

PROVIDING FOR CONSIDERATION OF 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 CONSERVA-  
TION

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FEBRUARY 26, 2008.—Referred to the House Calendar and ordered to be printed

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Ms. MATSUI, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 1001]

The Committee on Rules, having had under consideration House Resolution 1001, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5351, the “Renewable Energy and Energy Conservation Tax Act of 2008,” under a structured rule. The resolution provides ninety minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions of the bill. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order an amendment in the nature of a substitute printed in the Congressional Record if offered by Rep. McCrery or his designee. The resolution waives all points of order against the amendment in the nature of a substitute except those arising under clause 7 of rule XVI or clause 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute shall be considered as read and separately debatable for one hour equally divided and controlled by the proponent and an opponent.

The resolution provides one motion to recommit the bill with or without instructions. Notwithstanding the operation of the previous question, the Chair may postpone further consideration until a

time designated by the Speaker. Finally, the resolution provides that H. Res. 983 shall be laid on the table.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except those arising under clause 9 or 10 of rule XXI) includes a waiver of section 303 of the Congressional Budget Act (prohibiting consideration of legislation providing new budget authority, change in revenues, change in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that year has been agreed to) and section 311 of the Congressional Budget Act (prohibiting consideration of legislation that would cause new budget authority or outlays to exceed or revenue to fall below the levels set forth in the budget resolution). The Committee is not aware of any points of order against provisions of the bill. The waiver of all points of order against provisions of the bill is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 436*

Date: February 26, 2008.

Measure: H.R. 5351.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment in the nature of a substitute by Rep. Smith (TX), #5, which would offer H.R. 3773 as passed by the Senate on February 12, 2008, a substitute to H.R. 5351.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

##### *Rules Committee record vote No. 437*

Date: February 26, 2008.

Measure: H.R. 5351.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment offered by Rep. Bilbray (CA), #2, which would remove the 51 cent volumetric ethanol excise tax credit for “corn based” ethanol; and an amendment offered by Rep. Bilbray (CA), #3, which would suspend the volumetric excise tax credit for corn based alcohol until the study outlined in section 402 (comprehensive study of biofuels) is completed.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

##### *Rules Committee record vote No. 438*

Date: February 26, 2008.

Measure: H.R. 5351.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment in the nature of a substitute offered by Rep. English (PA), #6, which extends energy tax credits.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

*Rules Committee record vote No. 439*

Date: February 26, 2008.

Measure: H.R. 5351.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Burgess (TX), #4, which would allow the tax benefits limited by section 301 of the bill (limitation on deduction for income attributable to domestic production of oil, gas, or primary products thereof) to be reinstated if the Secretary of the Treasury certifies that (1) gas prices have increased by 5% or more as a result of the amendments made by the Act or (2) the investment assets of pension funds have declined 5% or more in value as a result of the amendments made by the Act.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

*Rules Committee record vote No. 440*

Date: February 26, 2008.

Measure: H.R. 5351.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Brady (TX), #8, which would strike section 301 of the bill (limitation on deduction for income attributable to domestic production of oil, gas, or primary products thereof).

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.