earlier this month, our energy markets were disturbed by rumors that Venezuela was cutting off oil shipments. Events like these are a stark reminder that even though we are the strongest country in the world, we are also very vulnerable.

The short-sighted energy policy of the past is undermining our national security. We will only get weaker unless we change course now and invest in renewable fuels that are produced here at home, not in countries that wish us harm.

This House has heard the message that the American people have been sending us for a long time. We must overhaul our energy policy, and this bill is the second step toward this goal. We took the first step late last year when Democrats reached across the aisle. We worked in a bipartisan manner to pass the first increase in fuel economy standards in decades.

We could have done even more to restore balance to our energy policy.