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**INTEGRATED HEALTH CARE**

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

Mr. MURPHY. Madam Speaker, study after study associates untreated depression with increased rates of chronic illness and increased health care costs. For cancer, heart disease, asthma, arthritis, diabetes the incidence of depression can be double that of the general population. Untreated depression complicates treatment and can double health care costs. Untreated depression can cost employers \$51 billion per year.

Depression management programs, however, can save employers an average of \$2,600 per employee through increased productivity and reduced absenteeism.

The time has come to improve health care by integrating and coordinating medical and mental health services for more effective diagnosis and treatment.

Rather than just cut the payments for health care, Congress can lead the way to saving lives and money through integrated care. Science supports this, and I look forward to working with my colleagues to transform our health care system through innovation, information, and incentives to lower health care costs for every American. I ask my colleagues to learn more about integrated care by visiting my website at [Murphy.house.gov](http://Murphy.house.gov).

**THE ENERGY BILL**

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Madam Speaker, today we will vote on the energy bill, written by and for the energy industry in secret meetings with Vice President CHENEY.

Tomorrow is Earth Day, and the theme this year is "Protect our children and our future." Is this how the Republican Congress envisions celebrating Earth Day and protecting our children and the future?

This bill will pollute our air at a time when childhood asthma rates are growing. It exempts MBTE producers from poisoning our water and keeps us dependent on foreign oil. This environmentally irresponsible bill offers over \$37 billion in tax breaks and subsidies to oil, coal, and nuclear power industries.

The energy industry does not need this money. In 2004 the profits of the top 10 oil and gas companies jumped by more than 30 percent.

The Republican Congress and the administration continue to prioritize short-term corporate profits over long-term health and safety of our children and our earth. We should be protecting our children, our future, and this planet. This energy bill destroys our envi-

ronment. It is a danger to public health. It forces consumers to pay more for gas and keeps us dependent on foreign oil.

**GENERAL LEAVE**

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from Texas?

There was no objection.

**ENERGY POLICY ACT OF 2005**

The SPEAKER pro tempore. Pursuant to House Resolution 219 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

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**IN THE COMMITTEE OF THE WHOLE**

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, with Mr. BONILLA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday April 20, 2005, amendment No. 14 printed in House report 109-49 offered by the gentlewoman from California (Ms. SOLIS) had been disposed of.

**REQUEST TO OFFER AMENDMENT**

Mrs. CAPPs. Mr. Chairman, pursuant to clause 11 of rule XVIII, I offer an amendment that will strike an unfunded mandate in section 1502.

The Acting CHAIRMAN. The Chair will respond momentarily.

**PARLIAMENTARY INQUIRY**

Mr. BARTON of Texas. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Texas is recognized.

Mr. BARTON of Texas. My parliamentary inquiry is that that is not an amendment that we knew and precleared under the Committee on Rules.

The Acting CHAIRMAN. Will the gentleman withhold his parliamentary inquiry?

Mr. BARTON of Texas. I will be happy to, Mr. Chairman.

The Acting CHAIRMAN. Will the gentlewoman consider withholding her motion at this time and perhaps bringing it up a little later?

Mrs. CAPPs. Mr. Chairman, could we discuss this, please?

The Acting CHAIRMAN. Bringing up the motion at a later time would be perfectly acceptable and would give the Chair an opportunity to evaluate the situation.

Mrs. CAPPs. Mr. Chairman, I am willing to withhold the amendment without prejudice to give us time for discussion.

The Acting CHAIRMAN. The amendment is withheld without prejudice.

It is now in order to consider amendment No. 15 printed in House report 109-49.

**AMENDMENT NO. 15 OFFERED BY MR. UDALL OF NEW MEXICO**

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. UDALL of New Mexico:

Strike section 631 (and amend the table of contents accordingly).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New Mexico (Mr. UDALL) and the gentleman from Texas (Mr. BARTON) each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

I would like to first thank the Committee on Rules and the gentleman from California (Chairman DREIER) for making my amendment in order. My amendment strikes section 631 of this legislation. Section 631 is typical of this flawed, shortsighted energy bill, which does not give us a national energy policy and does not help consumers with high gas prices.

Section 631 is a \$30 million giveaway to dangerous uranium mine technology. It is unsound fiscal policy for an unproven type of mining. Furthermore, this \$30 million giveaway will encourage a company to pollute the groundwater of a community of 10,000 Navajo Indians.

At its worst, this section targets a minority community with a dangerous technology and uses them in an experiment. At best, it is an unwarranted giveaway to the uranium mining industry.

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

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. The Udall amendment would strike from the energy bill all funding for research and development into environmentally sensitive uranium mining and reclamation technologies.

Uranium mining is necessary for the production of enriched uranium that is necessary to create nuclear fuel used in nuclear power plants. The bill before us today paves the way for an expansion of the domestic nuclear industry, and we need to authorize funding to develop more environmentally sensitive uranium technologies to feed the growing demand for nuclear power.

Section 631 of the bill creates a uranium mining research and development

program to improve uranium mining technologies. This important funding supports advanced uranium mining technologies that can allow mining operations to be conducted with greater environmental sensitivity. Section 631 would also authorize funds for the development of new environmental clean-up technologies for the remediation of closed uranium mines.

Nuclear power is here to stay, and we need to support a strong domestic uranium industry. Section 631 provides funding for environmentally sensible uranium mining to support a growing nuclear industry.

With respect to the gentleman from New Mexico's (Mr. UDALL) specific concerns for uranium mining issues in his home State, I would like to point out the provision specifically excludes New Mexico from receiving any funding under this provision. So I am not sure exactly what his objection could be at this point, at least with respect to his home State.

I would encourage my colleagues to vote against the Udall amendment.

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

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

With all due respect to the chairman, he claims that this section excludes New Mexico. I have a memo here from the Congressional Research Service that reads as follows: "The proposed statutory language, section 631, does not appear to prohibit precisely the same sorts of projects envisioned by section 631 from occurring within New Mexico. This statute, section 631, even appears to permit the Department of Energy to fund these types of programs in New Mexico so long as there are alternative available sources of Federal funding that can be utilized."

Also, I would point out funds are fungible. This \$30 million could end up and free up funds committed elsewhere. A company can use the now freed-up money to mine in New Mexico. Thus, this subsidy would indirectly facilitate uranium mining in Navajo communities.

This has broader communications than just for my State. We should not be experimenting in communities' water supply anywhere. My amendment protects all communities near uranium mines from potentially having their water supplies polluted.

Section 631 also has very serious fiscal concerns. This proposed subsidy would lead to even further unsound policy. At a time of skyrocketing Federal deficits and in an uncertain economic future, we should not be giving away \$30 million to the uranium industry. We have too many priorities that are not being met because of policies like this subsidy.

Taxpayers for Common Sense views this as an unfair corporate giveaway. We do not need more of this type of uranium development. Promoting this type of development does not safely

provide new energy sources; instead, it increases the potential for drastically harming the environment and causing potential harm to thousands.

The case, Mr. Chairman, for this amendment is strong. This is corporate welfare, pure and simple. It is unwise use of taxpayer dollars and dangerous to my constituents. My amendment can prevent the potential damage this provision can inflict on the health of thousands of Native Americans. But as I stated earlier, this provision has implications to far more communities than in my district. The potential long-term damage this section could inflict on the environment is also immeasurable.

I ask my colleagues to take a close look at this and consider whether or not they would want this type of dangerous mining occurring in the neighborhoods of their constituents. I urge my colleagues to support my amendment, stop corporate welfare, help protect the health of Native Americans and help protect the environment.

In closing, I ask to include for the RECORD this list of organizations that are supporting my amendment to demonstrate the broad support we received from both New Mexico and nationally.

#### SUPPORTERS OF THE UDALL AMENDMENT

Taxpayers for Common Sense  
 Natural Resources Defense Council  
 US PIRG  
 National Environmental Trust  
 Friends of the Earth  
 Public Citizen  
 Sierra Club  
 Navajo Nation  
 Southwest Research and Information Center  
 New Mexico Environmental Law Center  
 Eastern Navajo Dine Against Uranium Mining (ENDAUM)

—  
 THE NAVAJO NATION,  
 Washington, DC, April 20, 2005.

Hon. TOM UDALL,  
 House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN UDALL: As the Executive Director of the Navajo Nation Washington Office, representing the Navajo Nation in Washington, DC, I wish to express strong opposition to any attempt to reopen the Navajo Nation to uranium mining. Section 631 of H.R. 6, the Energy Policy Act of 2005, would create a \$30 million subsidy for the domestic uranium mining industry over three years to "identify, test, and develop improved in situ leaching mining technologies." While proponents of in situ leach mining contend that this type of mining poses a low risk to groundwater contamination, the fact remains that the technology is unproven and the possibility of environmental restoration is inconclusive.

The history of uranium mining on the Navajo Nation is painful. Many Navajo People have died or suffered the painful effects from uranium exposure through contaminated air, water, and livestock. To this day, the Navajo Nation continues to work with the United States government to address the harmful physical, emotional, and financial hardships Navajo families continue to endure because of past uranium activity.

The Dine' will not tolerate the risk of being exposed to uranium again. It is important to note that the proposed legislation would not only threaten the health of the Navajo People, but also threatens the Navajo

Aquifer, which provides the entire region with uncontaminated drinking water. The proposed sites for the uranium leaching would be Church Rock and Crownpoint, New Mexico, located 90 miles from Albuquerque. This area is also home to approximately 15,000 people, and thousands more non-Navajos who could soon be effected by possible uranium exposure.

For the sake of the health and safety of the Navajo People, and the non-Navajo communities surrounding the Navajo Nation, I support your proposed amendment to remove Section 631 from H.R. 6. Thank you for your attention to this urgent matter.

Sincerely,

SHARON CLAHCHISCHILLIAGE,  
 Executive Director, Navajo Nation  
 Washington Office.

—  
 EASTERN NAVAJO DINÉ  
 AGAINST URANIUM MINING,  
 Crownpoint, NM, April 20, 2005.

DEAR REPRESENTATIVE: Eastern Navajo Diné Against Uranium Mining (ENDAUM)—a Navajo citizens group that has been trying to stop a uranium solution mining project in two Diné communities in New Mexico for more than 10 years—urges you to support the Udall Amendment to the Energy Policy Act of 2005 (H.R. 6). The Udall Amendment strikes Section 631, which authorizes a \$30 million dollar subsidy to companies using the in situ leach (ISL), or solution mining, method to extract uranium. This unnecessary act of corporate welfare could indirectly facilitate uranium mining in Navajo communities that don't want it and on a sovereign American Indian nation that just this week enacted a statutory ban on uranium mining and processing.

Since 1995, ENDAUM and other groups have mounted a legal challenge to the Nuclear Regulatory Commission's licensing of Hydro Resources Inc.'s Crownpoint Uranium Project. ENDAUM believes that solution mining at four sites in Church Rock and Crownpoint, New Mexico, will contaminate the regional aquifer that provides the only source of drinking water for an estimated 15,000 people.

Even though Section 631 contains a limitation that bars the Department of Energy (DOE) from awarding any of the \$30 million in grants for "restoration demonstration projects" located in New Mexico, ENDAUM fears that the provision, if enacted, could fund HRI's parent company, Uranium Resources, Inc. (URI). URI, which is based in Texas and operates three ISL mines there, qualifies for the DOE grants under language in Section 631. ENDAUM fears that should URI receive a DOE grant to be used at its Texas mines, it would free up cash to fund HRI's defense of its NRC license and eventually to construct the proposed ISL mines in Church Rock and Crownpoint.

Since the early 1950s, many Navajo communities including Church Rock have dealt with the devastating impacts of uranium mining on the health of workers and community members and the environment. This 50-year legacy was one of the principal reasons cited by the Navajo Nation Council when it voted 63-19 on April 19 to adopt the Diné Natural Resources Protection Act of 2005, which created Navajo Nation law banning uranium mining and processing, including ISL mining.

Congress has a responsibility to pass energy policy that promotes development of sustainable and renewable energy sources while protecting the environment and public health and respecting the sovereignty of Native American tribes. ISL mining in a currently used drinking water aquifer in Navajo communities is inimical to these objectives and is opposed not only by the overwhelming

majority of people in the area, but also by the Navajo Nation government. Again, ENDAUM urges you to support the Udall Amendment to strike from the Energy Policy Act of 2005 the \$30 million subsidy to the uranium mining industry.

Sincerely,

LYNNEA SMITH,  
Project Specialist.

TAXPAYERS FOR COMMON SENSE ACTION,  
STOP URANIUM SUBSIDIES FROM FOULING UP  
THE ENERGY BILL

SUPPORT THE UDALL AMENDMENT

DEAR REPRESENTATIVE: We urge you to support Representative Tom Udall's amendment to strike Section 631 from H.R. 6, the Energy Policy Act of 2005. We are deeply concerned with this provision, which gives a \$30 million handout to the uranium industry, and we will consider including your vote on the Udall amendment on our annual scorecards.

Section 631 authorizes \$30 million in federal spending to aid the uranium industry's efforts to develop in situ leaching mining technology. This unnecessary act of corporate welfare subsidizes a mature industry that has existed in the United States for more than half a century, and does not need the government to hold its hand any longer. The U.S. already has an ample supply of uranium, and does not need to spend hard-earned taxpayer dollars to scour for new sources.

The 50-year-old nuclear industry has benefited from cradle-to-grave subsidization for too long. These subsidies distort price signals and undermine the natural market forces of the energy industry. Section 631 is yet another example of the government's wasteful support of nuclear power, an industry that cannot survive on its own.

This \$89 billion energy bill is ballooning in cost, and at a time of unprecedented deficits it is the taxpayers of the next generation that will foot the bill. We urge you to oppose the energy bill, and to demonstrate your commitment to fiscal responsibility by supporting the Udall amendment. If you would like any more information, please contact Evan Berger at (202) 546-8500x111.

Sincerely,

JILL LANCELOT,  
President/Co-founder.

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

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is only a page amendment, section 631. It authorizes \$10 million each year for 2006, 2007, 2008.

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It would create cooperative cost-sharing agreements between the Department of Energy and the domestic uranium producers, and these cost-sharing agreements would be competitively selected demonstration projects. So it is a 3-year \$10 million per-year, openly competed demonstration program to try to find new ways to improve mining technologies with the appropriate environmental restoration technologies.

But the part that I want to read into the RECORD is, and I have great respect for the Congressional Research Service, but it very plainly states in section C of section 631, and I am going to read this verbatim: "Limitation. No activi-

ties funded under this section may be carried out in the State of New Mexico."

That is the plain language of the section: "No activities funded under this section may be carried out in the State of New Mexico."

Now, the gentleman from New Mexico has every right to offer an amendment to strip the section if he has some concerns generically about its impact nationally; but if he has any concern about this program being used in his home State, it is not going to happen, because it very clearly states in this amendment, this section C of the section 631, it cannot happen.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, the Congressional Research Service was specifically asked the question, and there is absolutely no doubt. I read it into the RECORD. It is there.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, with all due respect, this bill came out of my committee. I mean, read it. Would I put something in there or approve something, or is there some secret language, some code word that the gentleman and I, either one, do not know? "No activities funded under this section may be carried out in the State of New Mexico." Boom.

Now, I am not saying the Congressional Research Service did not tell the gentleman what he read in the RECORD. The gentleman is an honest man, but this is the bill. I mean, the gentleman understands that. Sure.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. HALL), to close.

The Acting CHAIRMAN (Mr. BONILLA). The gentleman from Texas (Mr. BARTON) has 1½ minutes remaining.

Mr. HALL. Mr. Chairman, like so many times when I stand up here, I am very fond of the author of the amendment, but I do not like the amendment. The name of Udall is almost a sacred name in the West.

The salient part of this bill, I think of this entire bill, that the gentleman from Texas (Chairman BARTON) has brought to us and we have passed through committee and subcommittee, is that it covers waterfront, and that means that we need all energy sources. This is just another of the sources that we pool together.

I think assuring reliable, economical, and environmentally sensitive domestic uranium mining industry is essential to be a part of this bill and to carry out and make the fullness of the bill.

As the gentleman from Texas (Chairman BARTON) pointed out, section 631 of the bill reported by the House Committee on Energy and Commerce, I do not know how many votes were against it, but the committee authorizes a

modest research and development program; it is \$10 million a year over a 3-year period. I think they have allocated the money out according to the good it will do. This program would be cost-shared, and it is consistent with far larger programs for other electricity generation. It makes no sense to eliminate this important funding and forego opportunities for this.

For all of these reasons, I oppose the Udall amendment.

Mr. BURGESS. Mr. Chairman, I rise this morning in opposition to the Udall amendment.

The Udall amendment will strike Section 631, which provides R&D funding for environmentally sensitive uranium mining and reclamation.

Nuclear power is an important part of our domestic fuel mix. It is an emission-free source of electricity that powers our homes and businesses. Today, nuclear power provides 20 percent of power in the United States.

As our economy continues to grow, we will consume more electricity. I think we can all agree that a healthy, robust economy is a desirable thing. Clean air is also desirable.

Nuclear power will help provide the electricity that our growing economy needs without increasing emissions. This is truly an environmentally responsible source of energy.

Section 631 will encourage improvements to uranium mining practices to make them more environmentally friendly. It encourages new environmental clean-up technologies as well.

Nuclear power is here to stay, and we need to support a strong domestic uranium industry.

We are at a point in our Nation's history where we cannot afford to turn our back on any reasonable power source to meet our Nation's energy needs.

I urge my colleagues to vote against the Udall amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Acting Chairman announced that the yeas appeared to have it.

Mr. UDALL of New Mexico. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico (Mr. UDALL) will be postponed.

It is now in order to consider amendment No. 16 printed in House Report 109-49.

AMENDMENT NO. 16 OFFERED BY MR. FORD

Mr. FORD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. FORD:

In title VII, subtitle B, part 1, add at the end the following new section:

**SEC. 713. EFFICIENT HYBRID AND ADVANCED DIESEL VEHICLES.**

(a) PROGRAM.—The Administrator of the Environmental Protection Agency shall establish a program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles. The program shall

include grants to domestic automobile manufacturers to—

(1) encourage production of efficient hybrid and advanced diesel vehicles; and

(2) provide consumer incentives, including discounts and rebates, for the purchase of efficient hybrid and advanced diesel vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for carrying out this section \$300,000,000 for each of the fiscal years 2006 through 2015.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Tennessee (Mr. FORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment, which is very simple. We increase funding for research and development of hybrid vehicles. Namely, the amendment would create a \$3 billion program over the next 10 years to provide incentives for car manufacturers to dramatically increase their production of hybrid and advanced diesel vehicles, and for consumers as well, Mr. Chairman, to purchase those vehicles at a discount and get them on the road as quickly as possible.

I would turn my attention, and I will be glad to yield at any time to the gentleman from Texas (Mr. BARTON) if he has a question.

I would point my colleagues' attention to two things. H.R. 6 makes every effort to address our dependence on foreign oil. However, 93 percent of the tax credits of the bill go to producers of traditional sources of energy, oil, gas and otherwise, compared to only about 6 percent for renewable sources of energy and energy efficiency.

This small amount that would go towards the development of hybrid vehicles would allow us to do two or three things right away, Mr. Chairman: first, to increase our fuel standards without addressing some of the more controversial ways that came up on the floor yesterday involving CAFE standards and increases there. It is known that a mid-sized hybrid SUV gets 31 percent better gas mileage than its conventional counterpart. And the "greener" hybrids, Mr. Chairman, can increase fuel efficiency by 85 percent.

A hybrid Honda Insight is rated at 61 miles per gallon in the city and 70 miles per gallon on the highway. A comparable traditional Honda Civic gets just 32 miles per gallon in the city and 37 miles per gallon on the highway.

I need not explain to those in my home district of Memphis who are paying an average of \$2.15 cents a gallon that we need better fuel efficiency, not only for our pocketbooks and our wallets but also for our air and our environment.

In addition, if indeed we were to travel this route and provide these incentives, Mr. Chairman, not only would we enjoy a net savings at the pump, but

we would also enjoy a net increase in jobs estimated, according to the Union of Concerned Scientists, by some 182,000 new jobs in the service, finance, insurance, manufacturing, and retail industries.

The second point I would make before yielding is that there have been questions raised by those in the automotive industry regarding how would we define a company that manufactures or assembles vehicles, or a domestic manufacturer. I would be more than willing to work with those in conference, but my intent is clear. Any company that manufactures or assembles vehicles in the United States would be covered under this amendment, meaning those at the Nissan plant in Smyrna, Tennessee, and those at the Saturn plant in Spring Hill, Tennessee, would be covered and protected.

Last, Mr. Chairman, this bill also seeks to promote research and development of advanced diesel engines, which would help companies to develop the next generation of cleaner, more energy-efficient trucks. This means that companies like Peterbilt and even Averitt Express in my home State of Tennessee would benefit from the program as well.

Finally, the program would also assist companies like the largest employer in my district and State, FedEx. For those of my colleagues who do not know, they are a little package delivery company in Memphis, which plans to introduce 75 new hybrid diesel-electric trucks into service nationwide in the next 12 months. These trucks are being built by a consortium of companies, including the Eaton Corporation and Freightliner.

In closing, Mr. Chairman, this is a good solid amendment. It is one that has no partisan stripes, only an effort to help clean up the environment, find ways to reduce our dependence on foreign oil, and create good old American jobs here in this country.

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

Mr. BARTON of Texas. Mr. Chairman, I claim the time in opposition, although I am actually supportive of the amendment, but I had to apparently say I was opposed to get the time, and I yield myself such time as I may consume.

Mr. Chairman, this is a good amendment. It adds to the bill. The gentleman from Arizona (Mr. SHADEGG) offered a similar amendment in markup that was adopted. This goes further and establishes the program at the EPA. The only concern, well, not concern, but I need to let the distinguished gentleman from Tennessee know that this authorizes the program, it does not appropriate the funds, and it would be subject to appropriations; but certainly, authorizing the program so that we can go to the Committee on Appropriations and request funding.

There is no question, it is without question that hybrid technology extends our available full fuel resources

and that it is a coming thing, and I want to thank the gentleman from Tennessee for offering this amendment, and I do strongly support it.

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

Mr. FORD. Mr. Chairman, I yield myself the remaining time. I thank the chairman for his support and ask all of my colleagues in both parties to be supportive of it.

Just to point out one last thing, I appreciate the chairman pointing out that this authorizes the program, and forgive me for not making that point clear, as well as the fact that the EPA will administer this program. Finally, as my colleagues know, the budget measure that President Bush proposed would grant about \$7 billion, a little over \$7 billion, in tax breaks; and a good 70 percent of that would go towards energy efficiency and alternative sources of energy. I believe that this amendment advances that goal, not only for the President but, more importantly, for the country.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. FORD).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 109-49.

AMENDMENT NO. 17 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment as the designee of the gentlewoman from Ohio (Ms. KAPTUR).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. KUCINICH: In section 722(a), strike "15" and insert "20".

In section 722(e)(1), strike "\$20,000,000" and "\$15,000,000".

MODIFICATION TO AMENDMENT NO. 17 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to modify this amendment by striking the number "20" in the first place it appears and inserting the number "30" in lieu thereof.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. KUCINICH of Ohio by striking "20" the first place it appears and inserting "30" in lieu thereof.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. BARTON of Texas. Mr. Chairman, reserving the right to object, and I will not object, Mr. Chairman, simply to say that the gentleman has cleared this with the majority. It would change the numerical number of cities that would be eligible, but it would not change the total funding, and this is an acceptable change, and we are very willing to accept it.

Mr. Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Without objection, the modification to the amendment is accepted.

There was no objection.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

I want to express my appreciation to the Chair for accepting the modification and my appreciation to the gentlewoman from Ohio (Ms. KAPTUR), who I have worked with on this amendment that would double the number of Department of Energy Clean City programs that could apply for a pilot program to invest in alternative fuel vehicles. By amending section 722, the amendment would increase the number of project grants from 15 to 30 for State governments, local governments, and metropolitan transportation authorities.

Now, we are offering this amendment because we believe that farmers and our urban centers can work together to eliminate our dependency on oil. Farmers grow biomass feedstocks that can be processed locally to supply nearby cities such as Cleveland and Toledo.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Toledo, Ohio (Ms. KAPTUR), with whom I have had the privilege of working on this amendment.

Ms. KAPTUR. Mr. Chairman, I thank the able gentleman from Cleveland and say that the north coast of Ohio is well represented here today as we help America, through the Kucinich-Kaptur amendment, take another small step for humankind toward energy independence.

This program is budget neutral. All it does is it allows for 30 communities in our country to adapt alternatively fueled vehicles in their public fleets, as well as some of the infrastructure to support it. It allows for those competitive grants to be in the amount up to \$15 million as opposed to \$20 million. So we reduce the actual amount, and we increase the number of communities, so we at least have an additional 30. It allows greater energy security, greater economic security and, without a doubt, greater environmental security.

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I want to say thank you to the gentleman, who has been such a leader on this issue, the gentleman from Ohio (Mr. KUCINICH), for Cleveland and for our country. It is important to think about new ways of doing things, to close the book on the 20th century, the petroleum age, and move toward a new energy age for America and the world.

Sixty-two percent of what powers our vehicles today is imported, that is, two-thirds. This is not a sustainable position for the United States, particularly when spot markets in oil are ringing in at over \$50, and \$55 a barrel. Every family in America is feeling the pain of this. So this program will help us move forward millions of vehicles in

the public realm that can help us transition to a new age of energy independence.

I am very sensitive to the gentleman's time and do not want to impose.

Mr. KUCINICH. Well, the gentlewoman has made it possible for me to help and offer this amendment.

We can grow our way out of our energy crisis; and farmers growing biomass feedstocks that can be processed locally to supply, in our case, nearby cities such as Cleveland and Toledo can help us do that. They will benefit with new and more stable markets; our fuel supply is home grown, thus reducing our dependence on foreign oil; fuel prices are reduced; and the air we breathe is cleaner.

I yield to the gentlewoman.

Ms. KAPTUR. Mr. Chairman, I would just say, along with what the gentleman has stated for the record, there are over 140 million cars and 85 million trucks on our highways. And today 3,300,000 of those cars and trucks all already are on our highways running on 85 percent ethanol. If we but use our fleets in a wiser way and help transition to these new fuels, we can make a difference in the pockets of every single American and leave a better world to our children.

Today, there are 187,000 retail locations in our country from which we purchase our fuels, but only 400 stations across 38 States sell E-85. I want to buy. I just said to the head of GM, who came here to Washington this week, to the Auto Caucus event, I said, Sir, I want to buy a GM Malibu powered by ethanol. Do you sell it? And even if I bought it, could I go to Toledo and buy the fuel?

He said, "I do not think I have that yet." I said, "Can you go back to Detroit and figure that one out for me?"

I know that the Jeep Liberty that is rolling off the lines in Toledo today has, for the first time in U.S. history, a 5 percent biodiesel blend as original equipment, called B-5. Someday we are going to get that up to B-20, and the farms in Ohio that surround the cities that some of us live in are going to provide that fuel. And that money is going to be going in their pockets. We are going to have a new fuel-based age in this Nation.

I get pretty excited about this, because I have seen the future and it is in Ohio, and it is in Iowa, and it is in Nebraska.

Mr. BARTON of Texas. Mr. Chairman, if the gentlewoman will yield, it is in Texas.

Ms. KAPTUR. Mr. Chairman, it is definitely in Texas. And we want to be able to use that fuel in a new way.

So we thank the gentleman for allowing the amendment to be offered, I would hope that we would get favorable consideration by the committee or when we come to the floor for a vote.

So we would urge consideration and support of the Kaptur-Kucinich amendment, which is future-oriented, budget-neutral, and helps move America to a new biofuel age.

The Acting CHAIRMAN (Mr. BONILLA). All time has expired on this debate.

The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment, as modified, was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report No. 109-49.

AMENDMENT NO. 18 OFFERED BY MS.

MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Ms. MILLENDER-MCDONALD:

In title VII, after section 743 insert the following new section and make the necessary conforming changes in the table of contents: **SEC. 743A. DIESEL TRUCK RETROFIT AND FLEET MODERNIZATION PROGRAM.**

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall establish a program for awarding grants on a competitive basis to public agencies and entities for fleet modernization programs including installation of retrofit technologies for diesel trucks.

(b) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only to a State or local government or an agency or instrumentality of a State or local government or of two or more State or local governments who will allocate funds, with preference to ports and other major hauling operations.

(c) AWARDS.—

(1) IN GENERAL.—The Administrator shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of grants under this section.

(2) PREFERENCES.—In making awards of grants under this section, the Administrator shall give preference to proposals that—

(A) will achieve the greatest reductions in emissions of nonmethane hydrocarbons, oxides of nitrogen, and/or particulate matter per proposal or per truck; or

(B) involve the use of Environmental Protection Agency or California Air Resources Board verified emissions control retrofit technology on diesel trucks that operate solely on ultra-low sulfur diesel fuel after September 2006.

(d) CONDITIONS OF GRANT.—A grant shall be provided under this section on the conditions that—

(1) trucks which are replacing scrapped trucks and on which retrofit emissions-control technology are to be demonstrated—

(A) will operate on ultra-low sulfur diesel fuel where such fuel is reasonably available or required for sale by State or local law or regulation;

(B) were manufactured in model year 1998 and before; and

(C) will be used for the transportation of cargo goods especially in port areas or used in goods movement and major hauling operations;

(2) grant funds will be used for the purchase of emission control retrofit technology, including State taxes and contract fees; and

(3) grant recipients will provide at least 5 percent of the total cost of the retrofit, including the purchase of emission control retrofit technology and all necessary labor for installation of the retrofit, from any source other than this section.

(e) VERIFICATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register procedures to—

(1) make grants pursuant to this section;

(2) verify that trucks powered by ultra-low sulfur diesel fuel on which retrofit emissions-control technology are to be demonstrated will operate on diesel fuel containing not more than 15 parts per million of sulfur after September 2006; and

(3) verify that grants are administered in accordance with this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section, to remain available until expended the following sums:

- (1) \$20,000,000 for fiscal year 2005.
- (2) \$35,000,000 for fiscal year 2006.
- (3) \$45,000,000 for fiscal year 2007.
- (4) Such sums as are necessary for each of fiscal years 2008 and 2009.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

Today I am offering an amendment to the energy bill that establishes a diesel truck retrofit and fleet modernization program. This amendment will advance some of our country's most pressing environmental and transportation concerns.

Currently, there are over 90,000 trucks in operation in the United States, and over 30,000, or 35 percent, are over 10 years old. Heavy-duty trucks are known to operate for 20 years or more and 1 million miles or more.

The emissions from these older, heavy-duty trucks are among the highest contributors to ozone and particulate pollution in the country. Heavy-duty trucks are the highest polluters among on-road transportation emissions resources. This is a national issue.

In 2003, 62 million people lived in 97 U.S. counties with particulate levels higher than the particulate matter 2.5, and/or PM-10 Federal standards; and 159 million people lived in areas that do not meet the 8-hour ozone standards. The health impact of particulates and ozone pollution are increasingly a major public concern.

The problem is that we have to get the old trucks off the highways so that we can fully receive the benefits of the progress we have made over the past 30 years. My amendment authorizes \$100 million in funding between fiscal year 2006 and fiscal year 2008 that will be an incentive to replace and scrap the oldest and highest emitting heavy-duty trucks; incentives to retrofit heavy-duty trucks that will be operating for more than many years; incentives to develop and implement a training program for technicians working with advanced diesel technology and alter-

native fueled vehicles; and an exemption from Federal income taxes on any incentive payments to truck owners and operators who participate in voluntary replacement and/or retrofit programs, and where the incentive payments are used toward purchasing or retrofitting newer, cleaner-burning heavy-duty trucks.

Mr. Chairman, to date, 322 old trucks have been scrapped since September 2002. In the last year alone, only 11 trucks have been removed from the road. I think we can do better.

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

Mr. HALL. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

This amendment creates an EPA program for awarding competitive grants. We like that. We like the fact that the fleet modernization and retrofitting of existing equipment is going to reduce harmful emissions and lessen smog-forming pollution.

It is a good amendment, and the majority is in favor of it. I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for introducing it and explaining it and passing it.

Creates an EPA program for awarding competitive grants to public agencies and entities for fleet modernization including installation of retrofit technologies for diesel trucks.

Grants are to be awarded to State and local governments or agencies that will allocate funds with a preference to ports and other major hauling operations.

Preference is given to proposals that achieve greatest emissions reductions and involve the use of EPA or California Air Resources Board (CARB) verified retrofit technologies. In addition, those diesel trucks retrofitted with emissions control technologies should operate on ultra-low sulfur diesel fuel.

Marine ports in the United States are major hubs of economic activity and sources of pollution. Ports experience thousands of diesel truck visits per day. This activity contributes significantly to local and regional air pollution.

This program is a measure that will work towards decreasing the impact of air pollution by ports on the local and regional level.

Fleet modernization and retrofit of existing equipment will reduce harmful emissions and lessen smog forming pollutants.

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

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, this amendment establishes a diesel truck retrofit and fleet modernization program. It authorizes \$200 million funding between 2006 and 2008.

This amendment is modeled after a very successful program which my colleagues and I initiated in 2001 through the gateway cities region. The gateway region is comprised of 27 cities

throughout southern Los Angeles County, one of which has the highest pollution area in the State of California, that I and the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentlewoman from California (Ms. LINDA T. SANCHEZ) and other Members represent.

In 2000, the gateway region was identified in a study as having some of the highest levels of toxic exposure caused by diesel emissions in that whole region. As you know, 80 percent of the goods received at the Ports of Long Beach and Los Angeles are transported by trucks through our cities, and this traffic heavily impacts the region's infrastructure, the quality of life, and the health of the area's residents, particularly the young and vulnerable elderly.

Diesel engine emissions contain cancer-causing substances such as arsenic, benzene, et cetera, et cetera. I urge all of my colleagues to vote for the amendment.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the support of the Members for my amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD.)

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 19 printed in House Report 10-49.

AMENDMENT NO. 19 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. BLUMENAUER.

In title VII, subtitle D, after section 754, insert the following new section (and amend the table of contents accordingly):

**SEC. 755. CONSERVE BY BICYCLING PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term “program” means the Conserve by Bicycling Program established by subsection (b).

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the “Conserve by Bicycling Program”.

(c) PROJECTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) REQUIREMENTS.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;  
 (ii) law enforcement;  
 (iii) education;  
 (iv) public health;  
 (v) environment; and  
 (vi) energy;  
 (D) maximize bicycle facility investments;  
 (E) demonstrate methods that may be used in other regions of the United States; and  
 (F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) COST SHARING.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

(d) ENERGY AND BICYCLING RESEARCH STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) COMPONENTS.—The study shall—

(A) document the results or progress of the pilot projects under subsection (c);

(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying capacity of bicycles; and

(iv) bicycle infrastructure;

(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(D) include a cost-benefit analysis of bicycle infrastructure investments; and

(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$6,200,000, to remain available until expended, of which—

(1) \$5,150,000 shall be used to carry out pilot projects described in subsection (c);

(2) \$300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

(3) \$750,000 shall be used to carry out subsection (d).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

Today I am introducing an amendment to the Energy Policy Act to create a new conservation and research program, Conserve by Bike. This is something that we discussed the last time we had an energy program before us. This was approved by a voice vote. This legislation represents a small but important step forward towards determining our energy future.

There is much discussion on the floor about things that are mandatory. There are lots of things that make people cranky. This is one thing that will be able to help us move forward to actually take advantage of proven technology, and something that is a very positive development in each and every community across the country.

Bicycling, as virtually every Member of this assembly knows, is one of the cleanest, healthiest, most efficient and environmentally friendly modes of transportation that exists. It is the most efficient form of urban transportation in history.

As an alternative to automobile travel, bicycling can be an important element of a comprehensive energy conservation strategy. However, the relationship has not been adequately studied. The Conserve by Bike amendment recognizes that it is time to better understand the positive effects that bicycling can have on the conservation of our energy resources.

The amendment seeks to ensure that the Federal Government educates the public and provides appropriate research into the benefits of bicycling as it relates to energy conservation.

We are well aware of the health impacts. We are well aware of the opportunities that bicycling affords to young people, for example, to being able to have access to school.

This assembly, just last month, has approved in our transportation legislation, almost \$1 billion in Safe Routes to Schools. With ISTEA and TEA-21 we have increasingly supported bike facilities through State, Federal and local funding. This amendment will leverage these investments to help people take advantage of energy conservation choices they have in getting around their community.

First, the amendment would establish a Conserve by Bicycling pilot program in the Department of Transportation, oversee up to 10 geographically dispersed pilot projects across the country designed to conserve energy resources, providing education and marketing tools to convert car trips to bike trips.

In addition, the projects would encourage partnerships between stakeholders from transportation, law enforcement, education, public health, environment and energy fields. The project results in energy savings must be documented, and the Secretary of Transportation is instructed to report to Congress the results of the pilot program within 2 years of implementation.

According to the Bureau of Transportation Statistics, bicycles are second only to cars as a preferred mode of transportation, demonstrating their potential for commuter use.

□ 1100

In recent years there have been significant upgrades to bicycling environments in the communities across the country. At a time when these communities are seeking to reduce traffic congestion, improve air quality, increase the safety of their neighborhoods, decrease petroleum dependence, bicycles offer a relatively simple, energy-saving alternative to driving. At a time when we talk seriously about transportation alternatives as an important component to comprehensive energy con-

servation strategy, this gives us the elements to make sure that we can document the impact.

The Conserve by Bike program is a critical step in the right direction. I strongly urge its adoption.

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

Mr. HALL. Mr. Chairman, on the Blumenauer amendment, I rise to say that we will accept the amendment.

The Acting CHAIRMAN (Mr. PUTNAM). Without objection, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we encourage bicycling. It serves to ease traffic congestion and all that. I think this bill was accepted last year in the same bill and they accept it this year.

Mr. Chairman, the first bill I voted on when I came up here 25 years ago was to give a gasoline allowance to guys that rode their bikes to work. I thought that was interesting. I do not know if the gentleman has that in part of this amendment or not, but I hope it is in here. We do accept it.

It is one of our oldest modes of transportation. Everyone recognizes the benefits, and it is a good amendment, and we thank the gentleman for introducing it again this year. Perhaps we will make it to the end of the gate.

I would like to also, if I have some time, I would like to just say that this establishes the Conserve the Bicycling pilot program within the Department of Transportation, and up to, I think, 10 pilot projects geographically disbursed all across the country designed to conserve energy and resources by providing education and marketing tools to convert car trips to bike trips. It makes a lot of sense.

According to the Chicagoland Bicycle Federation, right now slightly less than one trip in 100 is by bicycle. If the United States would just raise the levels to just 1½ trips per 100, we would save over 462 million gallons of gasoline a year. That is hard to multiply that out and come up with that, but that is an amazing figure.

Bicycling, as I have said, is one of the oldest modes of transportation. Everyone recognizes the benefits including health and quality of life for bicycling, not only what it does for the environment. And encouraging bicycling serves to ease traffic congestion; it mitigates air quality impact from cars and trucks and traffic. I think it is a good amendment, and I thank the gentleman for offering it.

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

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the gentleman from Texas' (Mr. HALL) willingness to accept the amendment. What he said is true: there are over 100 million bicycles in this country. We have

seen in community after community when there have been opportunities people bike. In my home town of Portland, Oregon, we have tripled the number of people who are commuting by bicycle. And when you take thousands of people off the road, it makes a difference in air quality. It makes a difference in congestion, and it makes a difference in terms of people's health.

This is a small step in the right direction. I urge its adoption, and I look forward to greater application in the future.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in House Report 109-49.

AMENDMENT NO. 20 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Ms. JACKSON-LEE of Texas:

In section 910, add at the end the following new subsection:

(h) INTEGRATED BIOENERGY RESEARCH AND DEVELOPMENT.—In addition to amounts otherwise authorized by this section, there are authorized to be appropriated to the Secretary for integrated bioenergy research and development programs, projects, and activities, \$49,000,000 for each of the fiscal years 2005 through 2009. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least \$5,000,000 for each fiscal year shall be for training and education targeted to minority and social disadvantaged farmers and ranchers.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank both the chairman of the Committee on Energy and Commerce and as well the members of the committee. How ever we debate this legislation, it is long in coming.

I also want to acknowledge my colleague and friend, the gentleman from Texas (Mr. HALL) who is presiding for the other side this morning, because we have talked quite often about the importance of energy safety and energy security. Many of the elements of this legislation deal with those issues.

I want to say to my constituents in the 18th Congressional District and surrounding areas that we have for a

long time in Texas lived alongside of the energy industry. It has created our jobs, of course, and created the underpinnings of the economic infrastructure for America. We have been on rocky times, Mr. Chairman. We have gone through some challenges whether it relates to the appropriate or inappropriate handling of our finances that drew the collapse of some of our companies, to some tragedies that have occurred that have caused the loss of life. But I do believe that the consensus is that we need an energy policy that responds to all of the elements that want an independent and strong future for America.

I would hope that at the end of the day we will have legislation that will speak to a strong future for America and that requires not only safety in our further development of refineries and our LNG sites but also giving opportunity to many different aspects of our society to create energy.

My amendment authorizes funds to be appropriated to the Secretary of Energy for integrated bioenergy research and development programs, projects and activities at a cost of \$49 million for each of fiscal years 2005 to 2009, equaling \$5 million. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation.

Of the funds authorized under this subsection, at least \$5 million for each fiscal year shall be for training and education targeted to minority and socially disadvantaged farmers and ranchers, many of whom have looked to future opportunities to ensure that they are taking advantage, one, of the current needs of America.

I also had amendments that would have focused on the offshore drilling, environmentally safe offshore drilling that is occurring of the Texas and Louisiana shore. That has been going on for a number of years. My amendment had wanted to ensure that the reports given from the Department of Interior would be every 2 years as opposed to every 5 years. My effort was really to ensure the continued energy resources and to build the independence of the United States from foreign oil.

This amendment that is now being offered acknowledges the value of biomass. It also focuses on socially disadvantaged and minority ranchers and farmers. That means it reaches throughout the Nation. Specifically, it provides for the opportunity to translate those products from the particular entities into energy. There is a great opportunity for this, Mr. Chairman.

We are well aware of the value of our agricultural industry, but are we aware of what can happen positively to minority and socially disadvantaged ranchers and farmers if they find another element to their resources. In addition, this gives a great opportunity for Historically Black Institutions and Hispanic-serving Institutions who are

located in these rural areas to be able to coalesce with these farmers and ranchers to be able to create new opportunities.

What starts with a little start can build up to a huge opportunity to build this Nation into a strong, secure and independent country, independent of foreign oil.

Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs. Furthermore, bioenergy is oftentimes produced by a form of biomass which is organic matter that can be used to provide heat, make fuels and generate electricity. Wood, the largest source of bioenergy has been used to provide heat for thousands of years, but there are many other types of biomass such as wood, plants, residue from agricultural forestry, and the organic component of municipal and industrial waste that can now be used as energy sources.

My constituents back home, as many of our constituents across the Nation, have asked the question about gasoline prices. We need to move forward with these new and creative resources and technologies to be able to say to our constituents, we understand the soaring rates on gasoline prices. We are sympathetic, and we are looking forward to making sure that those prices come down, so that our constituents can do the job that they need to do and, that is, providing for their families.

I would hope that this legislation moves forward. We will have amendments that will address the question of gasoline costs. But this amendment which deals with our farmers and our ranchers, Mr. Chairman, works towards making us a safe and secure Nation. I ask my colleagues to support this amendment.

Mr. Chairman, I rise to offer an amendment to H.R. 6 "The Energy Policy Act of 2005." Before doing so, I want to thank the Chairman of the Committee on Energy and Commerce for moving the bill out of committee so quickly so we can begin to aggressively deal with the energy crisis going on in this country and for his support of my amendment.

My amendment authorizes funds to be appropriated to the Secretary of Energy for integrated bioenergy research and development programs, projects, and activities, at a cost of \$49,000,000 for each of the fiscal years 2005 through 2009. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least \$5,000,000 for each fiscal year shall be for training and education targeted to minority and socially disadvantaged farmers and ranchers.

While my amendment acknowledges the value of biomass, it also focuses on socially disadvantaged and minority ranchers and farmers. That means it reaches throughout the Nation. Specifically, it provides the opportunity to translate those products from those particular entities into energy.

We are well aware of the value of our agricultural industry, but are we aware of what



can happen positively to minority and socially disadvantaged ranchers and farmers if they find another element to their resources? Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs.

Furthermore bioenergy is oftentimes produced by a form of biomass, which is organic matter that can be used to provide heat, make fuels, and generate electricity. Wood, the largest source of bioenergy, has been used to provide heat for thousands of years. But there are many other types of biomass—such as wood, plants, residue from agriculture or forestry, and the organic component of municipal and industrial wastes—that can now be used as an energy source. Today, many bioenergy resources are replenished through the cultivation of energy crops, such as fast-growing trees and grasses, called bioenergy feedstocks.

Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs. The two most common biofuels are ethanol and biodiesel. Ethanol, an alcohol, is made by fermenting any biomass high in carbohydrates, like corn, through a process similar to brewing beer. It is mostly used as a fuel additive to cut down a vehicle's carbon monoxide and other smog-causing emissions. Biodiesel, an ester, is made using vegetable oils, animal fats, algae, or even recycled cooking greases. It can be used as a diesel additive to reduce vehicle emissions or in its pure form to fuel a vehicle. Heat can be used to chemically convert biomass into a fuel oil, which can be burned like petroleum to generate electricity. Biomass can also be burned directly to produce steam for electricity production or manufacturing processes. In a power plant, a turbine usually captures the steam, and a generator then converts it into electricity. In the lumber and paper industries, wood scraps are sometimes directly fed into boilers to produce steam for their manufacturing processes or to heat their buildings. Some coal-fired power plants use biomass as a supplementary energy source in high-efficiency boilers to significantly reduce emissions.

Even gas can be produced from biomass to generate electricity. Gasification systems use high temperatures to convert biomass into a gas (a mixture of hydrogen, carbon monoxide, and methane). The gas fuels a turbine, which is very much like a jet engine, only it runs an electric generator instead of propelling a jet. While technology to bring biobased chemicals and materials to market is still under development, the potential benefit of these products is great.

I ask that my Colleagues join me in supporting this amendment.

Mr. HALL. Mr. Chairman, I ask unanimous consent to speak for 5 minutes in support of the amendment.

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

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is such a good amendment. This author is known for amending bills and upgrading them. Here is another instance. Actually, I think it is short enough to read to get it into the RECORD once again and before us:

“In section 910, add at the end the following new subsection,” here is the part that I want to emphasize, “integrated bioenergy research and development in addition to amounts otherwise authorized by this section, there are authorized to be appropriated to the Secretary for integrated bioenergy research and development, programs, projects and activities, \$49 million for each of the fiscal years 2005 through 2009. Activities funded under this subsection shall be coordinated with ongoing related programs of the Federal agencies including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least \$5 million for each fiscal year shall be for training and education targeted to minority and socially disadvantaged farmers and ranchers.”

That is the end of the amendment. It is a simple and direct amendment. The Jackson-Lee amendment not only acknowledges the value of biomass but at the same time it focuses on socially disadvantaged minority ranchers and farmers. That means it reaches through the Nation. Specifically, what it does, and I thank the gentlewoman for this, it provides the opportunity to translate these products from those particular entities into that wonderful thing we call energy.

What the Jackson-Lee amendment actually does, and let us just see what it does here, it would authorize funds to be appropriated to the Secretary of Energy for integrated bioenergy research and development programs, projects, activities at the cost of \$49 million for each of the fiscal years 2005 through 2009.

Activities funded under this subsection would be coordinated with ongoing related programs of other Federal agencies including the Plant Genome Program of the National Science Foundation, as was stated in the bill itself.

Of the funds authorized under this subsection, at least \$5 million for each fiscal year shall be for training, that is very important, and for education, that follows, targeted to minority and socially disadvantaged farmers and ranchers.

The gentlewoman from Houston, Texas (Ms. JACKSON-LEE) has another good amendment, and we do support the amendment and ask that it be attached to the bill and passed. I think it will help us when we get this bill to the President for his signature after the other body in their wisdom sees fits to find us two more votes and pass it on to a good President who will sign a good bill.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in House Report 109-49.

AMENDMENT NO. 21 OFFERED BY MR. TOM DAVIS of Virginia

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. TOM DAVIS of Virginia:

Strike section 978 (and conform the table of contents accordingly).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, section 978 creates two new Senate-confirmed assistant secretary positions within the Department of Energy. This change would increase the total number of Senate-confirmed assistant secretaries in the Department from six to eight.

The Department of Energy has been plagued by management problems for years. Since 1990 GAO has designated contract management at DOE as a high-risk area for waste and mismanagement.

A recently released GAO report requested by the Committee on Government Reform confirms that DOE contract management should remain on the GAO high-risk list. Additionally, the DOE Inspector General has reported for years that the Department is not doing enough to protect its facilities and materials from threats to our national security.

While the issues that these proposed assistant secretaries would be responsible for no doubt are important issues, adding an additional layer of bureaucracy does not elevate the issue. DOE management will not improve as a result of adding these new layers. In fact, the new position could have the opposite effect by slowing down the decision-making process.

In addition to adding more unnecessary bureaucracy to the Department, this section adds to the ranks over 500 positions in the executive branch that go through the cumbersome Senate confirmation process. I have yet to be convinced that requiring positions below the secretary level through the confirmation process in the other body yields better candidates or more effective governmental administration.

Our Committee on Government Reform, which has jurisdiction over the Federal civil service and therefore the creation of new layers of bureaucracy, unanimously agreed to strike this section from the energy bill when the committee marked up our provisions last week.

□ 1115

Unfortunately, when the broader energy bill was cobbled together before coming to the floor, the provision was

not only reinserted, it was added to by creating two new Assistant Secretaries rather than just one.

Based on conversations with my colleague that support the creation of these new positions, this is an issue that I pledge to work with them on as the bill moves through the conference. Of the two new proposed positions, one is simply an elevation of a preexisting Senate-confirmed post within DOE, whereas the other is a brand new Senate-confirmed position.

For the time being, I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN (Mr. PUTNAM). Who seeks time?

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I join my colleague, the chairman of the Committee on Government Reform, in urging Members to adopt this change in the Department of Energy structure. The change would increase the total number of Senate-confirmed Assistant Secretaries in the Department from six to eight.

We have had an opportunity to evaluate this proposal, and it makes good sense. I think the Department will become much more efficient, and it will give greater attention to very important energy issues.

So I join in support and urge my colleagues to vote for the Davis-Waxman amendment.

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

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition to the Davis-Waxman amendment.

The Acting CHAIRMAN. The gentleman from California (Mr. WAXMAN) has been allotted that time by unanimous consent.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would ask that maybe the gentleman from California (Mr. WAXMAN) could yield the gentlewoman from Illinois (Mrs. BIGGERT) any time that he would have remaining, so that she could make a case.

Mr. WAXMAN. Mr. Chairman, I would like to yield—

Mrs. BIGGERT. Mr. Chairman, the Chair did not ask him if he rose in opposition.

Mr. TOM DAVIS of Virginia. The gentlewoman in opposition to the amendment has no time because the gentleman has taken her time. I have 3 minutes remaining. I can give her 2 of my minutes. If the gentleman from California (Mr. WAXMAN) can give her a couple of minutes, she can make her case against our amendment.

Mr. WAXMAN. Mr. Chairman, I am willing to be as cooperative as possible, but I am not sure what the gentleman

is suggesting. We have a Member on our side who wants to speak in favor of the proposal.

Mr. TOM DAVIS of Virginia. We will see how much time she takes. If the gentleman can see how much time she takes, and then we can give the balance to the gentlewoman from Illinois (Mrs. BIGGERT).

I have a gentleman from our side who wants to speak in favor as well. We will try to accommodate the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the State of Nevada (Ms. BERKLEY).

The Acting CHAIRMAN. The gentlewoman from Nevada (Ms. BERKLEY) is recognized on the gentleman from California's (Mr. WAXMAN) time.

Ms. BERKLEY. Mr. Chairman, I thank the gentleman from California (Mr. WAXMAN) for yielding his time.

I rise in support of this amendment which would strike the provision in the bill to expand the number of Assistant Secretaries at the Department of Energy, one of which being an Assistant Secretary for improved management of nuclear energy issues.

Why are we creating a new position for nuclear power? There is no Assistant Secretary for gas or oil or coal. Nuclear energy should not be elevated above all the others.

This administration continues to push for expanded nuclear power, despite having no solution for the issue of radioactive nuclear waste disposal.

Recently, the Department of Energy revealed that Federal employees working on the Yucca Mountain project deliberately falsified scientific documentation regarding water infiltration and climate studies.

The D.C. Circuit Court of Appeals, the second highest court in the land, struck down the EPA's radiation standards, which they said were inadequate for a mere 290,000 years. Yet the DOE continues to move forward with its license application for a dump that will never be built and continues to spend billions of dollars of taxpayers' money while they are doing it.

Before creating an Assistant Secretary for Nuclear Issues and increasing our reliance on nuclear power, we must find a safe and scientifically sound solution to the problem of disposing of tens of thousands of tons of radioactive, toxic nuclear waste.

Mr. Chairman, Yucca Mountain is not a solution to our current problem, nor will it address the issue of storing newly created nuclear waste. Creating yet another layer of bureaucracy is not the answer to this Nation's energy problem, and certainly the Department of Energy has done nothing, nothing in its history to warrant additional funding and additional support.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I rise today in support of the Davis-Waxman amendment to H.R. 6.

Mr. Chairman, I could stand here all day and discuss some of the problems that are currently plaguing the Department of Energy, but as chairman of the Subcommittee on the Federal Workforce and Agency Organization within the Committee on Government Reform, I am growing more and more convinced the Department of Energy is not only experiencing problems relating to how to remove nuclear waste, but also other energy-related projects.

Now is not the time to be introducing two new Assistant Secretaries at the Department of Energy. I firmly believe that adding additional layers of bureaucracy to this department will only serve to cause more problems, rather than to solve problems.

Mr. Chairman, when the Committee on Government Reform and the subcommittee were considering the energy bill, I introduced an amendment to strip this position. My amendment was supported unanimously by the full committee. My colleagues recognized that with the current existence of a culture of mismanagement, now is not the time to create additional bureaucracy.

I urge my colleagues on both sides of the aisle to support this bipartisan amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask unanimous consent each side be given 1 additional minute.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield my 3 remaining minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. WAXMAN. Mr. Chairman, whatever time we have, I would also yield to the gentlewoman from Illinois (Mrs. BIGGERT) so she will have her full time.

The Acting CHAIRMAN. The gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 6 minutes.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman. I appreciate both of the gentlemen for yielding time to me.

I rise in opposition to this amendment which strikes from the bill a section that makes two simple, but important organizational changes at the Department of Energy. As the title of the section implies, these two changes are designated to improve the coordination and management of civilian science and technology programs at the Department of Energy.

First, section 978(a) of H.R. 6 simply changes from Director to Assistant Secretary the title of the position responsible for overseeing the DOE Office of Science.

Let me be clear about this. The Director of the Office of Science already is an Assistant Secretary in all but title. Like the other Assistant Secretaries at DOE, the Director of the Office of Science is already appointed by the President and confirmed by the Senate. Like the other Assistant Secretaries at DOE, the Director position is

on an executive schedule. Like the other Assistant Secretaries at the DOE, the Director position is a Level IV on the executive schedule.

This is not a new position nor is it a promotion. This is a title change only, no extra pay, no extra head count, no extra bureaucracy.

This simple title change is still critically important to the operation and organization of the DOE. We all know how important titles are within our Federal departments and agencies, and this title change appropriately acknowledges the central importance of science and technology to fulfilling the Department's varied missions.

That is why the person with the primary responsibility for overseeing basic scientific research within the Department should have at least the same title as his or her counterparts who are responsible for applied energy research as their mission of the Department.

The second provision contained in section 978(b) creates an additional Assistant Secretary at the Department and expresses the sense of Congress that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

I would really like to thank the gentleman from Virginia (Mr. TOM DAVIS) for clarification of his position and his willingness to work to find an acceptable compromise, and also for the gentleman from Texas (Chairman BARTON) for his commitment to revisit this issue.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from New York, the Chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to the amendment. Just let me talk about the part that concerns me the most, which affects the Director of the Office of Science.

As I understand it, the concern about the bill is that it would create a new Senate-confirmed position in the Department, but the Director of the Office of Science is already treated like an Assistant Secretary in all but name. He, or at points in the past she, is Senate-confirmed. The office holder is paid at the same level as an Assistant Secretary.

In fact, everything about the Director slot is identical to being an Assistant Secretary except the name, and in protocol-driven Washington and in capitals abroad, that can create confusion and be a problem.

So I hope that when the Senate comes back with this same provision, as I expect they will, we will be able to work it out based on the facts.

All we are trying to do here is make sure the Office of Science, the leading funder of physical science research, has the stature it needs to do its job even better. This elevation will not create any more hierarchy at the Department of Energy, and it will not cost any additional money.

Mr. Chairman, I thank the gentleman for his cooperation.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask unanimous consent for 1 additional minute on each side.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I just want to say to my friends on the Committee on Science that while we continue to stand in opposition to the creation of new bureaucracy as a way to solve the problems, I think there may be some kind of middle ground, as the gentleman has addressed, and I pledge as we move forward to work with them to try to find a solution to the issue they have identified with this Assistant Secretary for the Office of Science.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman, we are in favor of the amendment, of course, and I just want to point out that the Davis-Waxman amendment strikes section 978, which I will have the opportunity maybe at a later time to go into in more depth, but it strikes out "improved coordination and management of civilian science and technology programs" which would create two new Senate-confirmed Assistant Secretary positions within the Department of Energy, increasing the total number of Senate-confirmed Assistant Secretaries in the Department to eight. The proposed positions include one for science and one for nuclear energy.

Now, some of the talking points for this are, among others, there are a good many reasons to talk for this Department. The Department has significant management challenges. It is not the solution to add two more Senate-confirmed Assistant Secretaries to further bog down the situation. The Davis-Waxman amendment appropriately recognizes we do not need more Senate-confirmed Assistant Secretaries.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

In closing, I want to urge support for the amendment and also express to the gentleman from New York (Mr. BOEHLERT), for whom I have the highest regard, that I would like to work with him, along with the gentleman from Virginia (Mr. TOM DAVIS), to find a middle ground and to resolve any concerns that he has. I was unaware of his concerns, but I certainly would want to take them into serious consideration.

Mr. Chairman, I urge an "aye" vote for the amendment.

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

The Acting CHAIRMAN. All time has expired.

The Chair thanks the gentlewoman from Illinois (Mrs. BIGGERT) for her understanding and the gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. TOM DAVIS) for their accommodation.

The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 22 printed in House Report 109-49.

AMENDMENT NO. 22 OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. WALSH:  
**SEC. 1452. NATIONAL PRIORITY PROJECT DESIGNATION.**

(a) DEFINITIONS.—For purposes of this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) DEPARTMENT.—The term "Department" means the Department of Energy.

(b) DESIGNATION OF NATIONAL PRIORITY PROJECTS.—

(1) IN GENERAL.—There is hereby established the National Priority Project designation, which shall be evidenced by a medal bearing the inscription "National Priority Project". The medal shall be of such design and materials and bear such additional inscriptions as the President may prescribe.

(2) MAKING AND PRESENTATION OF DESIGNATION.—

(A) IN GENERAL.—The President, on the basis of recommendations made by the Secretary, shall annually designate organizations, if any, that have—

(i) advanced the field of renewable energy technology and contribute to North American energy independence; and

(ii) a project that has been certified by the Secretary under subsection (c).

(B) PRESENTATION.—The President shall designate projects with such ceremonies as the President may prescribe.

(C) USE OF DESIGNATION.—An organization that receives a designation under this section may publicize its designation as a National Priority Project in its advertising.

(D) CATEGORIES IN WHICH THE DESIGNATION MAY BE GIVEN.—Separate designations shall be made to qualifying projects in each of the following categories:

(i) Renewable energy generation projects.

(ii) Energy efficient and renewable energy building projects.

(c) APPLICATION AND CERTIFICATION.—

(1) SELECTION CRITERIA.—Certification and selection of the projects to receive the designation shall be based on the following criteria:

(A) FOR ALL PROJECTS.—The project demonstrates that it will install no less than 30 megawatts of renewable energy generation capacity.

(B) FOR ENERGY EFFICIENT BUILDING AND RENEWABLE ENERGY PROJECTS.—In addition to meeting the criteria established in subparagraph (A), building projects shall—

(i) comply with nationally recognized standards for high-performance, sustainable buildings;

(ii) utilize whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls;

(iii) utilize renewable energy for at least 50 percent of its energy consumption;

(iv) comply with applicable Energy Star standards; and

(v) include at least 5,000,000 square feet of enclosed space.

(2) APPLICATION.—

(A) INITIAL APPLICATIONS.—No later than 4 months after the date of enactment of this

Act, and annually thereafter, the Secretary shall publish in the Federal Register an invitation and guidelines for submitting applications, consistent with the provisions of this section.

(B) CONTENTS.—The application shall describe the project, or planned project, and its plans to meet the criteria listed in paragraph (1).

(3) CERTIFICATION.—Not later than 60 days after the application period described in paragraph (2), the Secretary shall certify projects that are reasonably expected to meet the criteria described in paragraph (1).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New York (Mr. WALSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 6 recognizes the key role of renewable energy and energy conservation as part of a balanced, comprehensive energy policy.

The National Priority Project Designation Act, which is this amendment, would complement the provisions already included in H.R. 6 by creating an additional incentive for renewable energy deployment and energy conservation at virtually no cost to the Federal Government.

The National Priority Project Designation would not only recognize the winning projects, it would also educate the public and the business community about the potential of renewable energy to contribute to North American energy independence. The designation would draw attention to large renewable energy projects, such as large wind farms that provide hundreds of megawatts of electricity generation capacity.

The designation would also encourage large building developments to expand on planned renewable energy and energy efficient features to add scale and deploy emerging technologies. This is a free-market, extremely low-cost way to encourage investment and innovation in renewable energy and energy conservation.

□ 1130

In summary, the amendment, which is modeled after the Malcolm Baldrige Quality Award Act, would recognize and highlight major green building and renewable energy projects. The legislation would direct the Secretary of Energy to establish guidelines for those interested in the designation to submit applications for an annual award process. The amendment establishes an open competitive process with minimum qualifying criteria. The Secretary of Energy would certify those projects that meet minimum criteria. The President would then, in consultation with the Secretary of Energy, select projects that advance the field of renewable energy technology and contribute to North American energy independence to receive the National Priority Project designation. Winning

projects would receive a medal commemorating the designation. Winning projects could also use the National Priority Project designation in their advertising.

The amendment would establish two categories of projects, pure renewable energy generation of 30 megawatts or more; and integration of at least 30 megawatts of renewable energy generation with large, energy-efficient buildings.

Mr. Chairman, I support enactment of this important energy legislation, and I urge my colleagues to include this amendment therein.

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

Mr. HALL. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, though I will speak in favor of the amendment.

The Acting CHAIRMAN (Mr. PUTNAM). Without objection, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we think this is a good amendment, and I think it is enough to go down through the projects that he outlined. In general, it says it hereby establishes the National Priority Project designation, which shall be evidenced by a medal bearing the inscription National Priority Project. And this medal would be of such design and materials and bear such additional inscriptions as the President might prescribe.

The President, on the basis of a recommendation made by the Secretary, can annually designate organizations, if any, that have, one, advanced the field of renewable energy technology and contributed to North American energy independence; and a project that has been certified by the Secretary under subsection (c). The President shall designate projects with such ceremonies as the President may prescribe.

It goes on to state, an organization that receives the designation under this section may publicize this designation in its advertising. Separate designations also could be made to qualifying projects in each of the following categories: the first one is renewable energy generation, and the second is energy-efficient and renewable energy building projects.

Under selection criteria, and it is pointed out absolutely from the very beginning, where this is made clear, that certification and selection of the projects to receive the designation have to be based on criteria, and they set that out, that is, that the project demonstrates that it will install no less than 30 megawatts of renewable energy generation capacity.

It states further that, in addition to meeting the criteria established in subparagraph (A), building projects shall, one, comply with nationally recognized

standards for high performance, sustainable buildings; two, utilize whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls.

They go on to say, also could utilize renewable energy for at least 50 percent of its energy consumption, comply with applicable Energy Star standards, and include at least 5 million square feet of enclosed space.

For the initial applications, it goes on to point out that no later than 4 months after the date of this enactment, and annually thereafter, the Secretary would publish in the Federal Register an invitation and guidelines for it.

Under contents and certification, it reads: the application shall describe the project, or planned project, and its plans to meet criteria listed in paragraph (1), and they certify it not later than 60 days after the application period described in paragraph (2), the Secretary shall certify projects that are reasonably expected to meet the criteria prescribed in this paragraph.

For these reasons, we support this amendment and urge its passage.

Mr. WALSH. Mr. Chairman, I yield myself the balance of my time; and, in conclusion, I would just like to say that any national energy policy should be heavily invested in energy conservation. That is what this amendment attempts to do, with little cost to the taxpayer and to the government.

I want to thank the gentleman from Texas (Mr. HALL) and the gentleman from Texas (Mr. BARTON) for the hard work they have done on this bill and for asking that the amendment be included.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WALSH).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 23 printed in House Report 109-49.

AMENDMENT NO. 23 OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. ENGEL:

In section 1512, in the section heading, strike “CELLULOSIC BIOMASS AND WASTE-DERIVED ETHANOL CONVERSION ASSISTANCE” insert “CONVERSION ASSISTANCE FOR CELLULOSIC BIOMASS, WASTE-DERIVED ETHANOL, APPROVED RENEWABLE FUELS”.

In section 1512, in the proposed subsection (r), in the subsection heading, strike “CELLULOSIC BIOMASS AND WASTE-DERIVED ETHANOL CONVERSION ASSISTANCE” and insert “CONVERSION ASSISTANCE FOR CELLULOSIC BIOMASS, WASTE-DERIVED ETHANOL, APPROVED RENEWABLE FUELS”.

In section 1512, in the proposed subsection (r)(1), strike “waste-derived ethanol” and insert “, waste-derived ethanol, and approved renewable fuels”.

In section 1512, in the proposed subsection (r)(1), insert "or approved renewable fuels" after "production of ethanol".

In section 1512, in the proposed subsection (r)(2)(B), insert "or renewable" after "uses cellulosic".

In section 1512, in the proposed subsection (r), insert after paragraph (3) the following new paragraph:

"(4) DEFINITIONS.—For the purposes of this subsection:

"(A) The term 'approved renewable fuels' are fuels and components of fuels that have been approved by the Department of Energy, as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211), which have been made from renewable biomass.

"(B) The term 'renewable biomass' is, as defined in Presidential Executive Order 13134, published in the Federal Register on August 16, 1999, any organic matter that is available on a renewable or recurring basis (excluding old-growth timber), including dedicated energy crops and trees, agricultural food and feed crop residues, aquatic plants, animal wastes, wood and wood residues, paper and paper residues, and other vegetative waste materials. Old-growth timber means timber of a forest from the late successional stage of forest development. "

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume, and I rise to offer a perfecting amendment to a good grant proposal offered in section 1512.

Under H.R. 6, the Secretary of Energy may provide grants to merchant producers of cellulosic biomass ethanol and waste-derived ethanol. My amendment would simply allow producers of other renewable fuels approved by the Department of Energy to also apply for these grants.

This amendment simply expands the types of renewable fuels eligible for funding under the grant program in H.R. 6. There is no change in cost to the grant program or H.R. 6 under my amendment.

Currently, there is no available technology that can convert much of the urban waste into ethanol; yet there is at least one such technology that can convert urban waste into components for another DOE-recognized alternative fuel called P-Series fuels.

P-Series is a family of renewable nonpetroleum liquid fuels that can substitute for gasoline. P-Series fuels were officially designated as an alternative fuel by the U.S. Department of Energy in 1999. Forty-five percent of P-Series fuels are made from ethanol; the rest is made up of MTHF, natural gas liquids and butane. Both the ethanol and MTHR are derived from renewable domestic feedstocks, such as corn, waste-paper, cellulosic biomass, agricultural waste, and wood waste from construction.

Since P-Series fuels are not derived from petroleum, the DOE concluded that P-Series fuels would efficiently and effectively help replace petroleum

imports. DOE also found P-Series to have environmental benefits because of the reduction in hydrocarbon and CO emissions, toxics, and greenhouse gases. P-Series fuel addresses three problems: the need for nonpetroleum energy sources, solid waste management, and affordability.

A pilot plan for this technology is operating in South Glens Falls, New York. It was constructed with funds invested by the U.S. Department of Energy. Associated Technology was developed at the U.S. Department of Energy's Pacific Northwest National Laboratory. This conversion process is well regarded and is deserving of the same level of assistance that are intended for ethanol conversion technologies. It won the President's Green Chemistry Challenge, a competition sponsored by the U.S. EPA's Office of Pollution Prevention and Toxics.

The U.S. Government spent considerable time and effort to develop this technology. Expanding the renewable fuels eligible under the grant program will be a win for all. Mr. Chairman, I know of no opposition to this amendment. I urge my colleagues to approve this simple amendment to H.R. 6.

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

Mr. HALL. Mr. Chairman, I seek the time in opposition to the amendment; and I yield 3 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I do rise in opposition to this amendment. The Committee on Resources opposes this amendment because of problems with a definition within the amendment that will prohibit many private landowners from participating in this program.

While the intent of this amendment is laudable, in reality it is nothing more than an attempt to grant special treatment to one company, with one facility, in one State.

This also does remind me of an important issue in a different part of the bill that is not part of this amendment, and that is title II, which contains a crucial provision that will benefit our Nation regarding hydropower relicensing. Hydropower is a reliable, secure, and clean source of power. Because it generates electricity through an electrochemical reaction instead of simple combustion, hydroelectricity helps reduce air pollution and greenhouse gas emissions linked to global warming.

Hydropower is also America's leading renewable energy source, accounting for well over 80 percent of our renewable electricity. Hydropower can be harnessed to generate electricity for homes, industry, and offices, leaving little more than steam as a by-product.

The hydrorelicensing provision in title II stimulates hydroelectric energy growth by improving the relicensing process between Federal resource agencies and their licensees. It does so by striking a balance between environmental concerns and energy production

in hydro projects. These critical facilities are too often strangled by unsound and unproven mandates that choke hydroelectric production.

In the next 15 years, hydroelectric facilities that serve over 30 million homes must undergo relicensing. The relicensing process must be modified before our Nation's hydropower resources lose the ability to provide clean, emission-free energy to America's energy consumers. The fact that Federal resource agencies mandate restrictive conditions on the operations of hydropower projects, without comprehensive analysis of their impacts or an independent review of these conditions, is unacceptable.

Regulation of the hydro industry is plagued by uncertainty, duplication, and contradiction. Further, the licensing process for hydroelectricity is cumbersome, confusing, and costly, with no one party acting as a final arbiter of the competing interests involved in the project.

This language will result in greater interaction between the resource agencies and licensees, great flexibility in the development of environmental measures, and create an increased efficiency in the way we produce safe hydroelectric energy.

I want to thank our chairman, the gentleman from Texas (Mr. BARTON), for including this provision in the bill. It will greatly benefit our Nation, and for that reason I oppose the amendment before us.

Mr. HALL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as my colleague said a moment ago, this amendment is laudable, and I admire the gentleman for pushing it; but I have to say that, in reality, it is really special treatment for one company, with one facility, in one State. Pure Energy Corporation is the only company I know of in the United States to have a patent for technology that can convert urban waste into a DOE-recognized fuel called a P-Series fuel. This amendment would grant enormous latitude for the application for this one technology to benefit this one company, and it is really not a matter of national policy.

Further, the company in question also receives funding and grants from the DOE in support of this technology. This is the type of action that government agencies are designed and delegated to do, to spot promising technologies and financially assist their development, and they are doing that. Government agencies are a lot better suited to determine the value of burgeoning technologies in their respective fields than Congress would be, and we should leave these decisions to the experts.

I might go on further and say that this amendment essentially provides for the expansion of national policy for the benefit of one type of fuel, the P-Series fuel, and the one technology that can produce it. The production quantities of the fuel are so minimal

that it is unlikely to have any part of an impact on a national scale. And, finally, there are only two vehicle manufacturers that currently produce flexible fuel vehicles that have engines that are compatible to this type of fuel.

The consumer market for this product is extremely limited. With high gas prices, this type of fuel is not cost competitive and is even more expensive than regular fuel.

□ 1145

For this reason it does not please me to oppose a Member of Congress who is supporting his own and goes that extra mile for his constituents that he represents, but I have to point out that actually this will not have an impact on a national scale and is not a matter of national policy.

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

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

Let me say I am disappointed that the majority does not agree that we ought to really look at renewable fuels. This, to me, is part of the reason why the bill is so problematic. I do not believe there is a commitment on the majority side to look at renewable fuels.

This does not strike anything. This does not add any more money. This just allows companies to apply for these grants from the Secretary of Energy. If the Secretary of Energy feels it is not worthy or it is one company, they can reject it. This does not add anything. This just would show that we are serious in looking at other renewable fuels. Why would we want to restrict the amount of the different kinds of renewable fuels that we can look at?

This is technology into the future. We should be expanding these things. Here we are just saying, Open it up and let other groups apply. They can be rejected if it is not meritorious. We believe P-series fuels are very important and can help us in the future to look at alternative sources of energy other than gasoline.

I am deeply disappointed, and I think this again shows the problems with the underlying bill. The majority is not really serious in my opinion, with all due respect, in trying to find alternative ways that Americans can get their energy from other than gasoline. That is why this bill is a big sock to the oil-producing companies and to the special interest industries, because whenever we want to expand it to help the American people, we are told, no, no, it is no good.

Again, this does not add any money. This just says let other people apply. If a Secretary of Energy deems these applications are not good, they can reject them. I can see no reason why there is opposition.

I am very disappointed, and I urge my colleagues on both sides of the aisle to support this amendment.

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

The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ENGEL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. ENGEL) will be postponed.

It is now in order to consider amendment No. 24 printed in House Report 109-49.

AMENDMENT NO. 24 OFFERED BY MR. ISRAEL

Mr. ISRAEL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. ISRAEL:

At the end of title XVI, add the following new section:

**SEC. 1614. CONSOLIDATION OF GASOLINE INDUSTRY.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of such gasoline at retail. The study shall include an analysis of the impact of such consolidation on—

- (1) the retail price of gasoline,
- (2) small business ownership,
- (3) other corollary effects on the market economy of fuel distribution,
- (4) local communities, and
- (5) other market impacts of such consolidation.

(b) SUBMISSION TO CONGRESS.—The Comptroller General shall submit such study to the Congress not later than one year after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New York (Mr. ISRAEL) and the gentleman from Texas (Mr. HALL) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I yield myself such time as I may consume.

I rise for two reasons: First, to support the right of America's small, independent gas and auto repair stations to a level playing field; and second, because we all know that a level playing field ensures free and fair markets, competition and lower gas prices.

In recent years, we have seen a sweeping consolidation of the oil industry at almost every level, the manufacturing level, wholesalers, refiners, and retailers. One corporation can control the prices at every single step, and that increases prices at the street corner.

My amendment is very straightforward. It directs the Comptroller General to study the effects of consolidation on prices, on market economics, and small business ownership.

Most people who live in a community for a long time are accustomed to talking about their local service station, where they know their mechanic and

their owner, where they know the prices; but those days are in the past. Now their local facility is controlled by a giant corporation which has gobbed up their local facility. And lower prices on the street corner have also become a thing of the past.

In 2002, the Senate Committee on Government Reform Permanent Subcommittee on Investigations studied consolidation of fuel refineries. The subcommittee's findings are now over 3 years old, and are alarming in their prescience. As the report indicated, corporate interests are dominating pricing, controlling the market and pricing out privately owned retail outlets. Corporations are earning windfall profits while privately owned stations are struggling to keep afloat.

The subcommittee did not focus on wholesale and retail consolidation. This amendment would achieve that goal and give us the data we need to ensure that consumers are protected from price inflation and our small business owners can compete in a fair market.

Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in support of the Israel amendment. In Cleveland, Ohio, my district, people do not understand why prices vary from street to street. They can drive around and see a gas station will have \$2.25 and a couple blocks later it will be \$2.35.

The gentleman's study is so important because it will provide some insight into pricing, into how the market is set up; and the small and independent gas station owners who are getting squeezed in the market are going to have their cause elevated.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

The amendment itself is brief. It is titled Consolidation of the Gasoline Industry, and says, "The Comptroller General of the United States shall conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of such gasoline at retail. The study shall include an analysis of the impact of such consolidation on: the retail price of gasoline; small business ownership; other corollary effects on the market economy of fuel distribution; local communities; and other market impacts of such consolidation."

Then at the very end it says, "The Comptroller General shall submit such study to the Congress not later than 1 year after the date of the enactment of this act." It could delay it as much as a year.

The hard, cold facts about this amendment are that the GAO released studies in July 2004 that were titled, "Mergers and Other Factors That Affect the U.S. Refining Industry," which attempted to discover the cause behind higher gasoline prices.

This amendment essentially commissions the GAO to create a report that

was already released last year. So there is real need for it.

There have been many criticisms of the GAO report because of its inadequate methodology and faulty assumptions. These critiques arose from the Federal Trade Commission, a government agency that has been studying and tracking gasoline price volatility as a result of mergers or anticompetitive behavior. They found the GAO study to be fundamentally flawed and the results as suspect.

GAO has already tried to wade through these issues of gasoline prices and wade through the issues of wholesale markets, and they have shown it does not have the expertise nor the breadth and depth of knowledge needed to properly analyze this subject.

The amendment would be commissioning a futile study and is a waste of time and resources. I urge a "no" vote on this amendment.

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

Mr. ISRAEL. Mr. Chairman, I yield myself the balance of my time.

The studies that the gentleman cites did not take a look at the top-to-bottom consolidation of the oil industry. There have been a number of studies, but each study has been conducted almost in a vacuum without considering the entirety, the entire scope of this problem, a problem that is putting small, independent retailers out of business and driving up prices on every street corner in America.

We are not taking a position necessarily on the issue. We are simply saying it ought to be a responsibility of the Federal Government to investigate this situation, to talk about the marketplace.

The other side speaks passionately about free and fair markets and competition. The purpose of free, fair and competitive markets is to help drive prices down. By opposing this amendment, we are protecting an industry which is driving prices up.

I am deeply disappointed that the other side would take that position. I urge them to reconsider.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ISRAEL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ISRAEL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. ISRAEL) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which proceedings were postponed in the following order: amendment No. 15

by the gentleman from New Mexico (Mr. UDALL); amendment No. 23 by the gentleman from New York (Mr. ENGEL); and amendment No. 24 by the gentleman from New York (Mr. ISRAEL).

AMENDMENT NO. 15 OFFERED BY MR. UDALL OF NEW MEXICO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 225, not voting 5, as follows:

[Roll No. 124]

AYES—204

- Abercrombie, Flake; Ackerman, Ford; Allen, Frank (MA); Andrews, Gilchrest; Baca, Green (WI); Baird, Green, Al; Baldwin, Green, Gene; Barrow, Grijalva; Bean, Gutierrez; Becerra, Harman; Berkley, Harris; Berman, Hastings (FL); Bishop (GA), Hefley; Bishop (NY), Higgins; Blumenauer, Hincey; Boehlert, Holt; Boswell, Honda; Boyd, Hooley; Brady (PA), Hoyer; Brown (OH), Insee; Brown, Corrine, Israel; Butterfield, Jackson (IL); Capps, Jackson-Lee (TX); Capuano, Jefferson; Cardin, Johnson (IL); Cardoza, Johnson, E. B.; Carnahan, Jones (OH); Carson, Kaptur; Case, Kennedy (RI); Castle, Kildee; Chabot, Roybal-Allard; Chandler, Ruppberger; Clay, Kind; Cleaver, Kirk; Clyburn, Kucinich; Conyers, Langevin; Cooper, Lantos; Costa, Larsen (WA); Costello, Larson (CT); Crowley, Leach; Cummings, Lee; Davis (AL), Levin; Davis (CA), Lewis (GA); Davis (FL), Lipinski; Davis (IL), LoBiondo; Davis (TN), Lofgren, Zoe; DeFazio, Lowey; DeGette, Lynch; Delahunt, Maloney; DeLauro, Markey; Dicks, Matheson; Dingell, Matsui; Doggett, McCarthy; Ehlers, McCollum (MN); Emanuel, McDermott; Engel, McGovern; Eshoo, McIntyre; Etheridge, McKinney; Evans, McNulty; Farr, Meehan; Fattah, Meek (FL); Filner, Meeke (NY); Fitzpatrick (PA), Menendez

- Thompson (MS), Visclosky; Tierney, Wasserman; Towns, Schultz; Udall (CO), Waters; Udall (NM), Watson; Van Hollen, Watt; Velázquez, Waxman

NOES—225

- Aderholt, Gerlach; Akin, Gibbons; Alexander, Gillmor; Bachus, Gingrey; Baker, Gohmert; Barrett (SC), Gonzalez; Bartlett (MD), Goode; Barton (TX), Goodlatte; Bass, Gordon; Beauprez, Granger; Berry, Graves; Biggert, Gutknecht; Bilirakis, Hall; Bishop (UT), Hart; Blackburn, Hastings (WA); Blunt, Hayes; Boehner, Hayworth; Bonilla, Hensarling; Bonner, Herger; Bono, Hersheth; Boozman, Hinojosa; Boren, Hobson; Boucher, Hoekstra; Boustany, Holden; Bradley (NH), Hostettler; Brady (TX), Hulshof; Brown (SC), Hunter; Brown-Waite, Hyde; Burgess, Inglis (SC); Burton (IN), Istook; Buyer, Jenkins; Calvert, Jindal; Camp, Johnson (CT); Cannon, Johnson, Sam; Cantor, Jones (NC); Capito, Kanjorski; Carter, Keller; Chocola, Kennedy (MN); Coble, King (IA); Cole (OK), King (NY); Conaway, Kingston; Cox, Kline; Cramer, Knollenberg; Crenshaw, Kolbe; Cubin, Kuhl (NY); Cuellar, LaHood; Culberson, Latham; Cunningham, LaTourette; Davis (KY), Lewis (CA); Davis, Jo Ann, Lewis (KY); Davis, Tom, Linder; Deal (GA), Lucas; DeLay, Lungren, Daniel; Dent, E.; Diaz-Balart, L., Mack; Diaz-Balart, M., Manzullo; Doolittle, Marchant; Doyle, Marshall; Drake, McCaul (TX); Dreier, McCotter; Duncan, McCrery; Edwards, McHenry; Emerson, McHugh; English (PA), McKeon; Everett, McMorris; Feeney, Melancon; Ferguson, Mica; Foley, Miller (FL); Forbes, Miller (MI); Fortenberry, Miller, Gary; Fossella, Mollohan; Foxx, Moran (KS); Frelinghuysen, Murphy; Gallegly, Murtha; Garrett (NJ), Musgrave

NOT VOTING—5

- Franks (AZ), Platts; Kelly, Portman

□ 1222

Mr. BRADY of Texas changed his vote from "aye" to "no."

Messrs. CHABOT, CASE, HEFLEY, BISHOP of Georgia, DAVIS of Florida, and GILCHREST changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. ENGEL

The Acting CHAIRMAN (Mr. PUTNAM). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. ENGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 190, not voting 5, as follows:

[Roll No. 125]

AYES—239

Abercrombie	Etheridge	Maloney
Ackerman	Evans	Markey
Allen	Farr	Matheson
Andrews	Fattah	Matsui
Baca	Ferguson	McCarthy
Baird	Filner	McCaul (TX)
Baldwin	Fitzpatrick (PA)	McCollum (MN)
Barrow	Ford	McCotter
Bartlett (MD)	Fossella	McDermott
Bean	Frank (MA)	McGovern
Becerra	Frelinghuysen	McHugh
Berkley	Gerlach	McIntyre
Berman	Gilchrest	McKinney
Berry	Gohmert	McNulty
Bishop (NY)	Gonzalez	Meehan
Blumenauer	Gordon	Meek (FL)
Boehler	Graves	Meeks (NY)
Bono	Green, Al	Melancon
Boren	Grijalva	Menendez
Boswell	Gutierrez	Michaud
Boucher	Harman	Millender-
Brady (PA)	Harris	McDonald
Brown (OH)	Hastings (FL)	Miller (FL)
Brown, Corrine	Herseth	Miller (NC)
Brown-Waite,	Higgins	Miller, George
Ginny	Hinche	Mollohan
Butterfield	Hinojosa	Moore (KS)
Capito	Hoekstra	Moore (WI)
Capps	Holden	Moran (VA)
Capuano	Holt	Murtha
Cardin	Honda	Nadler
Cardoza	Hookey	Napolitano
Carnahan	Hoyer	Neal (MA)
Carson	Insole	Ney
Case	Israel	Oberstar
Castle	Issa	Obey
Chandler	Jackson (IL)	Olver
Clay	Jackson-Lee	Ortiz
Cleaver	(TX)	Owens
Clyburn	Jefferson	Pallone
Conyers	Johnson (CT)	Pascarell
Cooper	Johnson, E. B.	Pastor
Costello	Jones (OH)	Payne
Cramer	Kanjorski	Pelosi
Crowley	Kaptur	Peterson (MN)
Cuellar	Kennedy (RI)	Platts
Cummings	Kildee	Price (NC)
Cunningham	Kilpatrick (MI)	Rahall
Davis (AL)	Kind	Ramstad
Davis (CA)	King (NY)	Rangel
Davis (FL)	Kirk	Regula
Davis (IL)	Kucinich	Reyes
Davis (TN)	LaHood	Reynolds
DeFazio	Langevin	Rogers (MI)
DeGette	Lantos	Ross
Delahunt	Larsen (WA)	Rothman
DeLauro	Larson (CT)	Roybal-Allard
Dicks	LaTourette	Ruppersberger
Dingell	Lee	Rush
Doggett	Levin	Ryan (OH)
Doyle	Lewis (GA)	Sabo
Edwards	Lipinski	Salazar
Emanuel	LoBiondo	Sanchez, Linda
Engel	Lofgren, Zoe	T.
English (PA)	Lowey	Sanchez, Loretta
Eshoo	Lynch	Sanders

Saxton	Stark
Schakowsky	Sweeney
Schiff	Tanner
Schwartz (PA)	Tauscher
Scott (VA)	Taylor (MS)
Serrano	Thompson (CA)
Shays	Thompson (MS)
Sherman	Tierney
Simmons	Towns
Skelton	Udall (CO)
Slaughter	Udall (NM)
Smith (NJ)	Van Hollen
Smith (WA)	Velázquez
Snyder	Visclosky
Solis	Walsh
Spratt	Wamp

NOES—190

Aderholt	Gibbons
Akin	Gillmor
Alexander	Gingrey
Bachus	Goode
Baker	Goodlatte
Barrett (SC)	Granger
Barton (TX)	Green (WI)
Bass	Green, Gene
Beauprez	Gutknecht
Biggert	Hall
Bilirakis	Hart
Bishop (GA)	Hastings (WA)
Bishop (UT)	Hayes
Blackburn	Hayworth
Blunt	Hefley
Boehner	Hensarling
Bonilla	Herger
Bonner	Hobson
Boozman	Hostettler
Boustany	Hulshof
Boyd	Hunter
Bradley (NH)	Hyde
Brady (TX)	Inglis (SC)
Brown (SC)	Istook
Burgess	Jenkins
Burton (IN)	Jindal
Buyer	Johnson (IL)
Calvert	Johnson, Sam
Camp	Jones (NC)
Cantor	Keller
Carter	Kennedy (MN)
Chabot	King (IA)
Chocola	Kingston
Coble	Kline
Cole (OK)	Knollenberg
Conaway	Kolbe
Costa	Kuhl (NY)
Cox	Latham
Crenshaw	Leach
Cubin	Lewis (CA)
Culberson	Lewis (KY)
Davis (KY)	Linder
Davis, Jo Ann	Lucas
Davis, Tom	Lungren, Daniel
Deal (GA)	E.
DeLay	Mack
Dent	Manzullo
Diaz-Balart, L.	Marchant
Diaz-Balart, M.	Marshall
Doolittle	McCrery
Drake	McHenry
Dreier	McKeon
Duncan	McMorris
Ehlers	Mica
Emerson	Miller (MI)
Everett	Miller, Gary
Feeney	Moran (KS)
Flake	Murphy
Foley	Musgrave
Forbes	Myrick
Fortenberry	Neugebauer
Fox	Northup
Gallegly	Norwood
Garrett (NJ)	Nunes

NOT VOTING—5

Cannon	Kelly
Franks (AZ)	Portman

□ 1241

Mr. ROYCE changed his vote from "aye" to "no."

Mrs. BONO, Messrs. MCHUGH, ISSA, MILLER of Florida, and BOREN, and Mrs. CAPITO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Wasserman	AMENDMENT NO. 24 OFFERED BY MR. ISRAEL
Schultz	The Acting CHAIRMAN (Mr. PUT-
Waters	NAM). The pending business is the de-
Watson	mand for a recorded vote on the
Watt	amendment offered by the gentleman
Waxman	from New York (Mr. ISRAEL) on which
Weiner	further proceedings were postponed and
Weldon (FL)	on which the noes prevailed by voice
Weldon (PA)	vote.
Wexler	The Clerk will redesignate the
Wicker	amendment.
Wooolsey	The Clerk redesignated the amend-
Wu	ment.
Wynn	

AMENDMENT NO. 24 OFFERED BY MR. ISRAEL  
The Acting CHAIRMAN (Mr. PUTNAM). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. ISRAEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 302, noes 128, not voting 4, as follows:

[Roll No. 126]

AYES—302

Abercrombie	Doggett	Kildee
Ackerman	Doyle	Kilpatrick (MI)
Aderholt	Drake	Kind
Allen	Edwards	King (NY)
Andrews	Ehlers	Kingston
Baca	Emanuel	Kirk
Baldwin	Emerson	Kolbe
Barrow	Engel	Kucinich
Bartlett (MD)	English (PA)	LaHood
Bass	Eshoo	Langevin
Bean	Etheridge	Lantos
Becerra	Evans	Larsen (WA)
Berkley	Everett	Larson (CT)
Berman	Farr	LaTourette
Berry	Fattah	Leach
Bilirakis	Filner	Lee
Bishop (GA)	Fitzpatrick (PA)	Levin
Bishop (NY)	Forbes	Lewis (GA)
Blumenauer	Ford	Lewis (KY)
Boehler	Fortenberry	Lipinski
Bonner	Fossella	LoBiondo
Bono	Frank (MA)	Lofgren, Zoe
Boswell	Gerlach	Lowey
Boucher	Gibbons	Lungren, Daniel
Boyd	Gilchrest	E.
Bradley (NH)	Gingrey	Lynch
Brady (PA)	Gonzalez	Maloney
Brown (OH)	Goode	Manzullo
Brown, Corrine	Goodlatte	Marky
Brown-Waite,	Gordon	Marshall
Ginny	Green (WI)	Matheson
Butterfield	Green, Al	Matsui
Capito	Green, Gene	McCarthy
Capps	Grijalva	McCollum (MN)
Capuano	Gutierrez	McCotter
Cardin	Gutknecht	McDermott
Cardoza	Harman	McGovern
Carnahan	Harris	McHugh
Carson	Hastings (FL)	McIntyre
Case	Hayworth	McKinney
Castle	Herseth	McNulty
Chandler	Higgins	Meehan
Clay	Hinche	Meek (FL)
Cleaver	Hinojosa	Meeks (NY)
Clyburn	Hobson	Melancon
Conyers	Hoekstra	Menendez
Cooper	Holden	Michaud
Costello	Holt	Millender-
Cramer	Honda	McDonald
Crowley	Hookey	Miller (MI)
Cuellar	Hostettler	Miller (NC)
Cummings	Hoyer	Miller, George
Cunningham	Hulshof	Mollohan
Davis (AL)	Hunter	Moore (KS)
Davis (CA)	Insole	Moore (WI)
Davis (FL)	Israel	Moran (KS)
Davis (IL)	Issa	Moran (VA)
Davis (TN)	Jackson (IL)	Murphy
Davis, Jo Ann	Jackson-Lee	Murtha
Davis, Tom	(TX)	Nadler
DeFazio	Jefferson	Napolitano
DeGette	Johnson (CT)	Neal (MA)
Delahunt	Johnson (IL)	Ney
DeLauro	Johnson, E. B.	Northup
Dicks	Jones (NC)	Oberstar
Dingell	Jones (OH)	Obey
Doggett	Kanjorski	Olver
Doyle	Kaptur	Ortiz
Edwards	Kennedy (MN)	Owens
Emanuel	Kennedy (RI)	Pallone
Engel		
English (PA)		
Eshoo		



Pascrell	Sánchez, Linda	Tauscher
Pastor	T.	Taylor (MS)
Payne	Sanchez, Loretta	Thompson (CA)
Pelosi	Sanders	Thompson (MS)
Peterson (MN)	Saxton	Tiberi
Peterson (PA)	Schakowsky	Tierney
Petri	Schiff	Towns
Pickering	Schwartz (PA)	Turner
Platts	Schwarz (MI)	Udall (CO)
Pombo	Scott (GA)	Udall (NM)
Pomeroy	Scott (VA)	Upton
Porter	Sensenbrenner	Van Hollen
Price (NC)	Serrano	Velázquez
Pryce (OH)	Shaw	Visclosky
Putnam	Shays	Walden (OR)
Rahall	Sherman	Wasserman
Ramstad	Sherwood	Schultz
Rangel	Shimkus	Waters
Regula	Simmons	Watson
Renzi	Skelton	Watt
Reyes	Slaughter	Waxman
Reynolds	Smith (NJ)	Weimer
Rogers (MI)	Smith (WA)	Weldon (FL)
Rohrabacher	Snyder	Weldon (PA)
Ross	Solis	Wexler
Rothman	Spratt	Wicker
Roybal-Allard	Stark	Wilson (NM)
Royce	Stearns	Wolf
Ruppersberger	Strickland	Woolsey
Rush	Stupak	Wu
Ryan (OH)	Sweeney	Wynn
Sabo	Tancredo	Young (FL)
Salazar	Tanner	

NOES—128

Akin	Flake	Musgrave
Alexander	Foley	Myrick
Bachus	Fox	Neugebauer
Baker	Franks (AZ)	Norwood
Barrett (SC)	Frelinghuysen	Nunes
Barton (TX)	Gallely	Nussle
Beauprez	Garrett (NJ)	Osborne
Biggert	Gillmor	Otter
Bishop (UT)	Gohmert	Paul
Blackburn	Granger	Pearce
Blunt	Graves	Pence
Boehner	Hall	Pitts
Bonilla	Hart	Poe
Boozman	Hastings (WA)	Price (GA)
Boren	Hayes	Radanovich
Boustany	Hefley	Rehberg
Brady (TX)	Hensarling	Reichert
Brown (SC)	Herger	Rogers (AL)
Burgess	Hyde	Rogers (KY)
Burton (IN)	Inglis (SC)	Ros-Lehtinen
Buyer	Istook	Ryan (WI)
Calvert	Jenkins	Ryun (KS)
Cannon	Jindal	Sessions
Cantor	Johnson, Sam	Shadegg
Carter	Keller	Shuster
Coble	King (IA)	Simpson
Cole (OK)	Kline	Smith (TX)
Conaway	Knollenberg	Sodrel
Crenshaw	Kuhl (NY)	Souder
Cubin	Latham	Sullivan
Cuellar	Lewis (CA)	Taylor (NC)
Culberson	Linder	Terry
Cunningham	Lucas	Thomas
Davis (KY)	Mack	Thornberry
Deal (GA)	Marchant	Tiahrt
DeLay	McCaul (TX)	Walsh
Diaz-Balart, L.	McCrery	Wamp
Diaz-Balart, M.	McHenry	Weller
Doolittle	McKeon	Westmoreland
Dreier	McMorris	Whitfield
Duncan	Mica	Wilson (SC)
Feeney	Miller (FL)	Young (AK)
Ferguson	Miller, Gary	

NOT VOTING—4

Baird	Oxley
Kelly	Portman

□ 1333

Ms. HARRIS and Messrs. PORTER, PUTNAM and SHIMKUS changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

LIMITATION OF DEBATE ON MOTION TO STRIKE OFFERED BY MRS. CAPPs

Mr. HALL. Mr. Chairman, I ask unanimous consent that debate on the motion to strike offered by the gentleman from California (Mrs. CAPPs) be

limited to 30 minutes equally divided and controlled by Mrs. CAPPs and an opponent.

The Acting CHAIRMAN (Mr. PUTNAM). Is there objection to the request of the gentleman from Texas?

Mrs. CAPPs. Reserving the right to object, Mr. Chairman, it is my understanding that the amendment will be recognized after the Grijalva amendment and before the Inslee amendment; am I correct?

Mr. HALL. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPs. I yield to the gentleman from Texas.

Mr. HALL. That is our understanding, Mr. Chairman.

Mrs. CAPPs. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment No. 25 printed in House Report 109-49.

AMENDMENT NO. 25 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. KUCINICH: In title XVI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1614. FEASIBILITY STUDY OF MUSTARD SEED BIODIESEL.

(a) STUDY.—The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences for a study to determine the feasibility of using of mustard seed as a feedstock for biodiesel.

(b) CONTENTS.—The study shall include comparisons to other biodiesel feedstocks using the following criteria:

- (1) Economics from crop production to biodiesel in the typical percentage blends.
- (2) Adaptability to various geographic and agricultural regions in the United States.
- (3) Percentage and quality of oil content.
- (4) Cetene ratings, viscosity ratings, emissions for the typical percentage blends.
- (5) Potential to enhance oil, pesticide and herbicide qualities.

(6) Process technologies to convert into biodiesel.

(7) Usefulness of byproducts from the conversion process.

(8) Other criteria the National Academy of Sciences considers pertinent.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall transmit results of the study to Congress, the Secretary of Energy, and the Secretary of Agriculture, including any findings and recommendations.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a non-controversial amendment which au-

thorizes a National Academy of Science study on the feasibility of mustard seed as a feedstock for biodiesel.

Now, mustard seed has many advantages over other feedstocks, including higher oil content, it is easier to grow in colder and drier climates of the U.S., and the conversion process leaves behind an organic pesticide and herbicide. Initial research studies by the University of Idaho and the National Renewable Energy Laboratory have shown favorable results.

Now, Mr. Chairman, mustard seed has roots deep in all cultures, and it is specifically mentioned in the Bible. I want to read you a passage from Mark which will show the recognition of mustard seed as a crop that deserves recognition here.

Mark, in the fourth chapter, talks about the Kingdom of Heaven, and says: “It is like a mustard seed, which when sown in the Earth is less than all the seeds that be in the Earth. But when it is sown, it groweth up and becometh greater than all the other herbs and shooteth out great branches.”

So something that was understood in the intelligence of the world thousands of years ago needs once again to be recognized, because what we have here is a crop that gives a great potential. And we know that farmers are key to eliminating our dependency on foreign oil and that we can grow our way out of this energy crisis. That is one of the reasons I am offering this.

Mark is not the only place where mustard seed is mentioned. We are told that if we have faith as a grain of mustard seed, we can move mountains. Well, this is an opportunity for us to show not only faith in the good will of this House to help America take an important step towards sustainable energy, but also faith in alternative energy and faith in our own Nation. I think that we can take this opportunity to give farmers a chance for growing options for biomass feedstocks. It is imperative that we find those feedstocks that will eliminate our dependency on foreign oil as soon as possible.

So, again, to the chairman, this is a noncontroversial amendment. It would authorize the National Academy of Sciences to study the feasibility of mustard seed as a feedstock, and I would certainly appreciate the support of the committee and of the House.

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

Mr. HALL. Mr. Chairman, I ask unanimous consent to take the time in opposition, though we do not oppose the amendment.

The Acting CHAIRMAN (Mr. SIMPSON). Without objection, the gentleman from Texas will be recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the use of mustard seed as a feedstock for biodiesel will increase the United States’ portfolio of

energy fuel resources. And just to be terribly brief, this amendment would only authorize a study on the benefits and the compatibility of mustard seed oil in the Nation's energy supply. It is a complementary amendment to an energy bill that is full of initiatives intent on expanding the Nation's energy supply and security.

Mr. Chairman, I am for anything that is going to help and further along this energy bill, even anything as small as a mustard seed. We accept it.

Mr. KUCINICH. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HALL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

It is now in order to consider amendment No. 26 printed in House Report 109-49.

AMENDMENT NO. 26 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. HOLT:

In title XVI, add at the end the following new section (and amend the table of contents accordingly):

**SEC. 1614. STUDY OF FUEL SAVINGS FROM INFORMATION TECHNOLOGY FOR TRANSPORTATION.**

Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Transportation, report to Congress on the potential fuel savings from information technology systems that help businesses and consumers to plan their travel and avoid delays. These systems may include web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management, and traffic management systems. The report shall include analysis of fuel savings, analysis of system costs, assessment of local, State, and regional differences in applicability, and evaluation of case studies, best practices, and emerging technologies from both the private and public sector.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume, and I am offering an amendment to the energy bill for a study of the potential for fuel savings from information technology. This will help businesses and consumers and, really, the country at large.

Suppose you are driving to work. Today, you can listen to the radio and get some traffic information. You can use that, occasionally, to avoid delays. But what if you had something in your car that was giving you real-time information that would say, turn right now and save 10 minutes, and you could use that every day? You would save time, fuel, and money. Multiply that by the millions of people commuting doing the same thing, and it adds up to a real difference in our fuel use.

I mean, how many times have you driven around the block looking for a place to park? Suppose you had a system in your car that told you where the open parking spots are and how to get there?

Mr. Chairman, this is not Buck Rogers stuff. This is not so far fetched. Information technology is cheap. The electronic systems are inexpensive and easy to install, but we have not really looked at them systematically. So where my legislation talks about Web-based real-time transit information systems, or congestion information systems, or carpool information systems, do not think of them as systems; think of them as saving time so you can get home to read a bedtime story to your kids or get to work not quite so frazzled and save money.

Suppose you thought about taking a bus to get across town. Nowadays, you pretty much face the prospect of standing at the bus stop hoping the bus comes along, wondering if the bus will come along, wondering when you will get to work. What if you had a monitor, maybe on your cell phone, maybe at the bus stop that would tell you what the schedule is, where the bus is now, and when the bus will be at your stop? You could even check before you left your house.

These kinds of things are here today, not widely installed; but they could be. My amendment simply calls for a study of the energy savings that would come from such things. I think it is straightforward and will be attractive to people all over the country, to businesses, to individuals, to cities, and of course to those who care about our energy usage; and I urge its passage.

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

Mr. HALL. Mr. Chairman, I ask unanimous consent to claim the time in opposition, though we do not have opposition to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment requires the Secretary of Energy to work with the Secretary of Transportation and report to Congress on the potential fuel savings from utilizing advanced technology. I think we have seen dramatic strides in technology in systems that help consumers in their drives on the road as well as business opportuni-

ties and then through communities, so we feel it will be helpful. We are pleased with the amendment, support it, and urge its passage.

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

Mr. HOLT. Mr. Chairman, how much time remains?

The Acting CHAIRMAN. The gentleman from New Jersey has 2 minutes remaining.

Mr. HOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time and permitting me to speak on this and for his bringing this forward. It is an example of where we can take steps forward to deal with how we put the pieces together in terms of transportation.

Intelligent transportation has tremendous potential for energy savings, to put money back in the pockets of taxpayers and consumers around the country; and it is an example that we do not have to make this equation quite as hard as we tend to on the floor of the House. This, I hope, is going to lead to a broader sense of application about how we squeeze more value.

I appreciate the gentleman's leadership in focusing on the notion of the \$800 billion that is spent dealing with energy in this country. That is \$800 billion; yet the amount of money that is spent in research for government and for the private sector is arguably less than 1 percent, less than for any other major sector of our economy.

I appreciate my colleague's leadership in focusing on what impact research and technology can have in this critical area. By focusing on intelligent transportation, it will be one important area of research application that will make a difference for millions of Americans, it will save hundreds of millions of gallons of fuel, and it will improve the quality of life for our communities in the offing.

This is the sort of approach that will truly make our communities more livable, make our families safer, healthier, and more economically secure. I appreciate the gentleman's leadership and strongly urge the adoption of this amendment.

Mr. HOLT. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 27 printed in House Report 109-49.

AMENDMENT NO. 27 OFFERED BY MR. GRIJALVA

Mr. GRIJALVA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. GRIJALVA:

Strike section 2005.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. GRIJALVA).

□ 1345

Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would strike section 2005 of H.R. 6. This section of the bill requires the Secretary of the Interior to suspend collection of royalty fees from oil and gas companies operating in the deep waters of the Gulf of Mexico.

The authors say this provision is needed to "encourage" oil and gas companies to explore for and produce oil and gas at water depths greater than 400 feet in the Gulf of Mexico.

Let there be no misunderstanding. This royalty relief is a subsidy to oil and gas companies. It is unnecessary and is nothing more than corporate welfare for the oil and gas industry. Subsidies will not increase production of domestic oil and gas. The Energy Information Administration and Interior Secretary Norton have both asserted that subsidies would do little to enhance domestic production of oil and gas.

Even the President, a former oilman, recognizes that royalty relief is not a good idea. Just yesterday he said, "With oil at more than \$50 a barrel, by the way, energy companies do not need taxpayer funded incentives to explore for oil and gas."

Mr. Chairman, the deep waters of the Gulf of Mexico have seen consistent and striking growth in oil and gas exploration for 10 straight years. Deep-water projects have increased by 51 percent since 2002. Clearly no one needs an incentive to explore for oil and gas in one of the most vital areas in the world. Therefore, there was no rational justification for this section. It is just more special treatment for oil and gas at the expense of everybody else.

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

Mr. JINDAL. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN (Mr. SIMPSON). The Chair recognizes the gentleman from Louisiana (Mr. JINDAL) for 5 minutes.

Mr. JINDAL. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment, and coming from south Louisiana, I would like to provide some guidance and clarify some of the misleading facts that surround this issue.

We know the production off the coast of our State is important to meet the Nation's energy needs. Congress did a good thing back in 1995 in passing the Deep Water Royalty Relief Act. That act did a simple thing. It provided automatic royalty relief for new leases

for 5 years in the deep waters of the Gulf of Mexico.

For those who would argue nothing happened, I would say, Look at the numbers. In 1995, we averaged just over 1,200 leases. After that act, the number of active leases increased up to 3,300 leases. This is not a giveaway. We actually generated more, not less, money for the Federal Government. Our lease bid revenues increased from \$800 million in 1995 to over \$1.5 billion in 1996, almost \$2 billion in 1997.

I rise in opposition to this amendment because it would cost the Treasury, and it would decrease the supply of domestic energy which this bill is trying to increase.

Third, this is not a giveaway but rather there are price thresholds and safety mechanics. The Secretary of the Interior already has the regulations and the ability to say, as the MMS does today, if the price of oil is over, let us say, \$34 per barrel, these royalty relief provisions do not go into effect.

The language as written is common-sense language that encourages production and allows large investments. We are talking about investments of hundreds of millions of dollars, maybe a billion. We are talking about drilling in deep water where there is great risk. This relief provision allows these companies to get the access to capital they need to take these risks.

I rise in strong opposition to the amendment. The current relief provides jobs in my State and provides energy for our country and lowers the price of energy for our industry.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Chairman, I must rise in opposition to this amendment. Knowing the economy of Louisiana and particularly south Louisiana, my district is very reliant on the oil and gas industry. The gentleman from Louisiana (Mr. JINDAL) gave some numbers that apply to what has happened with the leaseholds out on the Outer Continental Shelf in recent times. Just at Port Fourchon, which is the focal point for the Gulf of Mexico for oil drilling, deep and shallow water, we have increased the number of jobs there by thousands. We have 125 companies that have located at Port Fourchon, and there are 25 companies presently on the list waiting for locations to open up at the port.

I am concerned, as most are, about the energy crisis in this country. I understand my colleagues' concern about subsidies and big oil, as everyone describes it. At the same time, in order for us to reach some independence, we need to continue to encourage deep water, shallow water, oil, gas and every type of mining that will help us get out of this problem.

Mr. JINDAL. Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the rank-

ing member of the Committee on Resources.

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

Mr. RAHALL. Mr. Chairman, and both sides of the aisle, I stand with President Bush on this issue. The President has said, "With oil at more than \$50 a barrel, by the way, energy companies do not need taxpayer-funded incentives to explore for oil and gas." That was President George W. Bush in the Washington Post, April 21, 2005.

This amendment protects the taxpayer. This amendment is vital to restore some semblance of sanity to this legislation. To my colleagues from the Gulf States I would say, vote for this amendment if you also support the provisions in H.R. 6 to distribute \$500 million in OCS revenues to coastal States and to redirect \$2 billion in OCS to alter deep water research. If you support that, you simply cannot have it both ways. There will not be revenue enough for you to distribute if we do not collect the royalties on OCS production.

I urge my colleagues, and from the Gulf States especially, to support this amendment, and also I urge my colleagues on both sides of the aisle, support President Bush on this.

Mr. GRIJALVA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, of all of the subsidies and all of the giveaways in this bill, this one itself may be the most egregious. This is royalty relief to those companies who are drilling in deep water. These companies are drilling in deep water no matter what they do because that is where the oil is, and it is very lucrative to do so.

The gentleman from Louisiana defends this provision saying they have a cutoff when the price of oil goes up. When this provision was put into law, the cutoff was \$28 a barrel, but the Secretary did not cut it off. When it got to \$30, the Secretary did not cut it off. When it got to \$40 and \$45, the Secretary did not cut it off. When it got to \$50, the Secretary did not cut it off. And today, when it is \$52, the Secretary has not cut it off.

This is not about royalty relief, this is about a handout to the most profitable companies in the United States. This is about a handout to these companies to drill the public's oil.

Of the 132 million barrels of oil they have produced, 76 percent are royalty free. That means Mr. and Mrs. Taxpayer in America did not get the royalties that these companies should have paid them to drill on the public lands that the taxpayers of this country own. That is why this amendment should prevail.

The gentleman from Arizona (Mr. GRIJALVA) is right. He is a hero to the taxpayers.

Mr. GRIJALVA. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Chairman, I rise in support of this amendment to make this junk food energy bill just a little bit healthier.

Members, help me with this quote: "I tell you, with \$50 oil, we do not need incentives to oil and gas companies. There are plenty of incentives." No, this was not some liberal, left-wing environmental activist. You are right, it was the President of the United States, who comes from the oil industry, that recognizes that the oil companies are awash with profits.

During President Bush's 2000 Presidential campaign, he railed against the so-called royalty holiday saying that it was, and I quote, "Giving major oil companies a huge tax break."

Agree with the President of the United States, agree with us, accept this amendment.

Section 2005 waives Federal royalty collections from offshore oil and gas production on the Outer Continental Shelf. Added to the rest of Title 20, this will put \$483 million of taxpayer money into the already deep pockets of big oil during a time in which they are reaping record profits. In fact, an April 8, 2005 Wall Street Journal article relates the news that Exxon Mobile recently reported a fourth-quarter profit that amounted to the fattest quarterly take for a publicly traded U.S. company ever: \$8.4 billion.

Do big oil companies like Exxon really need taxpayer-provided "incentives" to explore and drill? President Bush doesn't think so.

In addition, the oil royalties the Federal Government does not collect from big oil will starve the Land and Water Conservation Fund of critical financial resources. The Land and Water Conservation Fund provides special protection for some of our most precious wildlands and has been a valuable tool for nearly 40 years. A portion of revenues from oil royalties is dedicated to this special fund for acquisition and conservation of natural places and habitat. Without these oil royalty revenues, State environmental protection efforts will suffer.

In a time of serious budget deficits, immense war costs and a sluggish economy, we cannot afford to grant such outlandish subsidies to some of our Nation's largest corporations. I urge my colleagues support the Grijalva amendment.

Mr. GRIJALVA. Mr. Chairman, I yield myself the balance of my time.

H.R. 6 guarantees an additional financial windfall, courtesy of the taxpayers, for oil and gas companies already reaping and sowing profits, record profits, and provides absolutely no guarantee of relief for the high price that consumers are paying for their gas and oil.

I urge Members to reject this approach and, instead, support my amendment which brings some semblance of fiscal responsibility to H.R. 6.

I find it ironic that the provision this amendment attempts to strike would

stop the collection of royalties, yet throughout H.R. 6, the \$2.5 billion in subsidies that the gentleman from West Virginia (Mr. RAHALL) pointed out, \$2 billion of which go to the ultra-deep provision, is so strongly supported by the majority leader. I think it is time for the Members of Congress to say in terms of subsidies and handouts to rich, profitable companies, When is enough enough? I urge a "yes" vote on this amendment.

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

Mr. JINDAL. Mr. Chairman, I yield myself the balance of my time.

I agree with my colleagues and I agree with the President. I agree, with the price of oil above \$50 a barrel, we do not need relief. This provision does not do that.

Let me be clear. Under the current MMS rules, what this provision would do would simply provide relief for those companies making multiyear in many cases, multi, hundreds of millions of dollars of investments to produce oil for our country's needs.

We have a choice. Many of my colleagues do not want us drilling for oil off the coast of Florida and do not want us to drill for oil off the coast of California. I would ask those colleagues to join with me in providing incentives so we can drill for oil in the deep waters of the Gulf of Mexico.

The people of Louisiana welcome this production. We know it is good for our State, our country, and for our economy. We have a choice. We have to meet the growing energy needs of our country.

What this provision simply does is make it economical for companies to take greater risk than they have ever had to take before to allow them to raise the capital and spend hundreds of millions of dollars, maybe even a billion dollars, on these rigs to produce the energy that our country so desperately needs, that our farmers need, that our petrochemical industry needs.

We have a choice. We do stand with the President saying, No, we do not need relief at \$50, but we do need relief to make sure that there continues to be production, especially if the price falls below that threshold.

But we have a choice: Do we produce our own energy needs, or do we become increasingly dependent on foreign sources? We have a choice. Do we drill in the deep waters of the Gulf of Mexico where such production is welcomed and invited, or do we look to other areas where that production is not welcomed and not invited?

I do stand behind our President, and I invite my colleagues to also stand with our President and support the language as written, support the overall energy bill, and vote for domestic production. Vote to keep manufacturing in our country, vote so we can become more independent of foreign sources of energy.

The language as written is good language. It does not provide relief today.

It does not provide those incentives today, but it allows companies to raise money to take risks to produce our country's domestic energy needs.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) will be postponed.

AMENDMENT OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment to strike an unfunded mandate.

The Clerk read as follows:

Amendment offered by Mrs. CAPPS:

In title XV, in section 1502, strike " or methyl tertiary butyl ether (hereinafter in this section referred to as 'MTBE')" and strike "or MTBE" in each place it appears.

The Acting CHAIRMAN. Pursuant to the order of the Committee of today, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Texas (Mr. BARTON) each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I yield myself 1½ minutes, and appreciate the opportunity to bring this amendment to strike an unfunded mandate to the floor for debate.

Mr. Chairman, this motion would do one thing: It would strike the safe harbor provisions for MTBE which CBO has identified as an unfunded mandate. This is CBO's analysis of the bill, and I quote, "Section 1502 would shield manufacturers of motor fuels and other persons from liability for claims based on defective product.

"The provision would impose both an intergovernmental and private sector mandate as it would limit existing rights to seek compensation under current law."

This provision in H.R. 6 transfers the cost of cleanups from responsible parties to constituents. It is an unfunded mandate, and it should be stricken from the bill.

□ 1400

Mr. Chairman, this is a bad provision. MTBE contamination has averaged over 1,800 water systems in 29 States. Cleanup costs are at least \$29 billion. MTBE contamination is a huge problem, and it is not going away.

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

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, there are so many ways to oppose this particular amendment that I am at a little bit of a loss as to which way to start in opposition, but I think I will start first on the procedural opposition. This is basically the same vote and the same amendment that the gentlewoman from California (Mrs. CAPPS) had a vote on yesterday on a point of order before consideration of the rule. That was defeated overwhelmingly, in the neighborhood of 231-188 or something like that. To give her credit, she has come back and she and her allies have found a way to use the rules to come up and get a second bite of the apple. But my first line of opposition is that if you voted against it yesterday, you ought to vote against it today.

Secondly, I want to talk about the concept that is embodied in the Capps amendment, that somehow this is an unfunded mandate. What she is seeking to strike is a provision in the underlying bill which was in the bill last year that says you cannot de facto go in and in an existing lawsuit state that MTBE, because it is MTBE, or also ethanol, is defective because of its chemical composition.

You have to prove that it is defective, not just say that, because it is what it is. It is similar to saying this piece of wood that this table is made of is defective because it is wood. That is a very limited safe harbor provision. The gentlewoman from California (Mrs. CAPPS) would strike that. CBO last year looked at this language and said there is no unfunded mandate. In fact, several years ago in the medical malpractice legislation where we capped damages, capped awards, CBO said that is not an unfunded mandate. But this year the CBO analysts in question looked at it and said, while the evidence was difficult to ascertain, it could be construed as an unfunded mandate.

The lawsuits that have been filed and could be filed are going to be filed on a wide range of issues. Any particular court and any particular jury may find in this case or that case and we are not precluding that, but to somehow say that now because if the safe harbor provision were to become law that you would actually have to prove MTBE was defective, that somehow that is an unfunded mandate to me is just beyond the pale.

I have got several court cases that have already been considered on the defective product situation with MTBE, and I would like to read those right now. In a New Jersey case, a court ruled that MTBE was an oxygenate that Congress contemplated would be used frequently. Therefore, the court found: "Because Congress required that gasoline include an oxygenate and specifically designated that MTBE would be one of the most common and effective oxygenates, this court concludes that gasoline containing MTBE cannot be deemed a defective product."

A California court, the State the gentlewoman hails from: "Federal law per-

mits the use of MTBE, and the supremacy clause precludes State tort liability from attaching based on the mere use of this allowed option." The court reasoned that: "Permitting plaintiffs to pursue their common law claims conflicts with the reformulated gasoline and oxygenated fuels provisions of the Clean Air Act and the regulatory actions taken under it." We have other court cases that we can put into the RECORD.

We have got several lines of opposition here. The first line is that we have already had the vote. We have the second line that this is not an unfunded mandate because we are not precluding what States can or cannot do in the future. And under current law, the clean-up costs are borne 96 percent by the parties, not borne by the States. You have to have an orphaned site before the State would even come into it. So we think the allegation that it is unfunded is spurious on the measure.

And, lastly, on the item of whether MTBE is defective as a product just because it is MTBE, it has clearly been ruled in several cases, and common sense would dictate, that something that is made properly and used properly and actually cleans up the air, there is no way that can be a defective product.

I am giving Members three lines of reasoning to vote against the Capps amendment, and I would hope that when the vote comes that we keep the language in the bill and we are able to go to conference with the Senate and continue to work to find a compromise if we need to do more to expedite the cleanup in those States that have MTBE contamination.

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

Mrs. CAPPS. Mr. Chairman, I am honored to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentlewoman from California for yielding me this time, and I thank her for her leadership on protecting the environment and the health of America's children. I particularly commend her for her resourcefulness in bringing this amendment to the floor. Because of a letter dated April 19 from the Congressional Budget Office which deems the MTBE giveaway an unfunded mandate, the gentlewoman from California (Mrs. CAPPS) was able to bring this amendment to the floor. I thank the gentlewoman from California. It is important to all who care about the health of our children.

I rise in support of the gentlewoman from California's amendment to strike, really, this disgraceful MTBE giveaway, and I commend her for seizing the opportunity to offer this amendment.

Mr. Chairman, as we discussed yesterday in general debate, a few drops of MTBE can poison an entire drinking water system. But the industry lobbied for MTBE to be added to gasoline, any-

way. The dirty little secret is that the industry knew all along that MTBE could leak out of gasoline storage tanks and contaminate groundwater. In fact, there was a deliberate attempt by the MTBE producers to hide the groundwater impacts of their product from Congress.

Today, communities across America are suffering the effects of MTBE. MTBE contamination of groundwater and surface water is a major problem in my State of California, and many drinking water wells have had to be shut down because of this contaminant. MTBE contamination has been detected in all 50 States, and a recent study indicates that it costs between \$12 billion and \$63 billion to clean it up. It will cost between \$12 billion and \$63 billion to clean it up, to clean up something that the industry knew was dirty to begin with and withheld information about that from Congress.

Not surprisingly, the MTBE producers and the big oil companies want to be protected from liability for contaminating our drinking water supplies. And not surprisingly, TOM DELAY and House Republicans are happy to oblige. The gentleman from Texas insisted on the MTBE provision in the last Congress, even at the cost of killing the energy bill. He insisted on it again this year. In fact, this is the majority leader's bill we are debating today.

Instead of eliminating MTBE now, the Republican energy bill gives 9 years for a phaseout, 9 years of MTBE leaking into our water supply. And a loophole in this very law may even allow MTBE to be used indefinitely. It gives MTBE producers liability protection in contamination lawsuits, and it gives a \$2 billion subsidy to MTBE manufacturers.

Let me repeat: this is a contaminant, a small supply of which can poison a water supply. And this bill is giving the manufacturers 9 years to phase it out and a loophole that may even make the use of MTBE indefinite. It is saying that you have no liability, MTBE manufacturers, for contamination, no liability, long term to phase out, if ever; and third of all, we are going to fund it. For \$2 billion, we are going to give a subsidy to MTBE manufacturers.

According to the Republican Congress, the punishment for polluting the groundwater, if you pollute our groundwater, you get \$2 billion. That is your gift for contaminating our groundwater. Republicans are not even giving MTBE polluters a slap on the wrist. They are giving them a pat on the back. But in their attempt to shield MTBE producers and big oil companies from accountability, Republicans have created a huge unfunded mandate for States and localities, and it is taxpayers who are stuck with the bill.

Remember unfunded mandates? Was that not principle number one of the Contract with America, no unfunded mandates? Here it is. The CBO, the

Congressional Budget Office, non-partisan CBO, says that this amounts to an unfunded mandate. That is why the gentlewoman from California (Mrs. CAPPS) was able to get this amendment made in order under the rules.

And then in their attempts to shield MTBE producers and big oil companies from accountability, Republicans have created this unfunded mandate, which is called such by the National Water Resources Association, the American Public Works Association, Western Coalition of Arid States, American Water Works Association, the Association of Metropolitan Water Agencies, the National Association of Towns and Townships, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors. These organizations say that this provision agrees with the Congressional Budget Office that it amounts to a massive unfunded mandate on local governments and citizens.

Republicans used to oppose these, as I mentioned; and the rules of the House still allow us to strike them. I thank the gentlewoman from California (Mrs. CAPPS). I urge my colleagues to support the Capps amendment and to demand accountability and to stop the outrageous MTBE giveaway.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I guess this is a postponed vote on MTBE. It is an issue we have been dealing with, at least in the Committee on Energy and Commerce, for a number of years. MTBE was mandated, maybe not specifically in the Clean Air Act of 1990, but reformulated gas was. And for an area like I have in Houston, we have been using MTBE as a reformulated gas in our gas to clean up our air because it replaced the lead that we used to have because lead was polluting. And now we find out that MTBE does not smell or taste good and that is right. But whatever we have in our gas tanks is not something else we want to smell or taste, either. We may not be able to taste the benzene and everything else.

But EPA informed Congress in 1990 that a reformulated oxygenate requirement would be met almost exclusively by MTBE, and congressional statements at the time reflect that knowledge. Nowadays you can use ethanol, which comes a long way, or MTBE.

It is true MTBE existed before the Clean Air Act of 1990. In fact, it was first approved by the EPA in 1979 to comply with another Federal gasoline mandate, in reducing lead. EPA followed the legislative history of the Clean Air Act and its scientific analysis and repeatedly reaffirmed approval for MTBE. The reason this bill has this provision in here is because we mandated reformulated gas in certain areas, including the district I represent. We have not had trouble with MTBE in groundwater or surface water pollution, at least in the Houston area. I know some parts of the country have.

The oxygenate requirement has done a great deal to clean up our smoggy urban air; and to this day the EPA will talk about the success of it, particularly in the Houston area. MTBE is on the way out and being cleaned up around the country, regardless of the amount of litigation. Tank owners, insurance and State funds are doing the real work, 96 percent of all cleanups according to the EPA. A case in point, the city of Santa Monica is suing its former law firm over the \$66 million legal bill for its trouble in suing over MTBE.

□ 1415

I guess the concern I have is that MBTE, if it is a defective product, was mandated it. And let me quote from some of the remarks earlier in the Clean Air Act. We had Members who are still sitting Members of Congress who were bragging about, we mandated the oil companies to be able to do stuff, for cleaning up our air; and yet nowadays, 10 years later, 15 years later, we are going to say, no, they are responsible, even though we told them to do it, and it has been successful.

My concern about the loss of MBTE, we cannot trade clean air for clean water; we have to have both. And there is a way we can have both, but not by taking away the ability to have MBTE, which is probably the most in use because it is the most efficient in reformulated gasoline.

But, again, Congress made a decision to deal with ethanol more than MBTE, and that will happen. This bill allows for fixing the best by using the Leaking Underground Storage Tank fund, and that will go a long way to help us.

Mrs. CAPPS. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Rhode Island (Mr. KENNEDY).

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Chairman, on behalf of the citizens of Pascoag, Rhode Island, who have lived with contaminated water from MBTE, I rise in support of the Capps amendment.

I would like to thank my good friend Congresswoman CAPPS for fighting to bring this debate to the floor today.

I have seen firsthand the devastation that the gasoline additive MTBE can have on our local communities.

In my home state of Rhode Island, the citizens of Pascoag were unable to use their water for months due to this contamination.

No child should have to turn on the water faucet to have their tap water smell like turpentine.

But the provision in this bill that seeks to protect MTBE manufacturers is simply yet another one of many that puts the needs of individuals and families below the requests of industry in this dangerous bill.

I urge my colleagues to take a stand for the forty-five million Americans whose water systems have been affected by MTBE contamination and vote to strike this provision from the bill.

Mrs. CAPPS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN), who represents Santa Monica, where a huge MBTE pollution problem has occurred.

Mr. WAXMAN. Mr. Chairman, the Republican leadership in the House has done everything it could possibly do to keep us from voting on this issue. They so badly wanted to protect the oil companies and to push the costs onto the local governments to take care of the polluted drinking water.

We had a vote earlier, as the gentleman from Texas (Chairman BARTON) indicated, but it was on a procedural vote. Now we have a vote on the merits. And if we do not support the Capps amendment, we are keeping this unfunded mandate in the bill and our local governments are going to have to pick up the billions of dollars of costs to clean up the drinking water.

That is why it is an unfunded mandate. And that is why I am speaking for the Republican side of the Chamber, because the Republicans came in under the Contract with America and said, We want to do away with unfunded mandates, and we will let them be challenged on the House floor.

And I congratulate the gentlewoman from California (Mrs. CAPPS) for bringing this to the House floor under a procedure that the Republicans allowed.

States' rights, that used to be a Republican position. But this bill has the view that Washington knows best. So we do not let States decide things anymore. They cannot regulate, or participate even, in key energy decisions affecting States and localities such as LNG facilities or relicensing of hydroelectric dams. Washington knows best. And in this bill the most egregious example of arrogant centralization of power in Washington is this massive unfunded mandate.

We have heard that Congress insisted that MBTE be used for reformulated gas. That is not true. Under the Clean Air Act, we required reformulated gasoline, but we left it to the oil companies to decide how to do that, and they were using MBTE before the 1990 Clean Air Act was adopted. Now that we know what they may have known in advance, that MBTE can cause problems in our drinking water, they want to shift the costs from the oil companies that have caused the pollution to the local taxpayers.

I remember when Republicans would have objected to this. And I hope today they will object to it as well. And I guess the Republican leadership fears that they might, because that is why they have gone to such enormous lengths to not allow anybody in this Chamber to vote on this specific issue. Every time we asked the Committee on Rules to allow a motion to strike be in order, they denied it. There was a point of order raised, and that way they were able to keep us from voting on it.

But thanks to Newt Gingrich and the Contract with America, we have this way of bringing the issue on the merits. Vote for the Capps amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Briefly, before I yield time to the gentleman from New Hampshire (Mr. BASS), just to make one major point, we were not aware that this amendment might come up today. We were not even told it could until we walked on the floor and saw the gentlewoman from California (Mrs. CAPPs). That is point number one.

Point number two, when we huddled at the leadership level to decide what to do about this, I was given several parliamentary options to try to defeat any kind of an effort to have a substantive debate, and I chose not to do that. I made the decision that if the gentlewoman from California (Mrs. CAPPs) and her allies were smart enough to figure out a way to use the House rules to get her vote up, she ought to be given that chance to do it. And I had several opportunities to gimmick the rules up and do complicated parliamentary procedure that would have obfuscated the issue.

So I do not want to come onto this floor and be told that somehow I have tried to be unfair or prevent an honest debate.

I will be honest, I would rather not have this debate right now. But we are going to have it, and let us have a substantive debate. I am fine on that.

The second point I want to make is, I am not going to disparage what the gentleman from California (Mr. WAXMAN) just said, but when we were debating these amendments back in the early 1990s, we had numerous instances where he went on record saying that MBTE was something that should be included as an oxygenate. He even offered an amendment in committee to increase the oxygenate requirement to 3 percent.

If I am correct, then I will let him look at the statements and tell me that they are incorrect.

I am for a fair and open debate.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me.

We called for reformulated gasoline. We did not spell out how that was to be done. We did not spell out the technology. We said to the oil companies, You figure out how to do it. They could have done it with ethanol. They chose reformulated gasoline. What we wanted was cleaner gasoline, and they did not have to use MBTE.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, I want to read a quote and have the gentleman tell me whether he thinks he said this or not.

I quote from the gentleman from California (Mr. WAXMAN): "This level of oxygenation, required in the Clean Air Act amendments, is high enough to achieve most of the benefits of

oxygenated fuels but low enough to allow several different oxygenates to compete for market share. The leading oxygenates are ethanol and ethers made of ethanol, ETBE; or methanol, MBTE."

That is attributed to the gentleman as a direct quote. Is that correct?

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, I will assume that it is a correct quote, but let me tell the gentleman that was not the only choice they could have made, and they knew evidently, from what we are learning, that MBTE was a problem. They could have used ethanol.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, I am not saying that he stipulated that MBTE had to be used. I am stipulating that he knew it could be used. And he is entitled to change his mind, change his position. It is a free country. But at one time he thought that MBTE could help clean up the air. That is all I am saying.

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, he is correct. But we did not know at that time that it was going to pollute the drinking water.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the gentleman for yielding time to me.

As we can tell, this is the kind of issue that we could spend the next 10 years debating.

I want to solve the problem. The problem is not going to be solved by filing lawsuits, by scoring political points, by paying huge legal fees to the trial bar, waiting year after year after year while constituents of all of us wait for some kind of remediation.

Sure, claims have been filed, almost 100 of them, I understand. There has not been a single judgment to date. There have been some settlements, but there has not been a single judgment rendered. I do not call that a safe way to procure that our constituents get their water cleaned up.

Last year CBO said that this was not an unfunded mandate. This year another analysis says it is an unfunded mandate.

As one who served on the Committee on the Budget and was here in 1995, I would suggest that this would be classified, if one is an accountant, as a contingent unfunded liability or a hypothetical unfunded liability. But it will not be that way in the end because there are two choices that we face here today: an easy choice, which is to vote "yes" and to have the status quo and to go forward as we have in the past; or the hard vote is to really solve the problem.

Having voted to strip MBTE provisions from this bill last year, I am voting the other way this year, and I am proud of it, and I will tell the Members why. I have established it with the chairman, a task force that is going to

work between now and conference time on a plan that will structure a remediation program that will clean up the water, not 10 years from now or 20 years from now, not unfairly in this community and not in that community and not in this State or that State, but across the whole country.

My constituents deserve a workout for this problem, and we as policymakers have an obligation to work together in a bipartisan fashion in our conference to come up with a solution.

It is my hope that this solution will include the creation of a fund that will include participation by all the potentially responsible parties, a way to settle claims in a quick and fair fashion that reduces the overall cost.

I do not want to see communities like South Tahoe City suing their own lawyers to try to get the money back so that they can actually perform the remediation that they had planned to do and might have been able to do if it had been settled in such a fashion so that they did not have to deal with other costs. I want to see a fund created that will really resolve this issue.

Please allow this bill to go forward to conference, and when we come back with a conference product, it will be a product that my constituents who have been hurt by MBTE contamination will see their wells cleaned up, will see adequate compensation to redress their issues; and we will have the problem resolved, and we will end this endless fight that we could have if we do nothing.

I urge opposition to the pending amendment.

Mrs. CAPPs. Mr. Chairman, I yield myself 15 seconds.

In response to the gentleman from New Hampshire (Mr. BASS), I show him the headline in the newspaper of a little town in my district, where they had to sue Chevron for \$9 billion for contamination of the water supply and it was settled out of court. They never would have gotten the settlement without the lawsuit.

Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce.

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

Mr. DINGELL. Mr. Chairman, my good Republican colleagues and friends are seeing something that they made possible today. Years ago, in 1995, they passed the Unfunded Mandates Reform Act. They should recognize this. They said how this was going to stop the imposition of unfunded mandates upon communities and States.

That is exactly what the amendment does. If they had been fair and given this a decent rule, then we would have been able to debate these in a proper fashion and they would not be complaining about surprise.

But having said this, there are some 80 lawsuits that are going to be able to go forward. The judge had this to say

about these kinds of lawsuits, and, by the way, they are in New York and New Hampshire: "Innocent water providers and, ultimately, innocent water users should not be denied relief from the contamination of their water supply if the defendants breached a duty to avoid an unreasonable risk from their products."

This bill is an immunity bath for MBTE manufacturers and for the refiners. That is wrong.

It should be possible for there to be responsibility where the polluters pay, and that is exactly what this amendment allows. It leaves ethyl alcohol and other renewables okay, but it removes MBTE from the liability waiver.

APRIL 5, 2005.

#### OPPOSE THE MTBE LIABILITY WAIVER

DEAR MEMBERS OF THE HOUSE ENERGY AND COMMERCE COMMITTEE: the undersigned organizations—representing thousands of mayors, city council members, county officials, towns and townships, drinking water systems and public works departments—reiterate our strong opposition to providing product liability immunity to the producers of MTBE.

The liability waiver amounts to a massive unfunded mandate on local governments and citizens.

MTBE producers, according to documents in recent litigation, put this contaminant into commerce knowing it could contaminate drinking water supplies. Under the MTBE product liability waiver, these producers would be rendered unaccountable.

Thousands of water sources have been contaminated, and as MTBE spreads, more and more communities will be forced to shut down wells or undertake a costly cleanup program.

Here are some important facts to remember.

1. MTBE was never mandated, and Congress is not obligated to provide the producers "safe harbor." And, regardless, the producers put MTBE into gasoline well before the Clean Air Act Amendments of 1990 and with knowledge of its environmental dangers.

2. One estimate by experts puts the cleanup cost in excess of \$29 billion.

3. The liability waiver would retroactively block hundreds of communities' legitimate suits that have been filed already and could preempt hundreds more, leaving communities with a multi-billion dollar unfunded mandate from Congress.

4. The Leaking Underground Storage Tank fund was not intended to address the overwhelming amount of contamination communities are experiencing. Moreover, taxpayers should not pay for MTBE cleanup.

Please oppose the MTBE liability waiver.

Sincerely,

Tom Cochran, Executive Director, The U.S. Conference of Mayors; Donald J. Borut, Executive Director, National League of Cities; Larry Naake, Executive Director, National Association of Counties; Allen R. Frischkorn Jr., Executive Director, National Association of Towns and Townships; Diane VanDe Hei, Executive Director, Association of Metropolitan Water Agencies; Jack Hoffbuhr, Executive Director, American Water Works Association; Steve Hall, Executive Director, Association of California Water Agencies; Peter B. King, Executive Director, American Public Works Association; Larry Libeu, President, Western Coalition of Arid States; Thomas F. Donnelly, Ex-

ecutive VP, National Water Resources Association.

Mrs. CAPPS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the gentlewoman for yielding to me this time.

Mr. Chairman, I rise to support the Capps amendment. And it really is a mystery to me why we are even where we are right now. I think that, collectively, the House of Representatives should remember that this very provision took down the entire energy bill in the last Congress. That is how important this provision is.

Now we have this debate about whether polluters should pay. I do not care what district anyone represents in this country. No constituent is going to stand up and say, Put the tax burden on us and allow the industry to get away with it.

That is what this amendment is about. That is why we should all vote for the Capps amendment.

The base bill contains a provision that creates a safe harbor. What does that mean? It lets the industry off the hook. It relieves the industry of any obligation to pay even a portion of the estimated \$29 billion of cost of cleaning up drinking water that has been contaminated by this product.

□ 1430

We know the product has contaminated groundwater. Now we are sending the bill to local governments.

The National Association of Counties, the National League of Cities, attorneys general from across the United States have weighed in. This is not just simply a matter of who pays. It is also a matter of public health.

I agree with my colleague, the gentleman from New Hampshire (Mr. BASS). Of course it is a matter of public health. Why do we need a task force to try and figure this out? Let us make the bill right. Let us not stand on the wrong leg and try and defend something that is indefensible. This is an unfunded mandate. The CBO has weighed in and said that. The Congress has responded to unfunded mandates by having rule XVIII in the House rules.

So I ask my colleagues on a bipartisan basis, let us do the right thing. Let us pass the Capps amendment.

Mr. Chairman, the base bill contains a provision that creates a "safe harbor" preventing defective product claims against the producers of gasoline that contains MTBE.

What this "safe harbor" does is relieve industry of any obligation to pay even a portion of the estimated \$29 billion cost of cleaning up drinking water that's been contaminated by its product.

Instead, the burden of MTBE clean up will fall entirely on States and localities.

It's an unfunded mandate and a tax on the American people.

In California, successful lawsuits have led to substantial settlements with oil companies, and these settlements have enabled some

communities to begin cleaning up their drinking water supplies.

Now, because communities are winning these suits, industry wants Congress to let it off the hook.

But this isn't simply a matter of who pays; it's also a matter of public health.

MTBE is a potential carcinogen. It's been detected in groundwater in all 50 States.

When MTBE is in drinking water, we need to clean it up.

In response to the public health threat, 42 States have established action levels, cleanup levels, or drinking water standards for MTBE; 19 States have imposed full or partial bans on MTBE in gasoline.

In justifying the "safe harbor," some will claim that Congress established a mandate to use MTBE when it passed the Clean Air Act's 2 percent oxygenate requirement in the early 1990s. That's not true.

First, the industry didn't have to use MTBE to meet the oxygenate requirement; it had alternatives such as ethanol and other petroleum-based products.

Second, the industry lobbied Congress to ensure that MTBE could be used to meet the oxygenate requirement.

Third, at the time Congress was debating the oxygenate requirement, some producers already knew MTBE was likely to seep into groundwater at faster rates and persist at greater levels than other gasoline components. In fact, in the South Lake Tahoe lawsuit, ARCO admitted that it withheld information about groundwater contamination from Congress.

Mr. Chairman, we're not talking about clean hands here. There's a reason the refiners and the MTBE producers are losing in court; there's a reason they're settling claims. They're responsible for the mess.

Why are we creating a safe harbor for them?

Nobody outside of the industry thinks this provision is a good idea.

In 2003, 14 attorneys general, including the attorneys general of California, New York, Colorado, Connecticut, Illinois, Maryland, Massachusetts, Minnesota, New Hampshire, New Mexico, Rhode Island, Vermont, Washington, and Wisconsin wrote in opposition to providing a safe harbor for MTBE.

In April of this year, the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the Association of California Water Agencies and other sent letters voicing their opposition.

This is a bad provision and we should strip it from the bill.

Vote for this amendment.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 2 minutes to my colleague, the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise in support of the Capps amendment. This is really about what are we really doing here in Congress. Are we here to protect the profits of oil companies, or are we here to protect the States and communities from which we come?

Let me just tell my colleagues the story as it applies to me. In 1995, reformulated gas containing MTBE entered the marketplace in Maine. Two years later, the Maine Bureau of Health reported that they found MTBE in 7 percent of Maine's public water supplies.



One year later, in 1998, it was found in 16 percent of Maine's water supplies. So that is how we learned about MTBE.

But let us just go back 15 years, go back 15 years. In 1981, Shell engineers were joking that MTBE stood for Most Things Biodegrade Easier, or Menace Threatening Our Bountiful Environment, or Major Threat to Better Earnings.

We have had a discussion here about what Members of Congress knew back in the 1990s. What we know now is that the industry knew in the early 1980s that this was a hazard to groundwater and they went ahead and put it in the gasoline anyway. So now the question is, who pays? The manufacturers or the taxpayers in all of our communities? The majority is saying the taxpayers should pay.

Well, there is a court in Manhattan yesterday, New York Federal District Court refused to dismiss 80 lawsuits brought on the ground that the majority is trying to eliminate, and the judge said, innocent water providers and, ultimately, innocent water users, should not be denied relief from the contamination of their water supply if defendants breached a duty to avoid an unreasonable risk of harm from their products. That lawsuit includes the State of New Hampshire as plaintiff, many municipalities, the City of New York.

So here we are, here we are. Who will pay? The majority says, certainly not the manufacturers. The Capps amendment and we say, those responsible should pay.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 2 minutes to my colleague, the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I also rise to support the Capps amendment to eliminate MTBE, the safe harbor liability.

The provision, as many of my colleagues know, is an unfunded mandate on our communities and water providers. In fact, I will submit for the RECORD a list of 10 of those major organizations in opposition to the MTBE liability waiver. The U.S. Conference of Mayors, National League of Cities, National Association of Counties, and the National Association of Towns and Townships are all opposed to shielding these folks.

In addition to that, I would like to tell my colleagues that right now as it stands, we are not paying for sufficient cleanup as it is of underground storage tanks where we know MTBE is leaking. We are doing a foul job on behalf of the American public. Approximately 136,000 leaks are not being addressed right now, and EPA anticipates that over the next decade anywhere from 6,000 to 12,000 new leaks will occur each year. Who is going to get caught with the tab to clean that up? Guess who? Our local townships, our local municipalities, our States, and the public.

Despite the need to clean up funds through EPA, we know that this is a

wrong decision. We need to work this out. We need to make sure that we support the Capps amendment and that we do everything we can to educate the public of the harmful effects of MTBE, because in the State of California, we are plagued with having to clean up this water. We have higher standards there.

We should be looking at models, models from other States. Just as the Republicans used to agree that local control was a primary factor in their agenda back in the 1990s, now they are saying it does not cut it anymore. Our colleagues have to be clear. They have to understand that there is something very wrong with this system and that the public is crying out for elected officials like ourselves to say, this must stop. Do not hold the taxpayers liable for the corporations that are actually polluting our water.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, the Republican leadership acts as if there is one set of rules for Republicans and another set of rules for the rest of us. Well, it has taken more than 4 hours, but they have finally, reluctantly recognized that at least on this occasion a Democrat, the gentlewoman from California (Mrs. CAPPS), has a right to offer an amendment, a good amendment that strikes a provision in this bill that protects polluters and penalizes taxpayers.

For people who are not familiar with the rules of the House, here is what is going on. In 1995 the Republicans passed a law called the Unfunded Mandates Reform Act. The purpose of the law was to prevent the Federal Government from passing bills that impose unfunded mandates on our State and local governments. At the time, they touted this law as a sign that they would run the government differently and show more respect to local governments. They issued thousands of press releases patting themselves on the back for this legislative accomplishment.

Well, here is the problem. According to the Congressional Budget Office, not the gentlewoman from California (Mrs. CAPPS), not the gentleman from Massachusetts (Mr. MCGOVERN), not the gentlewoman from California (Ms. PELOSI), but according to the Congressional Budget Office, the MTBE provision in this bill is a big, fat unfunded mandate. That is the bottom line. The other side can spin it all they want, but CBO says this is an unfunded mandate.

To my friends who want to protect the polluters, I say, come up with the money to pay for it. Do not pass it on to communities that are already strapped for cash. Do not pass the buck. Cleaning up the MTBE drinking water contamination could cost our local communities as much as \$29 billion.

Thanks to the Capps amendment, you will have the opportunity to go on

record as to whether you favor or oppose this unfunded mandate.

To my friends who sometimes vote against things claiming that they are mere partisan procedural votes, this is different. This is not a procedural vote. This is an amendment to strike out language that gets MTBE producers off the hook for polluting our drinking water and sticks average taxpayers with the bill.

So this is a different vote from the vote we had yesterday.

Let me say to my friends in the Republican leadership, you could have avoided the scene we saw on the House floor today. The gentlewoman from California (Mrs. CAPPS) brought her amendment to the Committee on Rules Tuesday night and asked for an opportunity to consider this amendment on the House floor. But the heavy hand of the gentleman from Texas (Mr. DELAY) and the Republican leadership denied her. I am happy that we have the opportunity to right that wrong.

This vote is clear. You either favor unfunded mandates or you do not. You either want to reward polluters at taxpayers' expense or you do not.

Vote for the Capps amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The gentlewoman from California has 1 minute remaining, and the gentleman from Texas has 30 seconds remaining.

Mrs. CAPPS. Mr. Chairman, I yield the remaining time to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, three brief points. We are back here because of the obsession of the majority leader, the gentleman from Texas (Mr. DELAY), to provide the relief to the oil companies. My friend, the gentleman from California (Mr. WAXMAN), said that this was one of several oxygenated options. That is what the chairman of the committee raised. He did not pick one of them.

The second point is that we have not voted on this. The procedural vote that we had yesterday was without the focus from the CBO that this is, in fact, an unfunded mandate. The people of this Chamber will be voting with the knowledge that if they do not approve the Capps amendment, they will be imposing unfunded costs.

Last, but not least, it is obscene that we would be transferring these costs to local communities when we are giving billions to the oil companies under this bill, and they are already enjoying unprecedented profits.

It is not fair. It is not right. I strongly urge the approval of the Capps amendment.

The Acting CHAIRMAN. The gentleman from Texas has 30 seconds remaining.

Mr. BARTON of Texas. First, I yield for a unanimous consent request to the gentleman from California (Mr. DOOLITTLE).

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

Mr. DOOLITTLE. Mr. Chairman, I urge defeat of this amendment.

Mr. BARTON of Texas. Mr. Chairman, to close the debate, I yield the remaining 30 seconds to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, let me say at the beginning, I am no fan of MTBE, and my State has banned it. But let me point out a couple of facts.

In this bill, the LUST fund, Leaking Underground Storage Tanks fund, has \$2.1 billion to clean up these tanks. We have an additional \$1 billion for oxygenate as well. And a precedent exists. The Federal Government mandated that we had to have oxygenate in this bill in the past and we have done that before, we have done that with flu vaccine, we have done that for Biomaterials Access Insurance fund. The government mandated it. We have to protect people that carried through on those provisions.

I accept the agreement that is going to be made between the gentleman from New Hampshire (Mr. BASS) and the chairman to work this out.

Please vote "no" on the Capps amendment.

Mr. DOOLITTLE. Mr. Chairman, today we are about to further our independence on foreign sources of energy. I fully support that effort and urge my colleagues to do so as well. However, one item of particular concern to me is the contamination of groundwater by MTBE—a fuel additive that has been fully supported and promoted by this Congress and our Federal Government.

It is interesting to note that MTBE was first approved for use as a fuel additive by the Environmental Protection Agency, EPA, in 1979. In 1988, the EPA approved the use of MTBE once again and significantly increased the amount of it that could be used in fuel.

In 1990, Congress passed amendments to the Clean Air Act which mandated a fuel oxygenate. In its regulations implementing those amendments, the EPA once again approved MTBE for use as an additive in gasoline. These three instances show direct promotion by the Congress and the Federal Government of the use of MTBE. It is important to point out that these actions, including the amendments to the Clean Air Act, were vigorously supported by both parties in Congress and many national environmental organizations which hailed MTBE as a great victory for clean air.

While it's true that MTBE is a great product for cleaner air, it unfortunately contaminates the water. In fact, my constituents in South Lake Tahoe have personal experience with this problem because in 1996 they discovered that their water supply had been contaminated by MTBE. Consequently, 18 out of 34 wells in South Lake Tahoe were shut down or suffered limited pumping to contain the contamination. As a result, my constituents lost 3.4 million gallons of water a day.

Because I believe strongly that the Federal Government is responsible for MTBE contamination, I fought for and succeeded in getting the Federal Government to participate in the cleanup of MTBE from South Lake Tahoe water by authorizing and appropriating \$1 million in the Lake Tahoe Restoration Act of 2000, P.L. 105-506. That appropriation was just a drop in the bucket, however, as the total

estimated cleanup of MTBE in South Lake Tahoe is just over \$69 million. These funds will be used for a combination of treating contaminated sources and drilling new wells to replace the bad ones.

The City of Santa Monica, CA, has also experienced the impacts of fowled water quality resulting from MTBE and recently settled its lawsuit for just over \$325 million. Mr. Speaker, these are just two of many examples of the serious problems caused by the use of MTBE. In fact, to date, the legal fees, costs, and settlement for MTBE litigation in California is over \$750 million alone. Furthermore, the water industry estimates that full cleanup of MTBE contamination across the country will be over \$29 billion.

Mr. Chairman, MTBE contamination is a serious problem in California, and it is time for the Federal Government to admit that its overt promotion of MTBE is a major reason why we now find this additive in the water supplies of our communities.

For this reason, I am an ardent supporter of expanding the Leaking Underground Storage Tank, LUST, fund and am happy that Chairman BARTON has agreed to increase the fund's expenditures to over \$2 billion over 5 years. The expanded LUST fund will give local communities the necessary resources to identify cleanup needs and proceed with actual cleanup efforts.

But more must be done in order to further protect communities like South Lake Tahoe.

Representative CHARLIE BASS has offered a proposal that would create a task force to seek a resolution to the MTBE cleanup issues in both New Hampshire and California.

I think this proposal is an important first step, and I encourage the House leadership to take a serious look at Representative BASS's proposal and work towards a more comprehensive solution for MTBE contamination in our communities.

In the end, Mr. Chairman, the Federal Government helped cause this problem and the Federal Government needs to help resolve it. The solution is not more litigation and lawsuits, but recognition that the Federal Government pushed MTBE on our communities, and now our communities need our help.

Mr. BURGESS. Mr. Chairman, I rise in opposition to the Capps amendment.

During our committee hearing on February 16, 2005, we had a lively and substantial debate on the MTBE limited defective product liability waiver contained in the energy bill.

And during our markup last week, the committee considered a number of amendments on the MTBE provisions, including several offered by Mrs. Capps.

During our hearing on the 16th, we heard testimony from many different people, including Mr. Erik Olson on behalf of the National Resources Defense Council.

During his testimony, Mr. Olson alleged that MTBE causes cancer. Later in the hearing, I asked Mr. Olson if there is any conclusive evidence that proves that MTBE causes cancer in humans. Mr. Olson was unable to answer.

That is because there is no evidence that MTBE does cause cancer in humans.

In fact, in the U.S. Department of Health and Human Services' 2002 Report to Congress, HHS found that there is not sufficient evidence to list MTBE as a carcinogen.

Even the World Health Organization and the European Union have both concluded that

there are "negative results" or inadequate evidence that would merit classification of MTBE as a carcinogen.

Regardless, we do not want MTBE in our drinking water. But nor do we want benzene nor any other gasoline component that may be seeping into our groundwater.

That is why the energy bill bans its use in gasoline. That is why there are provisions in the bill that will send more Leaking Underground Storage Tank Trust fund money to help cleanup orphaned and abandoned sites.

In conclusion, I oppose the Capps amendment.

Ms. SOLIS. Mr. Chairman, I wholeheartedly support my colleague, Ms. CAPPs', amendment to eliminate the MTBE safe harbor liability shield.

This provision is an unfunded mandate on our communities and water providers who will be left holding the tab while the polluters cash in.

Our communities and those organizations representing them oppose this language.

These include: The U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the National Association of Towns and Townships, the Association of Metropolitan Water Agencies, the American Water Works Association, the Association of California Water Agencies, the Western Coalition of Arid States, the American Public Works Association, and the National Water Resources Association.

Supporters of this language, like the National Petrochemical and Refiners Association, claim that 96 percent of cleanups are paid for by the responsible parties, insurance companies, or state cleanup funds, and that future cleanup funds will be adequately paid for.

Similarly, supporters also believe that the funding this bill authorizes through the leaking underground storage tank trust fund will be sufficient to pay for cleanups.

What supporters are ignoring is that the existing authorizing program for regular cleanups, not intended solely for MTBE cleanups, is severely underfunded and State programs are broke.

Approximately 136,000 leaks are not being addressed yet, and EPA anticipates that over the next decade there will be between 6,000 and 12,000 new leaks each year.

EPA currently fails to meet its program goal of cleaning up 21,000 sites per year. In 2003, the EPA only cleaned up 18,000 sites—3,000 sites short of its goal. In 2004, only 14,235 sites were cleaned up—7,000 sites short of EPA's goal.

Despite the need for cleanup funds and EPA's inability to meet its cleanup goal, this administration has cut funding for cleanups by 8 percent, from \$72 million in fiscal year 2001 to \$69.4 million in the fiscal year 2005 omnibus.

Cleanups are not an administration priority. Cleanups are not the appropriators' priority.

Supporters can talk all day long about authorizing "sufficient" funds but it means nothing.

The reality is that this is an unfunded mandate and our cities, communities and water providers will be left holding the bag. An unfunded mandate on states which are paid for by taxpayers and largely broke.

In Arizona, California, Georgia, Illinois, Kentucky, Maryland, Minnesota, Montana, New Hampshire, Oklahoma, Rhode Island, South

Dakota, Texas, Virginia and Wisconsin the funds are serviced exclusively with fuel taxes. Programs in Alabama, Arkansas, Colorado, Florida, Iowa, Indiana, Louisiana, Massachusetts, Maine, Mississippi, North Carolina, North Dakota, Nebraska, New Mexico, Nevada, New York, Pennsylvania, South Carolina, Tennessee and Vermont are funded predominantly by fuel taxes.

In fact, Alaska, Delaware, Hawaii, Maryland, Oregon, Washington and West Virginia don't have cleanup funds.

More than 12 States have funds with more claims than money. The entire Texas financial assurance fund will sunset on September 1, 2006. Tennessee's fund is in the process of going broke; Michigan needs an estimated \$1.7 billion to cleanup orphan sites. If you are from Florida, your state stopped accepting claims years ago. Arizona, Minnesota, Missouri, Nebraska and Vermont will all have stopped accepting claims by 2010, and Kansas and North Dakota, will not accept claims after 2014.

The bottom line is that, unlike supporters of the safe harbor provision would like to believe, the Federal Government is not funding the cleanups and the State programs cannot afford to fund the cleanups. Authorizing money in this bill will not solve that problem.

Colleagues, the Federal Government is not paying for cleanups and language amending the LUST program—supported by Republicans—will do nothing to help, in fact, it will further hinder the EPA's ability to clean up these sites and States' ability to prevent contamination.

This leaves taxpayers footing the bill instead of manufacturers. When taxpayers realize their money is being spent cleaning up the mess of corporate polluters who got rich off voluntarily using MTBE, when they realize that the Federal Government transferred a HUGE unfunded mandate onto them, those doing the dirty work, those supporting this provision, will be responsible.

The San Gabriel Valley Tribune said it best when they said "polluters should foot the bill."

I urge my colleagues to support efforts to strip this unfunded mandate from the energy bill.

COMMUNITIES THAT HAVE FILED MTBE LAWSUITS AGAINST OIL COMPANIES

Table with 3 columns: State, Client, Case Status. Lists various communities and their respective lawsuit filing dates.

COMMUNITIES THAT HAVE FILED MTBE LAWSUITS AGAINST OIL COMPANIES—Continued

Table with 3 columns: State, Client, Case Status. Continuation of the previous table, listing more communities and lawsuit details.

COMMUNITIES THAT HAVE FILED MTBE LAWSUITS AGAINST OIL COMPANIES—Continued

Table with 3 columns: State, Client, Case Status. Continuation of the previous table, listing more communities and lawsuit details.

Source: Environmental Working Group. Data on MTBE lawsuits obtained from court records and law firms representing communities. Information on MTBE contamination is derived from data obtained from state agencies under the Federal Freedom of Information Act or state public records laws. Data were unavailable for some states; other states reported no MTBE detections. Some states currently do not require reporting of MTBE detections.

MTBE CONTAMINATION IS SOARING

Although the use of MTBE in gasoline is rapidly declining, detections of MTBE in water supplies are soaring. The number of water systems reporting MTBE contamination in tap water supplies increased more than 15-fold between 1996 and 2004, from 137 to 1,861, and the number of states reporting problems more than doubled, from 11 to 29, according to EWG Action Fund's analysis of state water testing data. These figures are not necessarily systems whose customers are currently drinking MTBE in their tap water, but those where it has been detected somewhere in the system. The total number of contaminated systems includes private water supplies that may serve only a single customer, but more than 60 percent (about 1,100 systems) supply drinking water to cities, counties, rural communities and schools.

In the majority of the affected communities, consumers are unaware of the contamination because water utilities take steps to protect them as soon as MTBE is detected. MTBE contamination as low as two parts per billion—two drops in an Olympic-sized swimming pool—can produce a harsh chemical odor and taste that can cause tap water to be undrinkable. To cope with the problem, water utilities must either blend MTBE-contaminated water with clean sources to dilute the chemical, install costly systems to remove it, or abandon affected wells and find new water sources. The American Water Works Association, representing 4,700 U.S. water systems, estimates nationwide MTBE cleanup and water replacement costs at \$29 billion—and rising with each new detection.

MTBE contamination affects communities of all sizes, with contamination reported from large systems like San Diego, where the water utility serves 1.2 million people, to the Millbrook Country Day School in Massachusetts, serving 25 students and teachers. MTBE has been detected in water supplies serving 32 million people in California, about 4.7 million in New Jersey, about 2.2 million in Massachusetts and 1 million in Texas.

MTBE HAS BEEN FOUND IN TAP WATER IN AT LEAST 29 STATES

Table with 3 columns: State, Number of systems affected by MTBE, Population served\*. Lists 29 states with corresponding data.

MTBE HAS BEEN FOUND IN TAP WATER IN AT LEAST 29 STATES—Continued

State	Number of systems affected by MTBE	Population served*
Arkansas	110	593,000
California	144	32,087,000
Delaware	15	83,000
Florida	13	857,000
Iowa	3	3,000
Illinois	44	354,000
Indiana	14	193,000
Massachusetts	221	2,243,000
Maryland	116	196,000
Maine	17	58,000
Michigan	14	57,000
Minnesota	27	224,000
Missouri	13	17,000
Nebraska	8	11,000
New Hampshire	280	409,000
New Jersey	430	4,791,000
New Mexico	5	39,000
Nevada	4	231,000
New York	170	453,000
Ohio	5	9,000
Oklahoma	13	6,000
Pennsylvania	47	981,000
Rhode Island	28	83,000
South Carolina	20	63,000
Texas	46	1,080,000
Virginia	15	12,000
Wisconsin	29	234,000
Total	1,861	21,557,000 to 45,698,000

\*Low end estimate excludes systems serving over 1 million people. In large systems MTBE contamination typically affects only a portion of the population.

Source: Environmental Working Group. Data on MTBE lawsuits obtained from court records and law firms representing communities. Information on MTBE contamination is derived from data obtained from state agencies under the Federal Freedom of Information Act or state public records laws. Data were unavailable for some states; other states reported no MTBE detections. Some states currently do not require reporting of MTBE detections.

Important Note: A reported detection of MTBE does not mean the contaminant was found at any level in finished drinking water that the water system delivered to consumers. Some results reflect tests conducted on a water source, others may reflect results from finished tap water. MTBE contamination as low as 2 parts per billion produces a harsh chemical odor that renders the tap water undrinkable. For that reason, in the vast majority of the affected communities water utilities have taken steps to protect consumers, often with costly remedial action, as soon as MTBE is detected and before water is delivered. Water utilities either blend contaminated water with clean sources to dilute the MTBE in finished water, install costly systems to remove the chemical, or abandon tainted wells and shift to clean sources. Community water suppliers would be unable to recover the cost of these remedies from MTBE manufacturers under the liability shield Republican leaders have proposed to include in pending national energy legislation.

Data are primarily for community water systems. Comparable data are not available for MTBE contamination of the majority of private wells.

In some communities, a substantial portion of the local water supply has been contaminated, while in many others only one or two detections of MTBE have been made. But this last fact is less reassuring than it is worrisome. State water testing records obtained by EWG indicate that in almost all systems with just one positive detection of MTBE, tests for the compound were conducted in the last four years. Water systems nationwide are wrapping up a years-long process of meeting federal requirements mandating testing for "unregulated contaminants" like MTBE. This suggests that MTBE is only now showing up in many drinking water systems. The prospect that the MTBE contamination crisis has yet to peak makes the scheme to shield polluters from liability all the more troubling.

Also rising rapidly are lawsuits against the oil companies by communities whose water is contaminated with MTBE. Since 2003, 155 water systems in 17 states have filed suits arguing that MTBE is a defective product, and that refiners knew that it would contaminate groundwater before they began adding it to gasoline but failed to warn consumers. In 2002 that argument, outlined in devastating detail in industry documents, convinced a jury to find Shell, Texaco and four other companies liable for contaminating drinking water supplies in South Lake Tahoe, Calif., forcing a \$60 million settlement for cleanup. In 2003, Shell, Exxon, ChevronTexaco and 15 other companies settled a contamination lawsuit brought by Santa Monica, Calif., by agreeing to spend an estimated \$200 million on a filtration system

to remove MTBE from the city's water supplies.

The success of those lawsuits in holding the oil companies responsible for MTBE contamination sparked the first attempt in 2003 by the industry and its political allies to make it impossible for communities to sue on defective product grounds. In turn, the push for the waiver set off a rush to file lawsuits by communities with contamination. Of the 150-plus cases now in court, all but three were filed after September 2003 and would be thrown out by the retroactive provision of the DeLay-Barton bill. If MTBE makers are given immunity from defective product lawsuits, the burden of cleanup will fall to individual gas station owners, most of whom lack the kind of money it would take, and ultimately to the taxpayers.

In the House, 21 Republicans and five Democrats who voted for the energy bill and MTBE liability waiver now are faced with the prospect, if they again support it, of throwing out a total of 38 lawsuits filed by community water systems in the districts they represent. Three Members are from New Jersey, which has a total of 430 water systems where MTBE has been detected—far more systems than in any other state, supplying drinking water to 4.7 million Garden State residents. Eleven are from California, where MTBE has been found in 144 water systems serving more than 32 million people—almost 90 percent of the state's population.

An additional 81 House members—74 Republicans and 9 Democrats—who supported the energy bill and liability waiver represent districts where MTBE has been detected in the water supply, but lawsuits have not been filed. Seven are from California, representing districts where 22 water systems have detected MTBE. Thirteen, including DeLay and Barton, are from Texas; in their districts are 29 water systems with MTBE contamination. One House member who voted yes in 2003 (Arkansas Democrat Mike Ross) has 50 water systems in his district with contamination. Another (Maryland Republican Roscoe G. Bartlett) has 50.

84 HOUSE MEMBERS WHO VOTED TO PROTECT OIL COMPANIES FROM LITIGATION IN 2003 ALSO REPRESENT COMMUNITIES WITH MTBE IN THEIR DRINKING WATER

Member	State/District	Systems with contamination	Vote on Energy Bill final passage in 2003
1. Akin, W. Todd	MO-2nd	2	Yea
2. Baca, Joe	CA-43rd	2	Yea
3. Bachus, Spencer	AL-6th	2	Yea
4. Barrett, J. Gresham	SC-3rd	4	Yea
5. Bartlett, Roscoe G.	MD-6th	50	Yea
6. Barton, Joe	TX-6th	1	Yea
7. Berry, Marion	AR-1st	28	Yea
8. Biggert, Judy	IL-13th	1	Yea
9. Blunt, Roy	MO-7th	2	Yea
10. Bonilla, Henry	TX-23rd	3	Yea
11. Bonner, Jo	AL-1st	5	Yea
12. Boozman, John	AR-3rd	18	Yea
13. Brady, Kevin	TX-8th	1	Yea
14. Brown, Henry E. Jr.	SC-1st	1	Yea
15. Burgess, Michael C.	TX-26th	1	Yea
16. Buyer, Steve	IN-4th	3	Yea
17. Camp, Dave	MI-4th	3	Yea
18. Cantor, Eric	VA-7th	3	Yea
19. Carter, John R.	TX-31st	2	Yea
20. Cole, Tom	OK-4th	4	Yea
21. Culberson, John Abney	TX-7th	2	Yea
22. Cunningham, Randy "Duke"	CA-50th	1	Yea
23. Davis, Jo Ann	VA-1st	1	Yea
24. DeLay, Tom	TX-22nd	1	Yea
25. Dreier, David	CA-26th	6	Yea
26. Emerson, Jo Ann	MO-8th	4	Yea
27. Evans, Lane	IL-17th	6	Yea
28. Everett, Terry	AL-2nd	1	Yea
29. Feeney, Tom	FL-2nd	1	Yea
30. Foley, Mark	FL-16th	3	Yea
31. Gerlach, Jim	PA-6th	11	Yea
32. Gibbons, Jim	NV-2nd	3	Yea
33. Goode, Virgil H. Jr.	VA-5th	2	Yea
34. Goodlatte, Bob	VA-6th	2	Yea
35. Graves, Sam	MO-6th	2	Yea
36. Green, Gene	TX-29th	2	Yea
37. Gutknecht, Gil	MN-1st	4	Yea

84 HOUSE MEMBERS WHO VOTED TO PROTECT OIL COMPANIES FROM LITIGATION IN 2003 ALSO REPRESENT COMMUNITIES WITH MTBE IN THEIR DRINKING WATER—Continued

Member	State/District	Systems with contamination	Vote on Energy Bill final passage in 2003
38. Hall, Ralph M.	TX-4th	4	Yea
39. Harris, Katherine	FL-13th	1	Yea
40. Hastert, J. Dennis	IL-14th	5	Yea
41. Hoekstra, Peter	MI-2nd	1	Yea
42. Holden, Tim	PA-17th	3	Yea
43. Hunter, Duncan	CA-32nd	2	Yea
44. Hyde, Henry J.	IL-6th	1	Yea
45. Issa, Darrell E.	CA-49th	4	Yea
46. Istook, Ernest J. Jr.	OK-5th	4	Yea
47. Johnson, Timothy V.	IL-15th	2	Yea
48. Kennedy, Mark R.	MN-6th	5	Yea
49. Kiene, John	MN-2nd	7	Yea
50. LaHood, Ray	IL-18th	7	Yea
51. Lewis, Jerry	CA-41st	3	Yea
52. Lucas, Frank D.	OK-3rd	5	Yea
53. McCotter, Thaddeus G.	MI-11th	1	Yea
54. McHugh, John M.	NY-23rd	14	Yea
55. Manzullo, Donald A.	IL-16th	8	Yea
56. Neugebauer, Randy	TX-19th	2	Yea
57. Ney, Robert W.	OH-18th	2	Yea
58. Osborne, Tom	NE-3rd	4	Yea
59. Pearce, Stevan	NM-2nd	2	Yea
60. Pence, Mike	IN-6th	1	Yea
61. Peterson, Collin C.	MN-7th	3	Yea
62. Platts, Todd Russell	PA-19th	4	Yea
63. Radanovich, George	CA-19th	4	Yea
64. Ramstad, Jim	MN-3rd	2	Yea
65. Rogers, Mike	MI-8th	3	Yea
66. Rogers, Mike	AL-3rd	1	Yea
67. Ross, Mike	AR-4th	50	Yea
68. Sabo, Martin Olav	MN-5th	1	Nay
69. Sessions, Pete	TX-32nd	1	Yea
70. Shaw, E. Clay Jr.	FL-22nd	1	Yea
71. Sherwood, Don	PA-10th	7	Yea
72. Shimkus, John	IL-19th	8	Yea
73. Skelton, Ike	MO-4th	1	Yea
74. Smith, Lamar S.	TX-21st	12	Yea
75. Terry, Lee	NE-2nd	1	Yea
76. Thornberry, Mac	TX-13th	1	Yea
77. Upton, Fred	MI-6th	2	Yea
78. Weldon, Curt	PA-7th	5	Yea
79. Weller, Jerry	IL-11th	5	Yea
80. Wilson, Heather	NM-1st	1	Yea
81. Wilson, Joe	SC-2nd	7	Yea
82. Wynn, Albert Russell	MD-4th	2	Yea
83. Young, C. W. Bill	FL-10th	1	Yea
84. Young, Don	AK-At Large	1	Yea

Source: Environmental Working Group. Data on MTBE lawsuits obtained from court records and law firms representing communities. Information on MTBE contamination is derived from data obtained from state agencies under the Federal Freedom of Information Act or state public records laws. Data were unavailable for some states; other states reported no MTBE detections. Some states currently do not require reporting of MTBE detections.

APRIL 5, 2005.

OPPOSE THE MTBE LIABILITY WAIVER!

DEAR MEMBERS OF THE HOUSE ENERGY AND COMMERCE COMMITTEE: The undersigned organizations—representing thousands of mayors, city council members, county officials, towns and townships, drinking water systems and public works departments—reiterate our strong opposition to providing product liability immunity to the producers of MTBE.

The liability waiver amounts to a massive unfunded mandate on local governments and citizens.

MTBE producers, according to documents in recent litigation, put this contaminant into commerce knowing it could contaminate drinking water supplies. Under the MTBE product liability waiver, these producers would be rendered unaccountable.

Thousands of water sources have been contaminated, and as MTBE spreads, more and more communities will be forced to shut down wells or undertake a costly cleanup program.

Here are some important facts to remember:

1. MTBE was never mandated, and Congress is not obligated to provide the producers "safe harbor." And, regardless, the producers put MTBE into gasoline well before the Clean Air Act Amendments of 1990 and with knowledge of its environmental dangers.

2. One estimate by experts puts the cleanup cost in excess of \$29 billion.

3. The liability waiver would retroactively block hundreds of communities' legitimate suits that have been filed already and could preempt hundreds more, leaving communities with a multi-billion dollar unfunded mandate from Congress.

4. The Leaking Underground Storage Tank fund was not intended to address the overwhelming amount of contamination communities are experiencing. Moreover, taxpayers should not pay for MTBE cleanup.

Please oppose the MTBE liability waiver.

Sincerely,

Tom Cochran, Executive Director, The U.S. Conference of Mayors; Larry Naake, Executive Director, National Association of Counties; Diane VanDe Hei, Executive Director, Association of Metropolitan Water Agencies; Steve Hall, Executive Director, Association of California Water Agencies; Larry Libeu, President, Western Coalition of Arid States.

Donald J. Borut, Executive Director, National League of Cities; Allen R. Frischkorn Jr., Executive Director, National Association of Towns and Townships; Jack Hoffbuh, Executive Director, American Water Works Association; Peter B. King, Executive Director, American Public Works Association; Thomas F. Donnelly, Executive VP, National Water Resources Association.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPs).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. CAPPs. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. CAPPs) will be postponed.

The point of no quorum is considered withdrawn.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to speak out of order and engage in a colloquy with the chairman of the Committee on Agriculture.

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

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I rise to congratulate my good friend, the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce, for his leadership in forging a comprehensive, cohesive energy policy for our Nation. I also applaud the chairman for his attempts to ensure a reliable, efficient, and affordable energy supply. We all can agree that a transparent energy market is essential to achieving the overall goals of this bill.

I am concerned, however, Mr. Chairman, that the current language in title 12, specifically section 1281, weakens the protections afforded the sensitive and proprietary information used to determine energy prices.

Mr. Chairman, I seek the assurance of the gentleman from Texas (Mr. BARTON) that he will work with me and concerned others on language that clarifies the Commodity Futures Trading Commission's exclusive jurisdiction with respect to accounts, agreements, and transactions involving commodity futures and options.

The CFTC has a long history of sharing futures and options trading data with other Federal and State regulators that agree to abide by the public disclosure restrictions found in section 8 of the Commodity Exchange Act.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman for raising these concerns and agree with the gentleman that market transparency is an absolute need for an affordable energy supply and that the protection of proprietary data is a must for the efficient and effective use of U.S. futures markets. Regulation of United States futures exchanges is certainly within the jurisdiction of the CFTC. I give the gentleman my assurances I will work with him on language that reflects the Commodity Futures Trading Corporation's jurisdiction in its vital role in market transparency.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to speak out of order to engage in a colloquy with the gentlewoman from Ohio (Ms. PRYCE).

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

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Chairman, section 1287 of H.R. 6 includes permissive rulemaking authority for the Federal Trade Commission to adopt rules protecting the privacy of electric consumers from the disclosure of consumer information obtained in connection with the sale or delivery of electric energy to electric customers.

Am I correct, sir, in understanding that it was the committee's intent to grant the FTC rulemaking authority with respect to the information practices of utility companies not already regulated, or to the extent they are not already regulated, under the Gramm-Leach-Bliley Act?

Mr. BARTON of Texas. The gentlewoman is correct.

Ms. PRYCE of Ohio. Am I further correct that it was not the intention that utility companies be restricted in their ability to report payment history information to consumer reporting agencies?

Mr. BARTON of Texas. The gentlewoman is once again correct.

Ms. PRYCE of Ohio. Sir, am I further correct that it was not your intention that the FTC be given broad rulemaking authority with respect to the goods or services that can be offered to a customer simply because the cus-

tomers use electricity, but rather the FTC has the authority to regulate the offering or billing of products or services by utility companies?

Mr. BARTON of Texas. The gentlewoman is correct, for the third time in a row.

Ms. PRYCE of Ohio. Mr. Chairman, I thank the gentleman for his clarifications and for his assistance and the assistance of his staff in this situation.

Mr. BARTON of Texas. We always thank the gentlewoman for her inquiries.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 28 printed in House Report 109-49.

AMENDMENT NO. 28 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. INSLEE:

At the end of title XXVI add the following:  
**SEC. —. LIMITATION ON RENT AND OTHER CHARGES WITH RESPECT TO WIND ENERGY DEVELOPMENT PROJECTS ON PUBLIC LANDS.**

(a) IN GENERAL.—The Secretary of the Interior may not impose rent and other charges, excluding for the cost of processing rights-of-way, with respect to any wind energy development project on public lands that, in the aggregate, exceed 50 percent of the maximum amount of rent that could be charged with respect to that project under the terms of Bureau of Land Management Instruction Memorandum No. 2003-020, dated October 16, 2002.

(b) TERMINATION.—Subsection (a) shall not apply after the earlier of—

(1) the date on which the Secretary of the Interior determines there exists at least 10,000 megawatts of electricity generating capacity from non-hydropower renewable energy resources on public lands; or

(2) the end of the 10-year period beginning on the date of the enactment of this Act.

(c) STATE SHARE NOT AFFECTED.—This section shall not affect any State share of rent and other charges with respect to any wind energy development project on public lands.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

This amendment is part of our continuing effort to diversify our supplies of energy by increasing the amount of wind power we can generate off of our Department of the Interior lands, principally, our Bureau of Land Management lands. It will do so by cutting in half the royalty that is scheduled to be applied under the BLM criteria. We are actually quite high, probably in the neighborhood of almost twice sometimes what the private sector and private lands charge. Reduce it from about \$2,300 on average to about \$1,100 per megawatt.

This is very similar to a provision we passed last year in the energy bill, and it really follows the tremendous

growth of wind energy we are experiencing.

□ 1445

Well, actually wind energy is growing about 30 percent a year, which is rather a Herculean growth rate that we are having, and that is because we have abundant wind energy, thankfully, in this great land of ours.

Now, we want to maximize it on our public lands. I know in many places we are having success with wind. In Washington State we are proud of the largest wind farm in the North American hemisphere, at State Line, Washington, which has about 263 megawatts, powers about 25,000 homes. We have several projects in Washington State, in fact, on public land in Washington State we have at least 600 acres very eligible for economically efficient production of wind energy.

So we think this is a way to help boost wind because what we have found is that every time we increase the number of units of wind energy we use, we decrease its price. There is a very clear correlation. Every time the number of units go up by a factor of 10, prices come down by 20 percent. Actually, wind energy has been reduced in price this decade by 80 percent. It is a pretty spectacular success story.

Wind is not without any impacts. It has aesthetic impacts, of course, but we think this is one way to give a boost to an infant, nascent industry that can go up to a place where right now is very close to market-based, really is market-based rates at this time.

The gentleman from California (Mr. POMBO) was good enough to agree to an amendment in the Resources Committee to state a national goal of generating 10,000 megawatts of renewable energy from our Federal lands within the decade. This is one small step in that direction. So we hope that we will continue the growth of wind.

This is one very small part of a larger project I am championing called the New Apollo Energy Project, which really will spur the development of high technology.

Let me lastly state that other countries are having successes as well. Denmark hopes to have 50 percent of their electrical content generated by wind and other renewables in 2025. They are at about 30 percent now.

This is not pie in the sky; it is very achievable. We want to grow those jobs here in America, eventually have a domestic wind turbine job base, industrial base; and we have a lot of jobs to create, hooking up those wind turbines.

We hope that we can pass this amendment.

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

Mr. POMBO. Mr. Chairman, I ask unanimous consent to claim the time on our side.

The Acting CHAIRMAN (Mr. SIMPSON). Without objection, the gentleman from California will control 5 minutes.

There was no objection.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may use.

I congratulate my colleague, the gentleman from Washington (Mr. INSLEE) for bringing this amendment forward. I think this is an important amendment. It is very consistent with the rest of the bill.

When we look at royalty relief, we know that that does spur investment in a particular industry. It helps to build domestic energy in this country, and it is all part of the effort of the overall bill to gain greater energy independence from foreign countries.

I believe very strongly in wind energy. I think it is a positive move. It is something that has moved dramatically in the last 20 years in this country. But we do know that royalty relief is something that spurs investment in a particular industry.

I look forward to working with the gentleman from Washington (Mr. INSLEE) further on wind energy, but also on increasing the amount of investment we have on energy independence in this country, things like we are doing on deep drill and deep water drilling and other things that we are doing in the bill. I am glad that he recognizes that royalty relief is a way to spur greater independence in this country.

Mr. Chairman, I yield to the gentleman from Texas (Mr. BARTON), the Chairman of the Energy and Commerce Committee.

Mr. BARTON of Texas. Mr. Chairman, I just want to add my support for the amendment. I think it helps the bill. I would encourage my friend from Washington, as he once again gets another amendment in the bill, to consider voting for final passage.

He is going to have more stuff in the bill than I am. So at some point in time the weight of the evidence is that he should be supportive of the bill.

Mr. POMBO. Mr. Chairman, I reserve the balance of my time.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the comments of the gentleman from Texas (Mr. BARTON). We cannot measure contribution by number, we have to measure by weight. However, Mr. Chairman, I think you are still going to win the debate.

By the way, I am a new member of the Commerce Committee. I want to thank the gentleman from Texas (Mr. BARTON), the chairman, for the very fair-minded way that he handled this in committee, in giving both sides an adequate degree of leeway to argue their positions. We all appreciate his leadership.

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

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

I urge support of the amendment. The Resources Committee accepts the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE.)

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 29 printed in House report 109-49.

AMENDMENT NO. 29 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. HASTINGS of Florida:

At the end of the bill, add the following new title:

**TITLE XXVII—ENVIRONMENTAL JUSTICE**  
**SEC. 2701. EXECUTIVE ORDER 12898.**

The provisions of Executive Order 12898, dated February 11, 1994, pertaining to Federal actions to address environmental justice in minority populations and low-income populations, shall remain in force until changed by law. In carrying out such executive order, the provisions of this title shall apply.

**SEC. 2702. ADDITIONAL PROVISIONS RELATING TO ENVIRONMENTAL JUSTICE.**

(a) DEFINITION OF ENVIRONMENTAL JUSTICE.—For purposes of Executive Order 12898, environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, educational level, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice seeks to ensure that minority and low-income communities have adequate access to public information relating to human health and environmental planning, regulations, and enforcement. Environmental justice ensures that no population, especially the elderly and children, are forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazard.

(b) IDENTIFICATION AND PRIORITIZATION OF ENVIRONMENTAL JUSTICE COMMUNITIES.—For purposes of Executive Order 12898, criteria for defining an environmental justice community shall include demographic characteristics, such as percentages of minority and low-income residents within an area, as well as—

(1) health vulnerabilities, such as cancer mortality and incidence rate, infant mortality, low birth weight, asthma, and childhood lead poisoning; and

(2) environmental conditions, such as facility density and proximity to Corrective Action/Superfund Sites, Enforcement Data (percent and number of uninspected facilities, percent and number of unaddressed violations, average and total penalty and air nonattainment status), emissions, attainment status, indoor air issues, 305b stream data, fish advisories, beach closings, and truck traffic.

(c) ESTABLISHMENT OF OFFICES OF ENVIRONMENTAL JUSTICE.—For purposes of Executive Order 12898, each of the following shall establish an Office of Environmental Justice:

- (1) Department of Health and Human Services.
- (2) Department of Housing and Urban Development.
- (3) Department of Defense.
- (4) Department of Labor.
- (5) Department of Agriculture.
- (6) Department of Transportation.
- (7) Department of Justice.

- (8) Department of the Interior.
- (9) Department of Commerce.
- (10) Department of Energy.
- (11) Environmental Protection Agency.
- (12) Office of Management and Budget.
- (13) Office of Science and Technology Policy.

(14) Office of the Deputy Assistant to the President for Environmental Policy.

(15) Office of the Assistant to the President for Domestic Policy.

(16) National Economic Council.

(17) Council of Economic Advisers.

(18) Such other Government officials as the President may designate.

(d) INTEGRATION OF ENVIRONMENTAL JUSTICE POLICIES IN AGENCY ACTIONS.—For purposes of the environmental justice strategies developed by agencies under Executive Order 12898, each agency shall integrate the strategy into the operation and mission of the agency and explicitly address compliance with this Act, including in the following activities:

(1) Future rulemaking activities.

(2) The development of any future guidance, environmental reviews (including NEPA, CAA, Federal Land Policy Act), regulation, or procedures for Federal agency programs, policies, or activities that affect human health or the environment.

(e) INTERAGENCY FEDERAL WORKING GROUP COORDINATION AND GUIDANCE.—The interagency Federal Working Group on Environmental Justice (in this section referred to as the "Working Group") shall—

(1) coordinate an integrated environmental justice training plan for the Federal agencies and offices listed in subsection (c);

(2) formalize public participation efforts;

(3) survey the Federal agencies and offices to determine what is effective and how to best facilitate outreach without duplicating efforts;

(4) develop a strategy for allocating responsibilities and ensuring participation, even when faced with competing agency priorities; and

(5) coordinate plans to communicate research results so reporting and outreach activities produce more useful and timely information.

(f) AGENCY PUBLIC PARTICIPATION EFFORTS.—

(1) OUTREACH EFFORTS.—Each Federal agency listed in subsection (c) shall carry out and report outreach activities to the Working Group, including the following:

(A) Respond directly to inquiries from the public and other stakeholders.

(B) Maintain websites and listservers.

(C) Produce and distribute hardcopy documents and multimedia products.

(D) Conduct or sponsor briefings, lectures, and press conferences.

(E) Testify before Congress or other government bodies.

(F) Finance scholarships, fellowships, and internships.

(G) Support museum exhibits and other public displays.

(H) Sponsor, participate, or otherwise contribute to meetings attended by stakeholders.

(I) Provide scientifically-sound content for K-12 education activities; and

(J) fund outreach efforts managed outside the Federal Government.

(2) STAKEHOLDERS.—To ensure their active public participation and to provide input early in environmental decision-making, Federal agencies along with the Working Group shall develop ways to enhance partnerships and coordination with stakeholders, including affected communities, Federal, Tribal, State, and local governments, environmental organizations, nonprofit organizations, academic institutions (including His-

torically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), and Tribal Colleges), and business and industry.

(g) COMMUNITY TECHNOLOGY CENTERS.—

(1) IN GENERAL.—Federal agencies shall fund community technology centers to assist with technical assistance issues in the environmental justice area.

(2) DESCRIPTION.—In this subsection, the term "community technology center" (CTC) refers to programs with the goal of providing at least 10 hours of open access a week for anyone in a community, especially youth and adults in low-income urban and rural communities, for purposes of providing technical assistance to communities experiencing issues of environmental hazards.

(3) LOCATION.—A community technology center may be located in places such as libraries, community centers, schools, churches, social service agencies, low-income residential housing complexes, and Minority Academic Institutions (such as Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges).

(4) ACTIVITIES OF COMMUNITY TECHNOLOGY CENTER.—A community technology center funded under this section shall—

(A) assist community members in becoming active participants in cleanup and environmental development activities;

(B) provide independent and credible technical assistance to communities affected by hazardous waste contamination;

(C) review and interpret technical documents and other materials;

(D) sponsor workshops, short courses, and other learning experiences to explain basic science and environmental policy;

(E) inform community members about existing technical assistance materials, such as publications, videos, and web sites;

(F) offer training to community leaders in facilitation and conflict resolution among stakeholders; and

(G) create technical assistance materials tailored to the identified needs of a community.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment of critical importance to the health and well-being of minority, low-income, and other underserved communities.

It was barely 20 years ago when our Nation first became concerned with minority communities and the disproportionate impact pollution has on their health. Over the years, we have sought, and many have done good things to combat, these environmental injustices across community lines.

Following the lead of former President George H.W. Bush, who established the Office of Environmental Justice at EPA in 1994, then President Clinton signed Executive Order 12898, titled Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

This order required that all appropriate Federal agencies collect data on the health and environmental impact

of their programs and activities in minority and low-income populations, and then develop policies to achieve environmental justice. The order also required Federal agencies and their funding recipients to conduct their programs and implementing policies in a nondiscriminatory manner.

Despite the order, Federal efforts to achieve environmental justice have been minimal at best. In fact, in 2002, the U.S. Commission on Civil Rights concluded, "There is inconsistency and unevenness in the degree to which agencies achieve integration of the environmental justice into their core mission."

When I asked, just last week, about the future of environmental justice at EPA, an official stated, and I quote, "What are we going to do for 2005?" We do not know.

The amendment that I am offering today codifies Executive Order 12898. My amendment establishes offices of environmental justice in appropriate agencies and reestablishes the Interagency Federal Working Group on Environmental Justice. Perhaps, most importantly, the amendment represents the first time ever that Congress has attempted to define the term "environmental justice."

Mr. Chairman, more than 70 percent of African Americans and Latinos, compared to only 58 percent of the majority community, live in counties which regularly fail to meet current clean air standards. In these areas, a disproportionate number of citizens are suffering from cancer, asthma, toxic poisoning and lung-related deaths.

In my own district, there are continuing problems in this area throughout the district and specifically in Ft. Lauderdale. People are literally dying from pollution in their own back yards. It is not by coincidence that the majority of power plants and refineries in the United States are built in low-income areas. The land is cheap, the political influence of the neighborhood is virtually nonexistent, and in the bill we are considering this week, such siting is actually encouraged.

This amendment does nothing to change existing policy, nor does it amend any provision in the bill. All that it does is ensure that avenues which currently exist will always exist for underserved communities wishing to seek recourse when poor energy and environmental policies adversely affect their health and well being.

I implore my colleagues to support this amendment.

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

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) will control 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment not because I oppose environmental justice, but because I do not

think this amendment is necessary. The amendment does not codify existing powers in the Federal Government. It would change the way that they are currently operating.

The current environmental justice programs are in no danger of being repealed. The subject of the amendment, Executive Order 12898, is already in effect and requires each Federal agency to make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental affects of its programs, policies and activities on minority populations and low-income populations.

In my opinion, this amendment is a step backward in allowing minority and low-income communities the opportunity for individual choice and economic freedom in creating jobs and encouraging development in these low-income areas that are in such desperate need of revitalization and economic growth.

More environmental restrictions and quotas, that would result from this amendment, will only continue the plight of these economically disadvantaged communities by discouraging further development.

EPA already has several offices that have responsibility for overseeing and instituting environmental justice programs, including two specific ones, the Office of Environmental Justice and a national advisory committee that gives national focus to environmental justice concerns in all environmental protection programs at the EPA.

So I know it is a well-intentioned amendment, but it is not necessary because we have existing executive orders. The agencies are implementing it. And I think this would actually do more harm than good.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM.)

Mr. CUNNINGHAM. Mr. Chairman, I am opposed to my friend's amendment, and he is a friend, he is a good friend. I have not had a chance to speak on the floor, but I thought this fit right in line with environmental justice.

When many of us came in 1990, the Clean Air Act came up. And I remember Mr. Daschle, who is no longer with the other body, standing up and talking about how good MTBEs were. None of us knew. I saw a special that showed how bad MTBEs are, and that they are poisoning our waters in many communities. They should be removed.

But when the Government asks any industry to do its bidding, and it does that, then I think that the government should protect that individual, whatever the company is, because it did what the government told it to do. Now, I think what we should do with this is push forward, help with the cleanup, and fight and do everything we can to get MTBEs out of our system and out of our groundwater.

The gentleman from California (Mr. POMBO) did that in 1996, and my col-

leagues on the other side fought that tooth, hook and nail. I was the cosponsor of the bill.

When you talk about justice, let us look at why we ended up with it, where we are, and let us work together to get rid of this stuff.

The Acting CHAIRMAN. The gentleman from Florida (Mr. HASTINGS) has 30 seconds remaining, and the gentleman from Texas (Mr. BARTON) has 2 minutes remaining.

Mr. HASTINGS of Florida. Mr. Chairman, I yield my remaining 30 seconds to my good friend and colleague, the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I rise to support the Hastings amendment. California law, back in 1996, we passed this particular amendment, and I carried that bill. It was one of the first in this country. Now there are 29 States that are enforcing this.

Under the energy bill, this provision is necessary because they will be able to put refineries, be able to go onto Native Americans lands, they will be able to go into communities of color, in low-income communities like mine that are underserved right now, that have many, many egregious projects that are there that are polluting our waters, and making our life, I think, a health hazard.

This is the wrong direction to go in with the energy bill. We need to support this amendment for environmental justice when right now, under the Bush administration, 33 percent of EJ moneys have been cut.

□ 1500

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from Texas (Mr. BARTON) has 2 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I will yield 1 of my 2 minutes to the gentleman if he wants to close on the amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman, but sometimes enough is enough and Members want to go home.

Mr. UDALL of New Mexico. Mr. Chairman, I rise in strong support of this amendment and I congratulate the gentleman from Florida, Mr. HASTINGS, for bringing it to the floor of the House.

The amendment would expand the Federal definition of environmental justice, directs each Federal Agency to establish an office of environmental justice, reestablishes the inter-agency Federal Working Group on Environmental Justice, and requires that Executive Order 12898 remain in force until changed by law.

By adopting the amendment we can take a significant step to ensuring that current and future Federal policies will be informed by the need to protect minority and low-income communities from poor environmental and energy decisions and policies.

The amendment is similar to a bill I introduced earlier this year with our colleague from California, Representative HILDA SOLIS. It is also cosponsored by the gentleman from New Jersey, Mr. ANDREWS as well as by Mr.

HASTINGS of Florida, the author of this amendment.

Like this amendment, that legislation was prompted by our continued concern about the way Federal actions have had disproportionately adverse effects on the health, environment and quality of life of Americans in minority and lower-income communities.

Too often these communities—because of their low income or lack of political visibility—are exposed to greater risks from toxins and dangerous substances because it has been possible to locate waste dumps, industrial facilities, and chemical storage warehouses in these communities with less care than would be taken in other locations.

The sad fact is that in some eyes these communities have appeared as expendable—without full appreciation that human beings, who deserve to be treated with respect and dignity, are living, working, and raising families there.

This needs to give way to policies focused on providing clean, healthy and quality environments within and around these communities. When that happens, we provide hope for the future and enhance the opportunities that these citizens have to improve their condition.

This amendment, like our bill, would help do just that. The amendment, like our bill, essentially codifies an Executive Order that was issued by President Clinton in 1994. That order required all Federal agencies to incorporate environmental justice considerations in their missions, develop strategies to address disproportionate impacts to minority and low-income people from their activities, and coordinate the development of data and research on these topics.

Although Federal agencies have been working to implement this order and have developed strategies, there is clearly much more to do. We simply cannot solve these issues overnight or even over a couple of years. We need to "institutionalize" the consideration of these issues in a more long-term fashion—which this bill would do.

In addition, just as the current policy was established by an administrative order, it could be swept away with a stroke of an administrative pen. To avoid that, we need to make it more permanent—which is also what this amendment, like our bill, would do.

It would do this by statutorily requiring all federal agencies to—make addressing environmental justice concerns part of their missions; develop environmental justice strategies; evaluate the effects of proposed actions on the health and environment of minority, low-income, and Native American communities; avoid creating disproportionate adverse impacts on the health or environment of minority, low-income, or Native American communities; and collect data and carry out research on the effects of facilities on health and environment of minority, low-income, and Native American communities.

It would also statutorily establish two committees: The Interagency Environmental Justice Working Group, set up by the Executive Order to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquiries regarding environmental justice issues; and a Federal Environmental Justice Advisory Committee, appointed by the President, including members of community-based groups, business, academic, State



agencies and environmental organizations. It will provide input and advice to the Inter-agency Working Group.

In a nutshell, what this amendment—like our bill—would do is require Federal agencies that control the siting and disposing of hazardous materials, store toxins or release pollutants at federal facilities, or issue permits for these kinds of activities to make sure they give fair treatment to low-income and minority populations—including Native Americans. The bill tells Federal agencies, “In the past these communities have endured a disproportionate impact to their health and environment. Now we must find ways to make sure that won’t be the case in the future.”

I urge adoption of the amendment.

Mr. BARTON of Texas. Mr. Chairman, I urge a “no” vote, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. HASTINGS) will be postponed.

The point of no quorum is considered withdrawn.

The Acting CHAIRMAN. It is now in order to consider amendment No. 30 printed in House Report 109-49.

AMENDMENT NO. 30 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. CASTLE: In title III, strike section 320, and make the necessary conforming changes in the table of contents.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I am very concerned about the process by which terminals for LNG will be selected in this country. Let me say, I support natural gas. I support the use of liquefied natural gas. I understand we need ports. I also understand the nearer they are to the pipeline the better off we are. But the bottom line is that the process that is in this legislation which supplants the existing process, in my judgment, tramples on the rights of the States and the individual communities, as they have indicated in their letters to us, to be able to influence these decisions that are made.

If you read this carefully, you will see that H.R. 6 requires FERC to con-

sult with the State, but it clearly removes the directive that FERC base its decision on community support or opposition, which it does now.

States do a heck of a lot more than consult. At times they can object entirely. There may be problems. In the case of one being located in the Delaware River, New Jersey has some problems with it, in terms of boats being able to turn and environmental issues, whatever it may be. There are a lot of problems across the United States of America.

My judgment is that we are taking absolutely the wrong step by this rather strong measure that turns over to this Federal commission the right to make local decisions. That is something that none of us in the Congress of the United States should endorse.

So for that reason I hope the amendment reverting to where it was before would be accepted.

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

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. WAMP. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Tennessee.

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

Mr. WAMP. Mr. Chairman, I rise to make remarks on the subrogation provision in the Price Anderson section of H.R. 6.

Mr. Chairman, I would like to discuss a provision in this bill that I have some concerns with.

I have the pleasure of representing the Department of Energy sites in Oak Ridge, Tennessee. This site is a natural asset that not only has a vitally important defense mission, a growing and prominent science mission, but an ongoing active environmental cleanup activity. I am proud of the caliber of contractors we have in Oak Ridge and the work they do for our country.

I have some concerns with Section 612 in the nuclear title of this bill.

This provision, dealing with Price Anderson Act indemnity, is reportedly designed to make DOE contractors more “financially accountable” for their actions in support of the DOE nuclear mission.

The fact is that there are already a wide variety of mechanisms in place to ensure DOE contractor accountability: from civil penalties of up to \$110,000 a day; to stop work orders; to contract terminations; to criminal fines and imprisonment. There is no evidence that additional sanctions are needed.

In the 48-year history of Price Anderson, no government contractors have been found to have engaged in “willful misconduct.”

Are we willing to ask the government’s best contractors at all levels, the ones we want involved in this business, to face significantly in-

creased financial risks that have and will likely remain uninsurable?

I believe that we presently have sufficient mechanisms in place to hold the contracting community accountable. The inclusion of this provision in the final Energy bill will have the opposite effect as intended. Rather than adding to financial accountability it will drive the most prudent and best performing contractors out of the DOE nuclear market.

I do not want to imagine a time when the activities at Oak Ridge are not being conducted by the most qualified DOE contractors.

If Section 612 was enacted, I fear that it will have a detrimental impact on not only the defense mission of DOE, but on most of the government’s nuclear science activities.

I look forward to working with Chairman BARTON and the Energy and Commerce Committee to perfect this provision as we head to Conference with the Senate.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CALVERT) for purposes of a colloquy.

Mr. CALVERT. Mr. Chairman, I want to thank the gentleman for engaging in this colloquy with me addressing the Department of Defense, DOD’s concern in any decision FERC would make authorizing the siting of liquefied natural gas facilities, LNG, on or contiguous to our defense installations.

Mr. Chairman, I know and believe our colleagues all recognize the extreme importance of our duty to ensure that our men and women in uniform are able to operate and train in an environment free of any unnecessary constraints.

Should a proposal to site an LNG terminal be on or adjacent to a military installation or range, I believe there would be concerns that should be addressed as to whether there may be an impact upon military operations, training and readiness. Among the factors that may impact the day-to-day operations of a military installation or range include the actual location of an LNG storage and regasification unit, shipment routes, frequency of shipments, natural gas pipelines, maintenance and inspection regimes, and other activities mandated by Federal and State laws and regulations.

I have spoken with the officials at the Department of Defense and assessing non-military impacts to installation operations and training is something they are capable of and in fact do on a regular basis. It is my belief the Department of Defense should have a role in assessing the impact of such proposed sitings to be considered on or contiguous to a military installation or range. I believe that the commission should consider the Department’s evaluations so that any siting does not interfere with our military’s duties as prescribed in title 10 of the U.S. Code.

Mr. Chairman, can you confirm that we can discuss this concern further at conference?

Mr. BARTON of Texas. If the gentleman will yield, Mr. Chairman, I tell

the distinguished gentleman from California, my good friend, that we can discuss this further at conference and I look forward to that.

Mr. CALVERT. I thank the gentleman.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I thank the chairman for working with me to put this into the base bill.

Since 1999 natural gas prices have more than tripled to over \$7. It is off the charts now. It is projected that if we do not do anything about natural gas supplies, it could reach \$13, \$14 by 2020.

What does that mean?

It means higher heating bills; 65 percent of my constituents heat their homes in Nebraska by natural gas. By the way, we have lost, Mr. Chairman, about 3 million jobs in the industrial manufacturing bases. Just for our farmers, our agricultural folks in the Midwest, farmers have seen the prices of nitrogen fertilizer increase from \$175 per ton in 2000 to more than \$400 this planting season, and we have lost half of our fertilizer manufacturers chasing the lower natural gas prices.

Mr. Chairman, in regard to safety, the gentleman wrote into this language specifically giving the States the right to participate in this process, and I encourage my colleagues to vote "no."

Mr. CASTLE. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this photo behind me is an LNG tanker in Boston Harbor delivering LNG to Everett, Massachusetts. Right behind you can see East Boston High School. If there was a terrorist attack, if there was an accident, you would not call the Federal Government. It would be the local police, the local fire department, the local emergency medical technicians that would respond.

The Republican bill eliminates the State and local participation in determining where a facility like this would be placed. Now, it is not like there is a crisis. In America there were two of these facilities in 2001. There are now five. Six more have already been licensed by the State governments and the Federal Government in the United States. There is no crisis.

So why are the mayors, why are the Governors being walled out? It is because the Republican majority wants to hand it over to the Federal Government and to the natural gas industry. But it would be very dangerous to exclude the communities that are most affected, especially when States know they need the LNG, we admit that, but we want to put it in more remote areas in the State or perhaps offshore and have it be piped in. But the Republican majority says, no, we want to put it in the most densely populated areas and wall out all Governors, all State officials.

Vote "yes" for the Castle amendment. Protect States' rights.

Mr. BARTON of Texas. Mr. Chairman, I commend the gentleman from Massachusetts (Mr. MARKEY) on his visual.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I always enjoy following my colleague. He is very impassioned. He is just wrong on this.

The picture that the gentleman put up, he wants it offshore and wants it piped in. One of the most crazy things ever to happen to me is I am sitting in my office and the energy company comes in. They are excited about building an LNG facility in the Bahamas and they want to pipe this natural gas in to Florida.

Now, who gets the tax revenue from that facility? Not the United States. Who will get the jobs from that facility? Not the United States. Who is going to get energy security from that facility? Not the United States. Who has a problem with a pipeline underneath the ocean? We do.

I just cannot believe that we want to give up the jobs, the energy security, and the ability to have these facilities in the United States and put them in remote areas, many of them outside the continental United States.

If we want good jobs, we want lower prices, we want to help our farmers with lower fertilizer deals, we have to defeat this amendment.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I urge strong support of the Castle-Markey amendment to H.R. 6. This amendment would ensure that the States have a proper role in the siting of energy facilities.

There is this photograph of a large tanker in Boston Harbor. I do not have the good fortune to represent a city like Boston, but there are four, five or six communities in my congressional district, communities of 1,000; 5,000; or 10,000 people where a facility like this would change the basic characteristics of that community forever.

Some people are passionately for the LNG facilities. Other people are passionately against the LNG facilities. I have told these folks they get the chance to decide and not a bureaucrat 3,000 miles away.

Vote for this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Houston, Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, my colleagues supporting this amendment say we do not have a crisis. We do have a crisis. Natural gas prices are triple what they should be. We are paying more to heat and cool our homes and also for our raw materials for our chemical industry and all of our industries, so we need to do something.

The solution is to either drill more or import it, and LNG is one of ways we can do it. We have a great safety record

not only in our own country but worldwide in liquefied natural gas. And it is frustrating when you say you do not want to drill, you do not want to refine, and you do not even want to import. The only way you will get around then is by walking.

In Houston, we are too big to walk so we will have to have gasoline and we have to have something to cool our homes in the summer.

The low natural gas supply is impacting our jobs and driving up electricity prices causing higher consumer prices. Higher prices are leading to inflation and slow-down worries, which is why Alan Greenspan testified before our committee that the United States needs more LNG.

LNG import terminals can be our interstate commerce. That is why we need to have a Federal role, but the States will still have a very important role in this process.

States will have influence over the kind and use of facility; the existing and projected population of the local area; the existing and proposed land use near the local area; and the natural and physical aspects of the location.

The bill creates new authority for states to inspect LNG terminals for safety and security, beyond what they have in interstate natural gas projects.

Low natural gas supply is impacting jobs, driving up electricity prices, and causing higher consumer prices for a variety of goods and services.

Higher prices are leading to inflation and slowdown worries, which is why Alan Greenspan testified to our Committee that the U.S. needs more LNG.

LNG import terminals are engaged in both foreign and, in most cases, interstate commerce. LNG is a matter of national or, at the very least, regional importance.

Approval and siting is properly done in the national interest consistent with the Commerce Clause of the Constitution. The Federal Energy Regulatory Commission has sited interstate natural gas pipelines under the Natural Gas Act since 1942.

States participate in the FERC's National Environmental Policy Act process, and have new authority in this bill to inspect for safety and security.

States retain their authority to issue or deny permits under federal statutes such as the Coastal Zone Management Act and the Clean Water Act. This bill takes away no state authority, as long as state permitting agencies issue timely decisions.

Let me repeat: State permitting authority remains in place under H.R. 6. States can still deny LNG facilities on their coasts. But they need a reason—Clean Air Act, Clean Water Act, or the Coastal Zone Management Act.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I ask unanimous consent that we extend debate by 2 minutes on both sides.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I rise in support of my friend's amendment.

When there is a decision being made to site a plant which, if there were an accident, could be catastrophic, I think that the people who make the decision whether to build the plant or not should be politically accountable to the people who live in the place where the plant is going to be sited, they should have visited the place where the plant is going to be sited, and they should have some clue as to what the locality is of where the plant will be sited.

The issue is who gets to decide, a stranger or someone intimately familiar with the community.

For all those who believe in home rule, vote "yes" on the Castle amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

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

Mr. MURPHY. Mr. Chairman, natural gas prices have risen by over 300 percent since 1998. And while we are concerned about jobs going overseas, let us be reminded that we pay 25 percent more than China and 14 percent more than Europe. We have lost some 3 million manufacturing jobs in this Nation related to higher natural gas prices since 1999. In the last 5 years, 90,000 jobs from the chemical industry alone have been lost because of higher natural gas prices.

We have doubled the price of fertilizer which increases the price for farmers which is passed on in higher food costs. Homeowners have seen a 55 percent increase in natural gas prices in their home.

This is the issue of the law of supply and demand. If we want to increase the supplies, if we want to lower the cost, if we want to save jobs in America that so many people talk about here all the time, we have to have more natural gas in this country, which means we should be opening up safe opportunities, allow States to monitor this, all of which is in the energy bill.

I recommend my colleagues oppose this amendment so we can keep jobs and keep natural gas prices lower.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me time.

I support the Castle-Markey amendment and would say to my fellow Republicans, if this is the party that believes in local government and decisions being made on the local level and the State level as opposed to the Federal level, you would be supporting this amendment.

□ 1515

It seems absolutely clear as can be to me that if you do not give authority, some authority, and rights to States and local communities, you are going

to have companies come in and bully their way because they will not have to be answerable. They will not have to work out problems with their States and local governments. They will just have the capability to advise, and advice means very little.

Mr. Chairman, I rise in strong support of the Castle-Markey-Shays-Andrews amendment, striking the Liquefied Natural Gas (LNG) siting language contained in Section 320 of H.R. 6.

There are risks as well as benefits associated with the siting and expansion of LNG terminals in populated areas. It is essential states be able to evaluate their effect on sensitive coastal areas. In Long Island Sound just off Connecticut, there is a very real possibility that a facility will be sited with little to no state or local input.

We propose an amendment to restore the role of state and local authority in citing decisions. States and localities should be able to maintain the ability to review and impact decisions that could pose serious environmental and health hazards to its coastal areas and its citizens.

My party has always believed state and local governments know best what works in their communities.

Mr. Chairman, while energy security is a national issue, it seems to me, local communities, who will live with our decisions far into the future, deserve a voice in the decision-making process.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I appreciate the gentleman yielding me time.

Mr. Chairman, we had a speaker just a few moments ago who said that we were going to have to give up jobs, taxes and energy security if we had a pipeline that brought gas to Florida from out of the country.

I will tell my colleagues, in Rhode Island we would welcome the chance to have our gas piped in from some other country because the fact of the matter is, our State knows, as every other State that has an LNG facility knows, that if we were to ever have that explode, it would decimate a 50-mile radius.

We will take our lives over our jobs, over our taxes, over our security. Let us support the Castle amendment.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this issue is one of whether or not you want the Federal Government to decide if you are on a coastline in the United States that an LNG facility is coming to your district. If you want your governor, your mayors to have a role, some role, in deciding where an LNG facility is located, which would have catastrophic consequences if there was an accident or terrorist attack, you vote "aye" on the Castle amendment.

If you just want the Federal Government to decide in the middle of your district where this most attractive of all terrorist targets will be located, then you vote "no," but understand the consequences on the floor today.

Mr. CASTLE. Mr. Chairman, it is my understanding that the chairman of the committee has the right to close? He is the only speaker they have. I am the final speaker.

I yield myself the balance, which I believe is 2 minutes.

Mr. Chairman, actually the gentleman from Texas (Mr. BARTON) and I were just discussing this. It is a shame we do not have more time for this amendment. It is a pretty significant amendment. It is complicated, and I have spent a lot of time trying to educate myself as to what the procedures were before and what they are now. It could be a little bit difficult, and there is a court suit pending in California, and obviously we need this. I will be the first to tell my colleagues that.

On the other hand, for the States and the local areas to give up their jurisdiction and their ability to influence this decision, I think would be absolutely wrong.

I have read this statute very carefully. For instance, it says on page 13: "The term 'Federal authorization' means any authorization required under Federal law in order to construct, expand, or operate a liquefaction or gasification natural gas terminal, including such permits, special use authorizations, certifications, opinions, or other approvals as may be required, whether issued by a Federal or State agency."

You are basically taking what has been partially codified and developed by procedure, and you are trying to codify it here in what is a much tighter measure, giving to the energy commission the ability to make the decision and overrule what happens at the State and local levels. That is the problem that I have.

And certainly the chairman may get up and say, Well, that is not quite what it is.

It certainly can be interpreted that way. If we look at this language, it certainly appears to be that way, as far as I am concerned.

They talk about safety inspections. That is after it has already been built. So that does not do us any good as far as the original preparation is concerned.

I think we need to do more than just consult. That is what the State role now becomes; it becomes consulting. And let me tell my colleagues something. This may be more than just the terminals for LNG. This could end up being other things, not in this legislation necessarily, but this commission could reach out and start to deal with energy lines, could start to deal with pipelines and a variety of other things, taking away the local jurisdiction over land.

If we want to protect what happens at our homes, we need to have a process by which we involve the local community, and by involving the local community, we make the right decisions. Yes, we have to make them, but let us not forget the States and the

local communities; and that is what, in my judgment, this legislation would do if we do not amend it.

Support the Castle amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Castle-Markey amendment, and I wanted this behind me. I do not oppose this at all except that the color is burnt orange, which is the University of Texas, and this is Aggie Muster Day, April 21, when Sam Houston and his Texans routed the Mexicans at the battle of San Jacinto and won independence for my great State. So this is a sacred day in Aggie history, and that is the only thing I object to.

When I look at this, what I see is energy for America, I see security for America, and I also see safety. Admittedly, it is a big boat and it looks threatening, I will grant that; but we already have existing provisions in law to make sure that these terminals that are already in existence are as safe it is possible to be. I am not aware of any major accident, and I would stand corrected if the gentleman from Delaware (Mr. CASTLE) or the gentleman from Massachusetts (Mr. MARKEY) says there has been, but I am not aware of that.

This particular section of the bill that is before us simply says that we are going to need more LNG facilities, which is shorthand for liquefied natural gas; and we have tried to craft in the guarantee that the State has a stronger role, not a weaker role. We do not preempt any State permit. If the State of Massachusetts or Delaware or California or any other coastal State, if through their own permitting process they make the decision that the terminal should not be built, it will not be built.

What this provision does is, if a State agency has not made a decision, has refused to make a decision, and one of the parties goes into the district court here in Washington, D.C., and asks that a decision be made, that will expedite the decision-making process.

For the first time, if this provision of the bill were to become law, we would give the States a guarantee to actually go in and inspect these facilities under Federal law, not under State law, but under Federal law. They do not have that right now.

I have told the gentleman from Delaware, and I will tell the gentleman from Massachusetts, if we defeat this amendment and we go to conference with the existing language and we need to in some way strengthen the States' rights end of this provision, I am going to be for that. I come from a coastal State.

I come from a coastal State. I want the safest possible. That is why we have the increased State guarantee in the bill, because I insisted upon it; but we cannot stick our heads in the sand and say we do not need more LNG facilities.

We need more energy for America. I wish we could produce it within our shores, but it does not look like that is going to be possible. We are going to have to go offshore.

We have about 30 pending permits for LNG facilities right now under consideration, and what this language does in the bill is give an expedited provision that the Federal Energy Regulatory Commission is the lead agency to expedite the Federal part of it. I believe this actually strengthens the State role.

So I would respectfully ask for a "no" vote on the Castle-Markey amendment, and then what we need to work on in the conference we will work on.

Mr. BISHOP of New York. Mr. Chairman, I rise to express my support of the amendment offered by Mr. CASTLE to strike the Liquefied Natural Gas (LNG) Siting provision in H.R. 6. The language included in H.R. 6 silences the voices of state governments, local municipalities, and environmental advocacy organizations during the LNG terminal site selection process.

Mr. Chairman, the language in H.R. 6 solidifying FERC's exclusive role in the siting of LNG terminals is entirely unnecessary. Until recently, only one LNG importation terminal existed in the country. There are now five in operation and 6 more have already been approved by federal regulators. The process for selecting sites and approving LNG importation terminals is working and in no way requires removing partial-authority from states. The new FERC rule would be another example of catering to the already too powerful oil and gas industry.

Furthermore, when I cast my vote in support of Mr. CASTLE's amendment to preserve states' rights and strike this language from H.R. 6, I know that I will also be speaking for many others residing in my district and across the Nation. Numerous organizations and legislative bodies who seek to be heard will speak through my vote, including, but certainly not limited to the League of Conservation Voters, National Association of Counties, U.S. Public Interest Research Group, National League of Cities, U.S. Conference of Mayors, and the National Conference of States Legislatures, and so many more.

A quarter-mile long floating LNG importation terminal has been proposed in the Long Island Sound between Connecticut and Long Island. Lawmakers and civic organizations at every level of government in my congressional district have expressed their opposition to this proposal and are furious at the prospect that their voices will be silenced during the FERC approval process. Mr. CASTLE's amendment, if passed, will allow their opinions to count.

The Long Island Sound is an environmentally unique estuary that needs to be protected. The residents and elected officials of Long Island have fought vigorously for many years and spent millions of dollars to preserve the quality of life that the Long Island Sound offers. Additionally, our tourism and fishing industries, which provide billions of dollars to the state's economy, will be threatened, as fishermen will undoubtedly be displaced.

Mr. Chairman, I will speak for my constituents by lending my support to Mr. CASTLE's amendment. I urge my colleagues to support this bipartisan measure.

Mr. ISRAEL. Mr. Chairman, I rise today in support of Mr. CASTLE's amendment.

Under current law three new liquid natural gas facilities have been constructed in recent years and six others approved. Current law permits construction of liquid natural gas facilities but it doesn't do what this bill in its present form would do: virtually guarantee construction of liquid natural gas facilities in any location where there is a strong energy demand regardless of state and local concerns that arise. These concerns can include safety, environmental risks and/or terrorist threats.

These are not concerns that should be divorced from the approval process. In fact, these concerns, and state and local governments' ability to represent them, ought to be elevated in importance. Our nation has a heritage of listening to the voice of its people. This legislation serves only to silence the voice of Americans.

The leadership of this House has turned a deaf ear to the concerns of Long Islanders and to the many Americans in predicaments like my constituents. By granting full authority over the zoning of liquid natural gas facilities to the federal government, this bill grossly violates the so-called Republican principle of local control.

Before moving forward with any legislation in regards to liquid natural gas facilities, this body must fully vet the issue through hearings and the commissioning of appropriate studies. Not a single hearing on the pros and cons of the consequences of shifting zoning authority away from the states and to the federal government was held. This is nearsighted and irresponsible.

The Castle amendment ensures that local oversight over these vital zoning issues remains. It provides time for the proper detailed review of potential legal changes. I urge my colleagues to support the Castle Amendment and to prevent this federal power grab.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CASTLE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Delaware (Mr. CASTLE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

amendment No. 25 by Mr. KUCINICH of Ohio;

amendment No. 27 by Mr. GRIJALVA of Arizona;

an amendment by Mrs. CAPPS of California;

amendment No. 29 by Mr. HASTINGS of Florida;

amendment No. 30 by Mr. CASTLE of Delaware.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 25 OFFERED BY MR. KUCINICH

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 171, not voting 4, as follows:

[Roll No. 127]

AYES—259

Abercrombie	Farr	McCollum (MN)
Ackerman	Fattah	McCotter
Allen	Ferguson	McDermott
Andrews	Filner	McGovern
Baca	Fitzpatrick (PA)	McHugh
Baird	Ford	McIntyre
Baldwin	Fortenberry	McKinney
Barrow	Frank (MA)	McNulty
Bartlett (MD)	Frelinghuysen	Meehan
Barton (TX)	Galleghy	Meek (FL)
Bean	Gerlach	Meeks (NY)
Becerra	Gibbons	Melancon
Berkley	Gilchrest	Menendez
Berry	Gonzalez	Michaud
Bilirakis	Gordon	Millender-
Bishop (GA)	Green, Al	McDonald
Bishop (NY)	Green, Gene	Miller (MI)
Blumenauer	Grijalva	Miller (NC)
Boehlert	Gutierrez	Miller, George
Boswell	Hall	Mollohan
Boucher	Harman	Moore (KS)
Boyd	Hastings (FL)	Moore (WI)
Brady (PA)	Hefley	Moran (VA)
Brady (TX)	Herse	Murphy
Brown (OH)	Higgins	Murtha
Brown, Corrine	Hinche	Nadler
Burgess	Hinojosa	Napolitano
Burton (IN)	Holden	Neal (MA)
Butterfield	Holt	Oberstar
Capps	Honda	Obey
Cardin	Hooley	Olver
Cardoza	Hoyer	Ortiz
Carnahan	Hulshof	Osborne
Carson	Hunter	Otter
Case	Insee	Owens
Chandler	Israel	Pallone
Clay	Jackson (IL)	Pascrell
Cleaver	Jackson-Lee	Pastor
Clyburn	(TX)	Payne
Coble	Jefferson	Pelosi
Conyers	Johnson (CT)	Peterson (MN)
Costa	Johnson, E. B.	Platts
Costello	Jones (OH)	Pomeroy
Cox	Kanjorski	Porter
Crowley	Kaptur	Portman
Cuellar	Kennedy (MN)	Price (NC)
Cummings	Kennedy (RI)	Rahall
Cunningham	Kildee	Ramstad
Davis (AL)	Kilpatrick (MI)	Rangel
Davis (CA)	Kind	Regula
Davis (FL)	Kirk	Renzi
Davis (IL)	Kucinich	Reyes
Davis (KY)	LaHood	Rogers (AL)
Davis (TN)	Langevin	Rogers (MI)
DeFazio	Lantos	Rohrabacher
DeGette	Larsen (WA)	Rothman
Delahunt	Larson (CT)	Roybal-Allard
DeLauro	LaTourette	Ruppersberger
DeLay	Leach	Rush
Dent	Lee	Ryan (OH)
Dicks	Levin	Sabo
Dingell	Lewis (GA)	Salazar
Doolittle	Lipinski	Sánchez, Linda
Doyle	LoBiondo	T.
Edwards	Lowey	Sanchez, Loretta
Emanuel	Maloney	Sanders
Emerson	Manzullo	Saxton
Engel	Markey	Schakowsky
Eshoo	Marshall	Schiff
Etheridge	Matsui	Schwartz (PA)
Evans	McCarthy	Schwarz (MI)

Scott (GA)	Stupak
Scott (VA)	Sullivan
Serrano	Sweeney
Sherman	Tanner
Shimkus	Tauscher
Shuster	Taylor (MS)
Simmons	Taylor (NC)
Simpson	Thompson (MS)
Skelton	Tiahrt
Slaughter	Tierney
Smith (NJ)	Towns
Smith (WA)	Udall (CO)
Snyder	Udall (NM)
Solis	Upton
Spratt	Van Hollen
Stark	Visclosky
Strickland	Walden (OR)

NOES—171

Aderholt	Franks (AZ)
Akin	Garrett (NJ)
Alexander	Gillmor
Bachus	Gingrey
Baker	Gohmert
Barrett (SC)	Goode
Bass	Goodlatte
Beauprez	Granger
Biggert	Graves
Bishop (UT)	Green (WI)
Blackburn	Gutknecht
Blunt	Harris
Boehner	Hart
Bonilla	Hastings (WA)
Bonner	Hayes
Bono	Hayworth
Boozman	Hensarling
Boren	Herger
Boustany	Hobson
Bradley (NH)	Hoekstra
Brown (SC)	Hostettler
Brown-Waite,	Hyde
Ginny	Inglis (SC)
Buyer	Issa
Calvert	Istook
Camp	Jenkins
Cannon	Jindal
Cantor	Johnson (IL)
Capito	Johnson, Sam
Capuano	Jones (NC)
Carter	Keller
Castle	King (IA)
Chabot	King (NY)
Chocola	Kingston
Cole (OK)	Kline
Conaway	Knollenberg
Cooper	Kolbe
Cramer	Kuhl (NY)
Crenshaw	Latham
Cubin	Lewis (CA)
Culberson	Lewis (KY)
Davis, Jo Ann	Linder
Davis, Tom	Lofgren, Zoe
Deal (GA)	Lucas
Diaz-Balart, L.	Lungren, Daniel
Diaz-Balart, M.	E.
Doggett	Lynch
Drake	Mack
Dreier	Marchant
Duncan	Matheson
Ehlers	McCaul (TX)
English (PA)	McCrery
Everett	McHenry
Feeney	McKeon
Flake	McMorris
Foley	Mica
Forbes	Miller (FL)
Foxx	Miller, Gary

NOT VOTING—4

Berman	Kelly
Fossella	Velázquez

□ 1553

Messrs. KINGSTON, CAPUANO, and MORAN of Kansas changed their vote from “aye” to “no.”

Messrs. DELAY, BURTON of INDIANA, BURGESS, GIBBONS, SHIMKUS, PORTER, WELLER, GERLACH, UPTON, RENZI, SHUSTER, SAXTON, WAMP, GALLEGLY, MCHUGH, KIRK, MURPHY, TIAHRT, BRADY of Texas, COBLE, REYES, RAMSTAD and Mrs. MILLER of Michigan changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 27 OFFERED BY MR. GRIJALVA

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 227, not voting 4, as follows:

[Roll No. 128]

AYES—203

Abercrombie	Green (WI)	Moore (WI)
Ackerman	Grijalva	Moran (VA)
Allen	Gutierrez	Murtha
Andrews	Harman	Nadler
Baca	Hastings (FL)	Napolitano
Baird	Herse	Neal (MA)
Baldwin	Higgins	Oberstar
Barrow	Radanovich	Hinche
Bass	Rehberg	Holden
Bean	Reichert	Holt
Becerra	Reynolds	Honda
Berkley	Rogers (KY)	Hooley
Berman	Ros-Lehtinen	Hoyer
Berry	Ross	Inglis (SC)
Bishop (NY)	Royce	Inslee
Blumenauer	Ryan (WI)	Israel
Boehlert	Ryun (KS)	Jackson (IL)
Boyd	Sensenbrenner	Johnson (CT)
Bradley (NH)	Sessions	Johnson (IL)
Brady (PA)	Shadegg	Johnson, E. B.
Brown (OH)	Shaw	Jones (OH)
Butterfield	Shays	Kanjorski
Capps	Sherwood	Kaptur
Capuano	Smith (TX)	Kennedy (MN)
Cardin	Sodrel	Kennedy (RI)
Carnahan	Souder	Kildee
Case	Stearns	Kilpatrick (MI)
Castle	Tancredo	Kind
Chandler	Terry	Kirk
Clay	Thomas	Kucinich
Cleaver	Thompson (CA)	LaHood
Clyburn	Thornberry	Langevin
Conyers	Tiberi	Lantos
Cooper	Turner	Larsen (WA)
Costello	Walsh	Larson (CT)
Crowley	Weldon (FL)	Leach
Cummings	Westmoreland	Lee
Davis (AL)	Whitfield	Levin
Davis (CA)	Wicker	Lewis (GA)
Davis (IL)	Wilson (SC)	Lipinski
Davis (TN)	Wolf	Lobiondo
DeFazio	Young (AK)	Lofgren, Zoe
DeGette		Lowey
Delahunt		Lynch
DeLauro		Maloney
Dicks		Markey
Dingell		Marshall
Doggett		Matsui
Doyle		McCarthy
Ehlers		McCollum (MN)
Emanuel		McDermott
Engel		McGovern
Eshoo		McIntyre
Etheridge		McKinney
Evans		McNulty
Farr		Meehan
Fattah		Meek (FL)
Ferguson		Meeks (NY)
Filner		Menendez
Fitzpatrick (PA)		Michaud
Ford		Millender-
Frank (MA)		McDonald
Frelinghuysen		Miller (NC)
Gerlach		Miller, George
Gordon		Moore (KS)

Wasserman  
Schultz  
Waters  
Watson

Watt  
Waxman  
Weiner  
Weldon (PA)

Wexler  
Woolsey  
Wu  
Wynn

NOES—227

Aderholt  
Akin  
Alexander  
Bachus  
Baker  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Beauprez  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Cardoza  
Carson  
Carter  
Chabot  
Chocola  
Coble  
Cole (OK)  
Conaway  
Costa  
Cox  
Cramer  
Crenshaw  
Cubin  
Cuellar  
Culberson  
Cunningham  
Davis (FL)  
Davis (KY)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake  
Dreier  
Duncan  
Edwards  
Emerson  
English (PA)  
Everett  
Feeney  
Flake  
Foley  
Forbes  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)

Gallegly  
Garrett (NJ)  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gohmert  
Gonzalez  
Goode  
Goodlatte  
Granger  
Graves  
Green, Al  
Green, Gene  
Gutknecht  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hinojosa  
Hobson  
Hoekstra  
Hostettler  
Hulshof  
Hunter  
Hyde  
Issa  
Istook  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
Jindal  
Johnson, Sam  
Jones (NC)  
Keller  
King (IA)  
King (NY)  
Kingston  
Kline  
Knollenberg  
Kolbe  
Kuhl (NY)  
Latham  
LaTourette  
Lewis (CA)  
Lewis (KY)  
Linder  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Matheson  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McKeon  
McMorris  
Melancon  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mollohan  
Moran (KS)  
Murphy  
Musgrave  
Myrick  
Neugebauer

Ney  
Northup  
Norwood  
Nunes  
Nussle  
Ortiz  
Osborne  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Pickering  
Pitts  
Poe  
Pombo  
Porter  
Portman  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boehert  
Boswell  
Boucher  
Boyd  
Bradley (NH)  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardin  
Cardoza  
Carnahan  
Carson  
Case  
Castle  
Chandler  
Clay  
Cleaver  
Clyburn  
Conyers  
Cooper  
Costa  
Costello  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (TN)  
Davis, Tom  
DeFazio  
DeGette  
DeLahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Fitzpatrick (PA)  
Ford  
Frank (MA)

NOT VOTING—4

Brown, Corrine  
Kelly

Mica  
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1601

Mrs. JONES of Ohio and Mr. GORDON changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. CAPPS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 219, not voting 3, as follows:

[Roll No. 129]

AYES—213

Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boehert  
Boswell  
Boucher  
Boyd  
Bradley (NH)  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardin  
Cardoza  
Carnahan  
Carson  
Case  
Castle  
Chandler  
Clay  
Cleaver  
Clyburn  
Conyers  
Cooper  
Costa  
Costello  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (TN)  
Davis, Tom  
DeFazio  
DeGette  
DeLahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Fitzpatrick (PA)  
Ford  
Frank (MA)

Frelinghuysen  
Gilchrest  
Goode  
Gordon  
Green (WI)  
Grijalva  
Gutierrez  
Harman  
Hastings (FL)  
Hersteth  
Higgins  
Hinchev  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Insee  
Israel  
Jackson (IL)  
Jefferson  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
Kirk  
Kucinich  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Leach  
Lee  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lynch  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Millender  
McDonald  
Miller (NC)

Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Platts  
Pomeroy  
Price (NC)  
Rahall  
Ramstad  
Rangel  
Reichert  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sabo  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Saxton  
Schakowsky  
Schiff  
Schwartz (PA)  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sherman  
Simmons  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Sweeney  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney

Towns  
Udall (CO)  
Udall (NM)  
Van Hollen  
Visclosky

Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman

Weiner  
Weldon (PA)  
Wexler  
Wolf  
Woolsey  
Wu  
Wynn

NOES—219

Abercrombie  
Aderholt  
Akin  
Alexander  
Bachus  
Baker  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Bass  
Beauprez  
Biggert  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boren  
Boustany  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Carter  
Chabot  
Chocola  
Coble  
Cole (OK)  
Conaway  
Cox  
Cramer  
Crenshaw  
Cubin  
Cuellar  
Culberson  
Cunningham  
Davis (IL)  
Davis (KY)  
Davis, Jo Ann  
Deal (GA)  
DeLay  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake  
Dreier  
Duncan  
Edwards  
Ehlers  
Emerson  
English (PA)  
Everett  
Feeney  
Ferguson  
Flake  
Foley  
Forbes  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)

Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gillmor  
Gingrey  
Gohmert  
Gonzalez  
Goodlatte  
Granger  
Graves  
Green, Al  
Green, Gene  
Gutknecht  
Hall  
Harris  
Hart  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hinojosa  
Hobson  
Hoekstra  
Hostettler  
Hulshof  
Hunter  
Hyde  
Inglis (SC)  
Issa  
Istook  
Jackson-Lee  
(TX)  
Jenkins  
Jindal  
Johnson, Sam  
Jones (NC)  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kline  
Knollenberg  
Kolbe  
Kuhl (NY)  
LaHood  
Latham  
LaTourette  
Lewis (CA)  
Lewis (KY)  
Linder  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McKeon  
McMorris  
Melancon  
Mica  
Miller (FL)  
Miller (MI)  
Moran (KS)  
Murphy

Musgrave  
Myrick  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Ortiz  
Osborne  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Poe  
Pombo  
Porter  
Portman  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Regula  
Rehberg  
Reichert  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (KS)  
Schwarz (MI)  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simpson  
Smith (TX)  
Sodrel  
Souder  
Stearns  
Sullivan  
Tancredo  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weller  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Young (AK)  
Young (FL)

NOT VOTING—3

Keller  
Kelly  
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1610

Mr. RYAN of Wisconsin changed his vote from “no” to “aye.”  
So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 243, not voting 6, as follows:

[Roll No. 130]

AYES—185

Abercrombie	Herseth	Napolitano
Ackerman	Higgins	Neal (MA)
Allen	Hinchee	Oberstar
Andrews	Hinojosa	Obey
Baca	Holden	Olver
Baird	Holt	Ortiz
Baldwin	Honda	Owens
Barrow	Hooley	Pallone
Bean	Hoyer	Pascrell
Becerra	Inslee	Pastor
Berkley	Israel	Payne
Berman	Jackson (IL)	Pelosi
Bishop (GA)	Jackson-Lee	Price (NC)
Bishop (NY)	(TX)	Rahall
Blumenauer	Jefferson	Rangel
Boswell	Johnson (IL)	Reyes
Boyd	Johnson, E. B.	Ross
Brady (PA)	Jones (OH)	Rothman
Brown (OH)	Kanjorski	Roybal-Allard
Brown, Corrine	Kaptur	Ruppersberger
Butterfield	Kennedy (RI)	Rush
Capps	Kildee	Ryan (OH)
Capuano	Kilpatrick (MI)	Sabo
Cardin	Kind	Salazar
Carson	Kucinich	Sánchez, Linda
Chandler	Langevin	T.
Clay	Lantos	Sanchez, Loretta
Cleaver	Larsen (WA)	Sanders
Clyburn	Larson (CT)	Schakowsky
Conyers	Lee	Schiff
Costello	Levin	Schwartz (PA)
Crowley	Lewis (GA)	Scott (GA)
Cuellar	Lipinski	Scott (VA)
Cummings	Lofgren, Zoe	Serrano
Davis (AL)	Lowe	Sherman
Davis (CA)	Lynch	Slaughter
Davis (FL)	Maloney	Smith (WA)
Davis (IL)	Markey	Solis
DeFazio	Matheson	Spratt
DeGette	Matsui	Stark
Delahunt	McCarthy	Strickland
DeLauro	McCollum (MN)	Stupak
Dicks	McDermott	Tauscher
Dingell	McGovern	Thompson (CA)
Doggett	McIntyre	Thompson (MS)
Doyle	McKinney	Tierney
Emanuel	McNulty	Towns
Engel	Meehan	Udall (CO)
Eshoo	Meek (FL)	Udall (NM)
Etheridge	Meeks (NY)	Van Hollen
Evans	Melancon	Visclosky
Farr	Menendez	Wasserman
Fattah	Michaud	Schultz
Filner	Millender-	Waters
Ford	McDonald	Watson
Frank (MA)	Miller (NC)	Watt
Gonzalez	Miller, George	Waxman
Green, Al	Mollohan	Weiner
Green, Gene	Moore (KS)	Wexler
Grijalva	Moore (WI)	Wilson (NM)
Gutierrez	Moran (VA)	Woolsey
Harman	Murtha	Wu
Hastings (FL)	Nadler	Wynn

NOES—243

Aderholt	Frelinghuysen	Nunes
Akin	Gallegly	Nussle
Alexander	Garrett (NJ)	Osborne
Bachus	Gerlach	Otter
Baker	Gibbons	Oxley
Barrett (SC)	Gilchrest	Paul
Bartlett (MD)	Gillmor	Pearce
Barton (TX)	Gingrey	Pence
Bass	Gohmert	Peterson (MN)
Beauprez	Goode	Peterson (PA)
Berry	Goodlatte	Petri
Biggert	Gordon	Pickering
Bilirakis	Granger	Pitts
Bishop (UT)	Graves	Platts
Blackburn	Green (WI)	Poe
Blunt	Gutknecht	Pombo
Boehert	Harris	Pomeroy
Boehner	Hart	Porter
Bonilla	Hastings (WA)	Portman
Bonner	Hayes	Price (GA)
Bono	Hayworth	Pryce (OH)
Boozman	Hefley	Putnam
Boren	Hensarling	Radanovich
Boucher	Herger	Ramstad
Boustany	Hobson	Regula
Bradley (NH)	Hoekstra	Rehberg
Brady (TX)	Hostettler	Reichert
Brown (SC)	Hulshof	Renzi
Brown-Waite,	Hunter	Reynolds
Ginny	Hyde	Rogers (AL)
Burgess	Inglis (SC)	Rogers (KY)
Burton (IN)	Issa	Rogers (MI)
Buyer	Istook	Rohrabacher
Calvert	Jenkins	Ros-Lehtinen
Camp	Jindal	Royce
Cannon	Johnson (CT)	Ryan (WI)
Cantor	Johnson, Sam	Ryun (KS)
Capito	Jones (NC)	Saxton
Cardoza	Keller	Schwarz (MI)
Carnahan	Kennedy (MN)	Sensenbrenner
Carman	King (IA)	Sessions
Carter	King (NY)	Shadegg
Case	Kingston	Shaw
Castle	Kirk	Sherwood
Chabot	Kline	Shimkus
Chocola	Knollenberg	Shuster
Coble	Kolbe	Simmons
Cole (OK)	Kuhl (NY)	Simpson
Conaway	LaHood	Skelton
Cooper	Latham	Smith (NJ)
Costa	LaTourette	Smith (TX)
Cox	Leach	Snyder
Cramer	Lewis (CA)	Sodrel
Crenshaw	Lewis (KY)	Souder
Culberson	Linder	Stearns
Cunningham	LoBiondo	Sullivan
Davis (KY)	Lucas	Sweeney
Davis (TN)	Lungren, Daniel	Tancredo
Davis, Jo Ann	E.	Tanner
Davis, Tom	Mack	Taylor (MS)
Deal (GA)	Manzullo	Taylor (NC)
DeLay	Marchant	Terry
Dent	Marshall	Thomas
Diaz-Balart, L.	McCaul (TX)	Thornberry
Diaz-Balart, M.	McCotter	Tiahrt
Doolittle	McCrery	Tiberi
Drake	McHenry	Turner
Dreier	McHugh	Upton
Duncan	McKeon	Walden (OR)
Edwards	McMorris	Walsh
Ehlers	Mica	Wamp
Emerson	Miller (FL)	Weldon (FL)
Everett	Miller (MI)	Weldon (PA)
Feeney	Miller, Gary	Weller
Ferguson	Miller, Gary	Westmoreland
Fitzpatrick (PA)	Moran (KS)	Whitfield
Flake	Murphy	Whitfield
Foley	Musgrave	Wicker
Foxx	Myrick	Wilson (SC)
Fortenberry	Neugebauer	Wolf
Fossella	Ney	Young (AK)
Fox	Northup	Young (FL)
Franks (AZ)	Norwood	
Cubin	Hall	Shays
English (PA)	Kelly	Velázquez

NOT VOTING—6

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1617

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for:

Mr. SHAYS. Mr. Chairman, on April 21, I inadvertently missed a recorded vote.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that I would have voted "yes" on recorded vote number 130.

AMENDMENT NO. 30 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Delaware (Mr. CASTLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 237, not voting 3, as follows:

[Roll No. 131]

AYES—194

Abercrombie	Filner	Menendez
Ackerman	Ford	Michaud
Allen	Fossella	Millender-
Andrews	Frank (MA)	McDonald
Baca	Frelinghuysen	Miller (FL)
Baird	Gerlach	Miller (NC)
Baldwin	Gilchrest	Miller, George
Barrow	Grijalva	Mollohan
Bean	Gutierrez	Moore (KS)
Becerra	Gutknecht	Moore (WI)
Berkley	Harman	Nadler
Berman	Hastings (FL)	Napolitano
Bishop (NY)	Higgins	Neal (MA)
Blumenauer	Hinchee	Oberstar
Boehert	Holt	Obey
Bonner	Honda	Olver
Boyd	Hooley	Pallone
Brady (PA)	Hoyer	Pascrell
Brown (OH)	Inslee	Pastor
Brown (SC)	Israel	Paul
Brown, Corrine	Jackson (IL)	Payne
Butterfield	Jenkins	Pelosi
Calvert	Johnson (CT)	Platts
Capps	Johnson, E. B.	Price (NC)
Capuano	Jones (NC)	Rahall
Cardin	Kaptur	Ramstad
Cardoza	Keller	Rangel
Carnahan	Kennedy (RI)	Rohrabacher
Carson	Kildee	Rothman
Case	Kind	Roybal-Allard
Castle	King (NY)	Ruppersberger
Chandler	Kirk	Ryan (OH)
Clay	Kucinich	Sabo
Cleaver	Langevin	Salazar
Clyburn	Lantos	Sánchez, Linda
Conyers	Larsen (WA)	T.
Costa	Larson (CT)	Sanchez, Loretta
Costello	Lee	Sanders
Crowley	Levin	Saxton
Davis (CA)	Lewis (GA)	Schakowsky
Davis (FL)	Linder	Schiff
Davis (IL)	Lipinski	Schwartz (PA)
Davis, Jo Ann	LoBiondo	Scott (VA)
DeFazio	Lofgren, Zoe	Serrano
DeGette	Lowey	Shaw
Delahunt	Lynch	Shays
DeLauro	Mack	Sherman
Dicks	Maloney	Simmons
Dingell	Markey	Slaughter
Doggett	Matsui	Smith (NJ)
Ehlers	McCarthy	Smith (WA)
Emanuel	McCollum (MN)	Snyder
Emerson	McDermott	Solis
Engel	McGovern	Spratt
Eshoo	McKinney	Stark
Etheridge	McNulty	Strickland
Evans	Meehan	Stupak
Farr	Meek (FL)	Tanner
Fattah	Meeks (NY)	Tauscher

Taylor (MS)	Wasserman	Weldon (PA)
Thompson (CA)	Schultz	Wexler
Thompson (MS)	Waters	Wolf
Tierney	Watson	Woolsey
Udall (CO)	Watt	Wu
Udall (NM)	Waxman	Young (FL)
Van Hollen	Weiner	

□ 1626

Mr. MORAN of Virginia changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HASTER. Mr. Chairman, American consumers are being hit hard at the gas pump right now. The legislation we have on the floor today will go a long way towards giving our Nation the sound, comprehensive energy policy that our citizens need and deserve.

Our Nation is too dependent on a fickle foreign oil market that is being stretched to the limit by global demands.

The evidence can be seen at gas stations across the United States. Recently, the national average price of gasoline hit an all-time high of \$2.28 a gallon. Oil prices, at one point, jumped to almost \$58 a barrel. Analyst forecast a higher spike to \$60 soon.

In some parts of the country, like the West Coast, gas has jumped to more than \$2.50 for a gallon of unleaded.

The House has passed energy legislation three times. Each time it has been blocked for partisan gamesmanship.

Meanwhile, families are finding it more expensive to plan a family vacation or even drive their kids to little league practice. Many of our small business owners, like florists, truck drivers and pizza delivery companies, are struggling to make ends meet.

This is unacceptable. America is in the midst of an energy crisis that threatens our national and economic security.

The House legislation does a number of things to address the crisis.

It reduces our dependence on foreign oil by expanding domestic supplies and allowing oil and gas exploration right here in the United States. Incentives are provided for the energy industry to increase refining capacity for gasoline, diesel fuel, home heating oil and jet fuel.

And, this legislation makes a significant venture into the use of renewable fuels like ethanol and biodiesel—environmentally safe alternatives that can be found in the corn, soybean and sugarcane fields right here in the United States.

Under this legislation, our citizens would have access to more fuel efficient cars. It launches a state-of-the-art program to have emission-free hydrogen fuel cell vehicles on the road by the year 2020.

And, it provides grants to State and local governments to acquire alternative fueled vehicles, hybrids and ultra-low sulfur vehicles.

There's also a positive economic aspect to the bill. It would create nearly half a million jobs in the manufacturing, construction, agriculture and technology sectors.

House Republicans have produced a bill that is environmentally friendly yet comprehensive, sound and balanced. More importantly, it eases America's dependence on an unpredictable foreign market.

This legislation provides a clear path towards the more efficient, reliable and affordable energy policy that our citizens deserve. I urge the obstructionists to put partisan politics aside for the good of the American people and support this legislation.

Mr. ENGEL. Mr. Chairman, serious problems deserve respectful consideration. The intense polarization of the energy debate has been compounded by the leadership's insistence on repeatedly forcing Congress to con-

sider essentially the same bill. Congress had a great opportunity to produce a balanced energy policy that is diversified, reduces our dependence on oil and invests in alternative energy, but our leadership chose to essentially recycle an old bill that favors special interests over consumers.

This is not the way to make policy. American energy policy is at the crossroads and our national security is being compromised daily by our dependence on foreign energy supplies. Today, oil is at over \$50 per barrel and we still haven't passed reliability standards to address the electricity blackout that assaulted the Northeast and Midwest in 2003. Blackouts cost consumers \$80 billion, and yet this bill caps the necessary spending to do an acceptable job of providing reliability. Partisan politics have paralyzed this Congress into deadlock and our Nation's energy has suffered the consequences.

Although I appreciate Chairman BARTON's willingness to extend hearings on energy this year prior to the 109th Congress's consideration of the Energy Policy Act, I was very disappointed that a letter that 14 of my colleagues and I sent to Chairman BARTON at the beginning of February requesting that our committee invite the National Commission on Energy Policy to testify went unanswered. In February, Secretary Bodman testified of his familiarity with the NCEP's report and of his willingness to work with Congress to produce a bill in a bipartisan fashion. If the NCEP was able to bridge the differences between Republicans and Democrats, industry and labor, perhaps we could have too.

And yet, here we are again, with a bill strikingly similar to the one we considered over two years ago. There is a laundry list of problems in this bill. There is nothing in this bill that reduces our consumption of oil or reduces the price of oil. The Energy Information Agency has stated in a 2004 report that under policies proposed by the Energy Policy Act, by 2025, U.S. consumption is projected to increase to 28.3 million barrels per day and our country would increase its imports of foreign oil by 85 percent. It even found that gasoline prices under the bill would increase more than if the bill was not enacted.

The bill's provision protecting manufacturers of MTBE from liability for contaminating water supplies means that taxpayers will bear billions of dollars in cleanup costs, while at the same time paying MTBE manufacturers \$2 billion in subsidies. In a much anticipated ruling yesterday in the Southern District of New York, a Federal judge who had consolidated over 80 MTBE lawsuits brought by local governments and State Attorney Generals, ruled that all of the cases can proceed against the oil industry. Including the MTBE liability waiver in the bill would essentially undermine this ruling, while at the same time cutting off the most effective tool that States and local governments have utilized to clean up their drinking water.

New York, which banned MTBE on January 1, 2004, will long be dealing with the repercussions of MTBE contamination. The New York State Department of Environmental Conservation says there are about 10,000 MTBE spills throughout the state. The average cost per clean up is about \$1 million which translates to a cost of about \$10 billion statewide.

In and around Jamaica, Queens, where more than a million NYC residents and businesses rely on groundwater instead of surface

## NOES—237

Aderholt	Gillmor	Neugebauer
Akin	Gingrey	Ney
Alexander	Gohmert	Northup
Bachus	Gonzalez	Norwood
Baker	Goode	Nunes
Barrett (SC)	Goodlatte	Nussle
Bartlett (MD)	Gordon	Ortiz
Barton (TX)	Granger	Osborne
Bass	Graves	Otter
Beauprez	Green (WI)	Owens
Berry	Green, Al	Oxley
Biggart	Green, Gene	Pearce
Bilirakis	Hall	Pence
Bishop (GA)	Harris	Peterson (MN)
Bishop (UT)	Hart	Peterson (PA)
Blackburn	Hastings (WA)	Petri
Blunt	Hayes	Pickering
Boehner	Hayworth	Pitts
Bonilla	Hefley	Poe
Bono	Hensarling	Pombo
Boozman	Herger	Pomeroy
Boren	Herseth	Porter
Boswell	Hinojosa	Portman
Boucher	Hobson	Price (GA)
Boustany	Hoekstra	Pryce (OH)
Bradley (NH)	Holden	Putnam
Brady (TX)	Hostettler	Radanovich
Brown-Waite,	Hulshof	Regula
Ginny	Hunter	Rehberg
Burgess	Hyde	Reichert
Burton (IN)	Inglis (SC)	Renzi
Buyer	Issa	Reyes
Camp	Istook	Reynolds
Cannon	Jackson-Lee	Rogers (AL)
Cantor	(TX)	Rogers (KY)
Capito	Jefferson	Rogers (MI)
Carter	Jindal	Ros-Lehtinen
Chabot	Johnson (IL)	Ross
Chocola	Johnson, Sam	Royce
Coble	Jones (OH)	Rush
Cole (OK)	Kanjorski	Ryan (WI)
Conaway	Kennedy (MN)	Ryun (KS)
Cooper	Kilpatrick (MI)	Schwarz (MI)
Cox	King (IA)	Scott (GA)
Cramer	Kingston	Sensenbrenner
Crenshaw	Kline	Sessions
Cubin	Knollenberg	Shadegg
Cuellar	Kolbe	Sherwood
Culberson	Kuhl (NY)	Shimkus
Cummings	LaHood	Shuster
Cunningham	Latham	Simpson
Davis (AL)	LaTourette	Skelton
Davis (KY)	Leach	Smith (TX)
Davis (TN)	Lewis (CA)	Sodrel
Davis, Tom	Lewis (KY)	Stearns
Deal (GA)	Lucas	Sullivan
DeLay	Lungren, Daniel	Sweeney
Dent	E.	Tancredo
Diaz-Balart, L.	Manzullo	Taylor (NC)
Diaz-Balart, M.	Marchant	Terry
Doolittle	Marshall	Thomas
Doyle	Matheson	Thornberry
Drake	McCaul (TX)	Tiaht
Dreier	McCotter	Tiberti
Duncan	McCrery	Towns
Edwards	McHenry	Turner
English (PA)	McHugh	Upton
Everett	McIntyre	Visclosky
Feeney	McKeon	Walden (OR)
Ferguson	McMorris	Walsh
Fitzpatrick (PA)	Melancon	Wamp
Flake	Mica	Weldon (FL)
Foley	Miller (MI)	Weller
Forbes	Miller, Gary	Westmoreland
Fortenberry	Moran (KS)	Whitfield
Fox	Moran (VA)	Wicker
Franks (AZ)	Murphy	Wilson (NM)
Gallegly	Murtha	Wilson (SC)
Garrett (NJ)	Musgrave	Wynn
Gibbons	Myrick	Young (AK)

## NOT VOTING—3

Kelly	Souder	Velázquez
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## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.



water from the upstate reservoirs, MTBE has contaminated much of the groundwater supply in the aquifer. Gasoline refiners choose less expensive MTBE from among a number of oxygenate options and knew at the time of the contamination risk that MTBE posed to groundwater. The refiners should therefore pay for MTBE remediation efforts.

Perhaps most insulting to the taxpayers is the billions to be spent to prop up the ailing nuclear power industry. I have long supported shutting down Indian Point nuclear power plant because of safety concerns for New Yorkers. Yet, the Republicans in Congress have ignored these safety issues and instead provided tax dollars to subsidize building new power plants. While I am not opposed to nuclear power, these tax dollars would be better used to insulate homes and assist renewable energy production methods in being brought to market.

The fact of the matter is that this bill has some bad provisions that are simply anticonsumer and anti-environment. H.R. 6 weakens laws such as the Safe Drinking Water Act and the Leaking Underground Storage Tank program that protect the environment and the public health. This bill will allow oil drilling in the Alaska National Wildlife Refuge, even though the oil won't be available for a decade and even then at levels that would not significantly affect oil prices or imports.

I am proud that two of my amendments were accepted into the Energy Policy Act. The first, which I introduced during the House Energy and Commerce Committee consideration of H.R. 6, expresses the sense of Congress that energy cooperation between the United States of America and Israel is mutually beneficial, acknowledges the cooperative agreement between the U.S. and Israel and states the Department of Energy should report on past and future cooperative energy projects between the U.S. and Israel.

My second amendment expanded opportunities for producers of renewable fuels, such as P-Series fuels, to get grant funding. Currently, there is no available technology that can convert much of the urban biomass waste into ethanol. Yet there is at least one such technology that can convert urban biomass waste into components for another DOE recognized alternative fuel, called P-series fuels.

Since P-Series fuels are not derived from petroleum, the DOE concluded that P-Series fuels would effectively help replace petroleum imports. DOE also found P-Series to have environmental benefits because of the reductions in hydrocarbon and CO emissions, toxics, and greenhouse gases.

By virtue of my amendment, producers of alternative fuels like P-Series fuels will be able to responsibly address three problems: the need for non-petroleum energy sources, solid waste management, and affordability. This is good energy policy.

Our energy policy is intricately tied to our national security and our economic well-being. As the co-chair of the Congressional Oil and National Security Caucus, I know we need to ensure that our energy policy is diversified, reduce our dependence on oil, and create skilled jobs while reducing energy costs. We must ensure that we create policies that will protect the environment and our consumers. Unfortunately, this simply cannot be achieved under this Energy Policy Act, and so I must vote against it.

Mr. MEEHAN. Mr. Chairman, I rise in strong opposition to this imbalanced energy bill, which allows big energy companies to exploit our natural resources at the expense of U.S. taxpayers.

The bill would repeal the Public Utilities Holding Companies Act—PUHCA—which prevents big energy firms, like Enron, from driving smaller utilities out of business and monopolizing the energy market.

The bill includes a safe-harbor provision for MTBE manufacturers even though the chemical has been detected polluting groundwater sources across the Nation, including in Massachusetts.

The bill's authors included a variety of special-interest favors for oil and gas production despite the fact that producers are already reaping profits from record high energy prices. And yet President Bush himself admitted that it will do nothing to lower the price that consumers pay for gas at the pump.

And the bill would open the door to oil and gas exploration in the Arctic National Wildlife Refuge, a pristine habitat that would yield less than three-tenths of a percent of world oil production by 2015.

The California energy crisis and today's high fuel demands are evidence that the Nation needs an energy strategy that is focused on clean energy technologies and energy independence. The United States needs to become less reliant on foreign energy sources. We cannot drill our way to independence. The only effective strategy will balance increased fuel efficiency with renewable energy technologies.

Instead of using the technology we already have and could achieve to increase the fuel economy of new fleets of vehicles, the bill does little more than order a study.

Unfortunately, this bill will only worsen our Nation's dependence on fossil fuels imported from the Middle East. At current production levels the U.S. supply of oil will only last another 20 years, while the oil supply in Saudi Arabia is estimated to last another 75 years. Our reliance on Saudi oil is harmful to our environment and our values.

Fossil fuels like oil and coal provide the vast majority of energy for the United States. That was unlikely to change for the near future no matter what bill we had a chance to vote on. Unfortunately, this bill does little to put this Nation on a path to greater energy independence.

This bill does not represent a national energy policy—it is 1000 pages of shameless special interest giveaways. I urge its defeat.

Mr. EVANS. Mr. Chairman, I rise today to state my opposition to H.R. 6, the Energy Policy Act. We cannot simply seek more fossil fuel supplies and increase use of conventional energy sources as a long-term solution to improving the United States' energy security. Instead of creating a truly comprehensive plan for addressing our energy needs, this legislation sets us on the wrong path, making us more reliant on oil than we already are. It will not help consumers save on energy costs and it will not help the U.S. become energy independent.

This legislation sends us in the wrong direction by relying on the fuels of today to provide energy in the future. We cannot sacrifice investment in new, cleaner, domestic sources in order to pay \$8.1 billion to oil producers in tax cuts and subsidies. I am pleased to see that

H.R. 6 does contain some encouraging provisions, such as increasing use of ethanol and biodiesel, but these provisions are far outweighed by the bill's misguided support of oil. We need to create new, clean, renewable resources for addressing our current and future needs and develop technology and programs that encourage conservation.

This legislation would allow the oil industry, currently experiencing some of its most profitable years, to further their reach through exploration in sensitive environments, such as the Arctic National Wildlife Refuge, and the Great Lakes. Allowing such activities is misguided at best. Additionally, H.R. 6 takes MTBE producers off the hook for dirtying local drinking water supplies and passes the costs of the clean up to State and local government.

Additionally, this legislation will not stabilize the electricity market. One of the primary purposes of developing a comprehensive energy policy for the U.S. is to prevent another regional blackout and to prevent future Enron-like scandals. The legislation that was brought to the House floor exposes consumers to potential electricity scams by repealing the Public Utility Holding Company Act (PUCHA). This measure was enacted to prevent companies like Enron from holding monopolies and help consumers get justice when companies conspire to cheat. The Federal Energy Regulatory Commission is not designed to effectively protect consumers.

In order to create a policy that looks to future needs and U.S. security, we cannot rely on increased drilling and oil refineries. We must look to methods to reduce our need for energy and expand the domestic and renewable resources available to us. Finding new, efficient, clean, renewable sources of energy is not just better than continuing down the path H.R. 6 sends us on, it is necessary for the security of the U.S.

Mr. GREEN of Wisconsin. Mr. Chairman, today Congress took a significant step in establishing a comprehensive national energy plan to help lower gas prices and improve the reliability and accessibility of energy in Wisconsin. This legislation contains language I strongly support to reduce the price spikes caused by "boutique fuels" and helps expand the domestic supply of oil and gas.

This energy bill requires five billion gallons of renewable fuel to be included in all gasoline sold in the United States by 2015. This increased use of ethanol will save 1.3 billion barrels of oil by 2016 while helping support our rural economy.

Our Nation's electricity grid will also see considerable improvement. The bill provides for enforceable mechanisms to ensure reliability and stop future blackouts.

Although I am generally pleased by the passage of the energy bill, it nevertheless contains some disappointing provisions, and I will be working expeditiously in the weeks to come to improve the bill even further. In particular, I plan to push for the inclusion of a ban on oil and gas drilling in the Great Lakes. The Great Lakes represent a critical and treasured part of our environment, our economy and our identity. The risks drilling poses to the lakes are unacceptable.

I will also continue to lend my support to the effort to remove special liability protections for MTBE. We unfortunately came up short today to strip this MTBE language, but I'll keep up the fight until this provision is removed. The

manufacturers of MTBE should not be shielded from their responsibility to clean up contaminated groundwater.

Mr. MACK. Mr. Chairman, I rise today in support of the Energy Policy Act of 2005. This important legislation is critical to protecting and preserving our Nation's freedom, security, and prosperity.

Over the past decade, the United States' energy consumption has increased by more than twelve percent; however, our domestic production has increased by less than one-half of one percent. That means that our Nation is more and more reliant on foreign sources of energy. When our Nation depends on just a few countries for the majority of our energy, this adversely impacts American security. This is unacceptable.

Mr. Chairman, the Energy Policy Act of 2005 sets forth a comprehensive national energy policy. It reduces foreign energy dependence by requiring conservation and domestic exploration. By using less energy and opening up new areas for environmentally-responsible exploration, we will become less dependent on foreign sources of energy.

Finally, the Energy Policy Act of 2005 will provide an environment of certainty and stability that will foster prosperity in America. Rising energy prices is like a tax that Americans must pay everyday in the form of higher gas prices, higher costs to heat and cool our homes, and higher prices to move products across the country. Having a comprehensive energy policy will allow businesses to flourish as we will have reliable and dependable sources of energy.

Mr. Chairman, as a supporter of the Energy Policy Act of 2005, I encourage my colleagues to vote for this responsible measure.

Mr. UDALL of Colorado. Mr. Chairman, I regret that I cannot support this legislation.

There is nothing I'd rather vote for than a balanced energy bill that sets us on a forward-looking course—one that acknowledges that this country is overly dependent on a single energy source—fossil fuels—to the detriment of our environment, our national security, and our economy.

But at a time of sky-rocketing oil prices, this bill doesn't do what it needs to do—help us balance our energy portfolio and increase the contributions of alternative energy sources to our energy mix.

The bill is not all bad, of course. I support most of the provisions developed by the Science Committee, and I commend Chairman BOEHLERT and Ranking Member GORDON for their bipartisan approach.

In particular, I'm pleased that the Science Committee bill included generous authorization levels for renewable energy and energy efficiency R&D. As Co-chair of the Renewable Energy and Energy Efficiency Caucus, this funding is very important to me.

I am also pleased that this bill includes the Clean Green School Bus Act, a bill that Chairman BOEHLERT and I drafted that authorizes grants to help school districts replace aging diesel vehicles with clean, alternative fuel buses.

H.R. 6 also includes provisions from my bill, the Distributed Power Hybrid Energy Act, which would direct the Secretary of Energy to develop and implement a strategy for research, development, and demonstration of distributed power hybrid energy systems. It makes sense to focus our R&D priorities on

distributed power hybrid systems that can both help improve power reliability and affordability and bring more efficiency and cleaner energy resources into the mix.

Unfortunately, though, this bill—like the ones we've debated twice before—remains all too reminiscent of that old Western movie—"the Good, the Bad, and the Ugly." In fact, over the years it has only gotten worse and uglier.

One of the ugliest parts is the provision that would open to drilling the coastal plain of the Arctic National Wildlife Refuge.

On that question, Congress is being asked to gamble on finding oil there. So, we first must decide what stakes we are willing to risk, and then weigh the odds. The stakes are the coastal plain. The U.S. Fish and Wildlife Service says it "is critically important to the ecological integrity of the whole Arctic Refuge" which is "America's finest example of an intact, naturally functioning community of arctic/subarctic ecosystems."

Estimates are that there is six months' supply of economically recoverable oil in the refuge's coastal plain. While the economically recoverable amount could increase along with higher oil prices, we know for certain that drilling will change everything on the coastal plain forever. It will never be wilderness again. We do not need to take that bet. There are less-sensitive places to drill—and even better alternatives, including conserving energy and more use of renewable resources.

But the idea of opening the refuge is only one example of misplaced priorities or flawed policies concerning this legislation.

This bill would provide oil and gas companies massive forgiveness of royalty payments. It would shift the cost of MTBE cleanup from MTBE manufacturers to taxpayers—an unfunded mandate on our communities. That should not have been included in the bill.

Further, the bill significantly weakens the Clean Air Act by exempting states from having to clean up their dirty air if some of their pollution comes from "upwind" states. It would exempt industry from requirements of the Safe Drinking Water Act when they inject diesel fuel and other harmful chemicals into the ground during drilling.

It would repeal the heart of the National Environmental Policy Act for energy projects by eliminating the requirement that agencies examine alternatives that could lead to lesser harm or greater benefits. It would repeal the Public Utility Holding Company Act, a law that protects consumers and investors from corporate abuses.

And then there are all the things the bill would not do. It would not increase vehicle fuel economy standards, which have been frozen since 1996. Raising CAFE standards is the single biggest step we can take to reduce oil consumption, since about half of the oil used in the U.S. goes into the gas tanks of our passenger vehicles. The bill does not give federal regulators the tools they need to prevent and punish the Enrons of the world who manipulate power markets. The bill does not suspend deliveries to the Strategic Petroleum Reserve and instead put the oil on the marketplace, which could bring gasoline prices down.

Most importantly, according to analyses conducted by the Department of Energy's Energy Information Administration, our need for imported oil will increase by 75 percent in twenty years under provisions in this bill.

Coloradans on average are already paying \$2.25 for a gallon of regular gas. This bill will do nothing to bring those prices down.

Of the bill's total \$8.1 billion in tax incentives, \$7.5 billion (or 93 percent) is for traditional energy sources such as oil, natural gas, and nuclear power. The oil and gas industries are getting these massive subsidies from the taxpayer at the same time that their profits have never been higher.

I don't always agree with President Bush. But I think he is absolutely right about one thing—at \$55 a barrel, we don't need incentives to oil and gas companies to explore.

Instead, we need a strategy to wean our nation from its dependence on foreign oil.

Colorado is uniquely positioned to take advantage of alternative energy opportunities, such as wind and sun. Voters approved Amendment 37 last year, which is making a difference in our energy supply. Colorado is leading the nation in this area.

Not only are we producing cleaner, cheaper energy, we are also providing economic development in rural Colorado in places like Sterling and Holyoke. In fact, I am going to be doing a Harvesting Energy Tour in North-eastern Colorado this weekend with former Colorado House Speaker Lola Spradley, representatives from the Colorado Farm Bureau and the Rocky Mountain Farmers Union and renewable energy companies to talk about how renewable energy can be an economic development boon for rural Colorado.

But we need federal incentives to help move renewable energy and energy efficiency technologies to the mainstream, and yet only 7 percent of the incentives in this bill would promote their development.

That's why—along with my colleague Representative ZACH WAMP, who co-chairs the Renewable Energy and Energy Efficiency Caucus with me—I offered amendments to the bill to make it more balanced. Our amendments would have extended the renewable energy production tax credit until 2008, would have extended the tax credit that individuals receive for purchasing hybrid vehicles, and would have increased and extended the business and residential solar tax credits. Unfortunately, the Republican leadership didn't allow them to be debated and voted on.

I also tried to improve the Resources Committee's energy bill provisions with an amendment dealing with oil shale language in the bill. The bill requires the Interior Department to set up a new leasing program for commercial development of oil shale, with final regulations to be in place by the end of next year. In other words, it calls for a crash program to meet a short, arbitrary deadline.

My amendment would not have barred oil shale development. Instead, it would have said that before we leap again, we should take a look and have a clear idea of where we are apt to land.

Colorado has the most significant amounts of oil shale—and also the most experience with oil shale fever. In Colorado, we have had several bouts of oil shale fever. The last one started during the 1970s energy crisis and ended abruptly on "Black Sunday" in 1982. That was when Exxon announced it was pulling out of the Colony shale project, an event that left an impact crater from the Western Slope to downtown Denver. That was followed by an exodus of other companies that had been working on oil shale—which led to an

exodus of jobs and of Coloradans who had nowhere else to turn.

Under my amendment, Interior would be told to prepare regulations for a new oil shale leasing program—and to get them finished “promptly” after finishing the analysis required by NEPA and the regular process for developing new federal regulations.

Unfortunately, the Republican leadership of the Resources Committee opposed my amendment, and so it was not adopted. The result is that this part of the bill is much uglier than it should be.

In conclusion, Mr. Chairman, we need a plan in place to increase our energy security. Thirteen percent of the twenty million barrels of oil we consume each day comes from the Persian Gulf. In fact, fully 30 percent of the world’s oil supply comes from this same volatile and politically unstable region of the world. Yet with only 3 percent of the world’s known oil reserves, we are not in a position to solve our energy vulnerability by drilling at home.

This bill does nothing to tackle this fundamental problem. For every step it takes to move us away from our oil/carbon-based economy, it takes two in the opposite direction. I only wish my colleagues in the House could understand that a vision of a clean energy future is not radical science fiction but is instead based on science and technology that exists today. Given the magnitude of the crisis ahead, we can surely put more public investment behind new energy sources that will free us from our dependence on oil.

Two days ago, at the opening of the Abraham Lincoln Museum in Springfield, President Bush attempted to draw parallels between his goal of expanding freedom in the world and Lincoln’s effort to expand freedom in the U.S. I have some questions about that comparison, but I do think it is good to consider Lincoln’s example when we debate public policy.

In fact, I wish President Bush and the Republicans would draw a few more parallels to Lincoln in their approach to energy policy—because, as that greatest of Republican Presidents said, “The dogmas of the quiet past are inadequate for the stormy present. Our present is piled high with difficulties. We must think anew and act anew—then we will save our country.”

And while we are not engaged in a civil war, our excessive dependence on fossil energy is a pressing matter of national security. We have an energy crisis. We need to think anew to devise a better energy policy in order to save our country from this energy crisis.

Unfortunately, too much of this bill reflects not just a failure but an absolute refusal to think anew. Provision after provision reflects a stubborn insistence on old ideas—more tax subsidies, more royalty giveaways, more restrictions on public participation, more limits on environmental reviews—and a hostility to the search for new approaches.

Maybe we could have afforded such a mistake in the past. But now the stakes are too high—because, as I said, energy policy isn’t just an economic issue, it’s a national security issue. America’s dependence on imported oil poses a risk to our homeland security and economic wellbeing. And so, Mr. Chairman, I must vote against it.

Mr. HOLT. Mr. Chairman, I rise in opposition to the energy legislation that we are debating on the House floor today.

As an energy scientist who spent nearly a decade working at one of the nation’s pre-

miere alternative energy research labs I understand the complex and challenging nature of moving toward sustainable energy sources. Having served in this body for more than six years, I understand the difficulties in balancing competing interests to obtain a policy that benefits the nation. Unfortunately, rather than providing a productive and clear vision that leads this nation towards energy independence, this bill subsidizes oil and gas companies and eases environmental regulations and fails to put the U.S. on the right path.

This legislation sets a dangerous precedent by allowing the destruction of one of our national treasures to extract a minimal amount of resources. The very essence of the Arctic Refuge is that it is a pristine and untouched ecosystem. This unique environment serves as a critical breeding or migratory habitat for over 200 species of animals including polar and grizzly bears, Arctic wolves, and endangered species like the shaggy musk ox. This legislation completely ignores the precious nature of this land and instead provides yet one more opportunity for oil and gas companies to expand their operations. If this legislation is approved all Americans will lose something special and irreplaceable.

There are some good points in this bill. It does authorize increases in research on efficiency and renewable energy in future years. And I would like to thank my colleagues for accepting my amendment for a study of fuel savings from information technology for transportation.

But the good points of the bill are far outweighed by the bad. Instead of investing in cleaner, long term solutions, this bill brushes aside our nation’s future energy needs in order to provide nearly 8 billion of taxpayer dollars to the oil, gas and other traditional energy industries to promote short-term, polluting energy sources. These tax incentives should not be going to industries that are thriving, but should be used to invest in our future by increasing research funding for alternative energy sources such as wind energy, fuel cells and fusion.

Everyone knows that we have a serious energy problem in this country. Our dependence on foreign oil affects not only our economy but also our national security. We will never drill our way to independence domestically. Yet we have an energy bill that is stuck in the past that yet again seeks to drill a little deeper, in a few more places.

We need a responsible and sustainable approach to addressing our nation’s energy needs. On behalf of the residents of the 12th District, I pledge to continue to work toward the development of a balanced, comprehensive energy plan—one that finds environmentally friendly, sustainable ways to decrease our dependence on foreign oil and slow the degradation of our planet.

Mr. WELDON of Florida. Mr. Chairman, I rise today to speak in support of H.R. 6, the Energy Policy Act of 2005. It’s a tremendous step in the right direction for this nation to achieve energy independence. Through a combined strategy of strong R&D, efficiency and incentives we can help ensure future generations of Americans a vibrant and growing economy while not having to worry about the whims of foreign influence on our energy.

The bill also authorizes \$200 million for the “Clean Cities” program, which will provide grants to state and local governments to ac-

quire alternative fueled vehicles. I have been working in Central Florida over the past several years to promote research into hydrogen-powered vehicles. I applaud the White House for taking such a proactive stance on new technologies. This bill promotes a cleaner environment by encouraging new innovations and the use of alternative power sources by launching a state-of-the-art program to enable hydrogen fuel cell cars to compete in the marketplace by 2020.

Under this bill, American consumers will have better product labeling for a number of commercial and household products so that they will be able to make more informed decisions when purchasing energy saving products. H.R. 6 further decreases America’s dangerous dependence on foreign oil by expanding domestic production and authorizing expansion of the Strategic Petroleum Reserve’s capacity to 1 billion barrels of oil.

America’s energy consumption is at an all-time high and rising, despite ongoing efficiency gains, with consumption projected to grow as our economy expands. If our nation is to meet these needs in the coming decades, it will be in part due to continued advances in energy efficiency and conservation—helping to reduce our demand on foreign supply and stimulating economic growth. One goal is to save consumers and businesses’ money spent on energy, so they can invest, spend and grow the economy and improve our standard of living. Expanding our energy production capacity is a key to long-term economic growth and energy independence.

H.R. 6 encourages the great American tradition of technological innovation and creative problem solving. It is America working at its best and this legislation is long overdue. I stand in strong support of this legislation and look forward to seeing it enacted into law.

Mr. ETHERIDGE. Mr. Chairman, I rise today in opposition to H.R. 6, the Energy Policy Act of 2005.

For the third time in 5 years, the House Republican leadership has passed up an historic opportunity to craft an energy policy for the 21st Century. With oil prices hitting record levels and repeated predictions that the cost of a barrel of oil could hit over \$100 in the coming years, we should be focusing our efforts on alleviating our nation’s dependence on fossil fuels.

Instead, H.R. 6 is stuck in the past. Modeled after the energy plan developed by Vice President CHENEY’s secret energy committee 4 years ago, H.R. 6 reflects the philosophy that the only solution to the high price of oil is more oil. However, analyses by the U.S. Department of Energy’s Energy Information Administration indicate that even if the provisions of H.R. 6 becomes law, America’s imports of foreign oil will still increase by as much as 85 percent during the next 20 years, thereby increasing our dependency.

H.R. 6 should have been an honest, bipartisan effort to halt America’s growing dependence on fossil fuels for energy. It could have been focused on developing new technologies, improving energy efficiency, promoting renewable energy, and conducting the research and development that could produce the breakthroughs that would power the world of tomorrow.

I have no objection to supporting some new or additional oil and gas exploration or production because, until we develop the energy alternatives of the future, we must continue to

meet our oil and gas needs. Unfortunately, the majority of the bill's eight billion dollars in energy tax incentives are for oil and gas production. That's billions in tax breaks, paid for by our children and grandchildren, going to energy companies that have been earning record profits. Even President Bush admitted recently "... with \$55 oil, we don't need incentives for oil and gas companies to explore." His fiscal year 2006 budget called for \$6.7 billion in tax breaks for energy with 72 percent going toward renewable sources of energy and energy efficiency. In contrast, H.R. 6 only provides six percent of the tax benefits for renewable energy and energy efficiency.

In addition, H.R. 6 irresponsibly sacrifices environmental protection for petroleum production. Exposing our great natural treasures, especially the North Carolina coastline, to exploitation and possible degradation is not responsible. For example the bill shuts states out from the appeals process for offshore mineral development, thereby limiting coastal states' ability to protect their coastlines from unwanted energy development.

I am also dismayed that H.R. 6 continues to provide liability protection for methyl tertiary butyl ether (MTBE) manufacturers for past contamination of water supplies. So Republicans believe when somebody gets sick from MTBE, these companies should not be held accountable. That's just plain wrong. If it becomes law, the provision will force local governments to foot the bill for removing MTBE from water supplies. It was this single issue that scuttled the energy bill last year. Despite this, the Republican leadership's arrogance demands that this provision remain in the bill.

Gas prices in America continue to reach record heights. Natural gas prices have increased raising the cost not only of the gas itself but of derivative products like fertilizer. Gas prices and energy costs affect every American. This problem is particularly acute in farm country. Unfortunately, the Republican congressional leadership wasted an opportunity to develop a prudent energy policy that directly addresses these issues and instead developed a bill that serves as a tremendous handout to oil companies. As a result, I oppose H.R. 6.

Mr. KIND. Mr. Chairman, I rise in opposition to the Energy Policy Act. The bill before us today, full of the same objectionable policies, such as providing liability protections for MTBE makers and taxpayer-funded largesse for the big fossil fuels industries, reminds me of the proverb provided by Saint Bonaventure who said, "the higher the monkey climbs, the more you see of it's behind." Mr. Speaker, this ugly bill has repeatedly scaled the tree and the view hasn't improved any.

I believe the American people expect more from their elected representatives than to simply rehash an energy bill whose flaws have been exposed and it's economic and environmental price tags too high to pay. Yet, once again, the majority refused to work in a bipartisan fashion to craft a balanced and sensible energy bill that meets America's needs.

Every day, millions of American families struggle to keep up with soaring energy costs. Motorists see soaring prices at the pump. Farmers working to provide a secure future for their children watch as their operating margins are squeezed even further. And all too many low-income and elderly Americans are being forced to decide between adequately heating

and cooling their homes or purchasing the food and medicines they need.

The American people understand that we face both a short and a long-term energy crisis and that we must develop a comprehensive and balanced plan for our Nation—a plan that finds 21st century solutions to deal with our 21st century energy needs. A bill that directs needed resources to renewable energy sources and efficiency programs. It is unfortunate that the best the majority believes we can do is pass a bill better suited to the start of the industrialization era.

The bill, inexplicably, provides little to promote renewable energy sources or reduce energy use. Instead, it funnels ever more tax benefits to energy companies already making huge profits from high energy prices. In fact, an April 19, 2005 wall street journal article relates the news that Exxon Mobile recently reported a fourth-quarter profit that amounted to the fattest quarterly take for publicly traded U.S. company ever: \$8.4 billion. Of the \$8 billion in tax incentives, less than \$500 million would go to promote renewable energy sources or foster efficiency and conservation programs. After sticking it to the consumers at the pump, do big oil companies like Exxon really need taxpayer-provided "incentives"? President Bush doesn't think so. In a recent interview, President Bush said, "I will tell you; with \$55 oil we don't need incentives to oil and gas companies. There are plenty of incentives." I agree.

The few bright-spots of the bill: like tripling the amount of gasoline sold that contains ethanol by 2012; promoting safe and clean nuclear energy; developing the liquified natural gas infrastructure needed in our country; ensuring electric reliability and easing transmission—all have been overshadowed by the bloated excess and taxpayer-funded subsidies for some of our nation's largest oil and gas companies.

Mr. Chairman, there are unfortunately many more very bad provisions for American taxpayers in H.R. 6, and title 20 in particular—much of which is premised on a 'drill at taxpayers' expense approach to the management of energy resources on public lands.

Perhaps the best example is the issue of drilling in the arctic national wildlife refuge. As my colleagues know, the arctic national wildlife refuge was set aside over 40 years ago by Republican President Dwight D. Eisenhower for the clear and express purpose of protecting its remarkable wilderness and wildlife values. I, like a majority of Americans, oppose developing one of our nation's last remaining pristine areas for a short term energy fix.

And there are other provisions that, standing alone, make this a bad bill: such as the "royalties in kind" provision; granting broad authority to the Secretary of the Department of the Interior for permitting alternative energy-related uses on the Outer Continental Shelf; and reimbursing oil and gas companies for doing the environmental impact studies that are required under law. I know there are a number of my colleagues who are anxious to speak on some of these provisions, so I welcome their comments and lend my support to their wise concerns.

One of the most egregious provisions of this bill is what is being called "royalty relief" for some of our Nation's largest oil companies. This provision waives federal royalty collections on huge amounts of publicly owned

lands. Simply put, Title 20 will put billions of dollars of taxpayer money into the already deep pockets of big oil. The amendment offered by my friend from Arizona, Mr. GRIJALVA, would strike section 2005 and restore the collection of royalty payments to the Treasury for offshore oil and gas production on the Outer Continental Shelf—a measure I helped lead last year and one that I strongly urge my colleagues' support.

And buried deep in this bill, under the title named "miscellaneous" there is another provision that could have major consequences for communities struggling to clean up their dirty air. This provision allows cities and towns whose air pollution comes from hundreds of miles away to delay meeting national air quality standards until their offending neighbors clean up their own air. In considering the most significant change in the Clean Air Act in 15 years, I must note the irony that we are just days away from celebrating the 35th anniversary of Earth Day. Earth Day, begun by Wisconsin's own Senator Gaylord Nelson, provided the impetus to President Nixon signing the Clean Air Act.

In addition, the majority party has stuck in the bill a provision that would limit the ability of coastal states to challenge offshore oil and natural gas production. Apparently, the majority party in Congress no longer has much regard for the 10th amendment.

So that is the back-side of our monkey. I urge my colleagues to join me in opposing this energy bill that does little to lessen our dependence on fossil fuels—or the fossil fuels' industry dependence on taxpayer dollars.

Ms. WATERS. Mr. Chairman, I rise in opposition to H.R. 6, the Energy Policy act.

H.R. 6 is a continuation of the disastrous energy policy that the Republican Leadership has been trying to force through Congress for the past four years. They claim that their bill will reduce the cost of a gallon of gasoline—which now averages \$2.24 per gallon—and that it will reduce our reliance on foreign oil.

Unfortunately, both of these claims are false. In fact, enactment of H.R. 6 is likely to result in higher prices at the pump for Americans. Even the Department of Energy estimates the price of a gallon of gasoline will increase by three cents if this bill is signed into law.

Mr. Chairman, HR 6 is a massive give-away to oil and gas companies. It provides \$7.5 billion in tax breaks and billions more in royalty relief to companies like Exxon, Mobil, Chevron, Texaco and ConocoPhillips, which are already earning record profits, supposedly to encourage these companies to drill more on our public lands and produce more gasoline and oil. As the President noted the other day, with the price of oil at \$55 per barrel, these companies do not need any more encouragement to produce gasoline and oil.

The bill also permits drilling in the Arctic refuge thereby putting at risk one of the last pristine areas in the world, simply to gain less than six months' worth of oil. Opening ANWR does not make economic or environmental sense and we should not allow it to happen. Instead, we should be increasing the corporate average fuel economy (CAFE) standards for cars and trucks sold in the United States to a more reasonable level. Taking this step would save millions more gallons of gasoline than would be recovered from ANWR, and raising these standards would help improve the quality of air that we breathe.

This bill also weakens our nation's environmental laws including the Clean Air Act.

Mr. Chairman, Los Angeles is consistently ranked among the worst cities in America when it comes to air pollution and smog. Yet, if Congress allows this bill to pass, the Clean Air Act will be severely weakened and thousands of my constituents will see their health suffer because of the increased pollution and smog. We should be supporting a bill that strengthens the Clean Air Act, not weakening it.

Mr. Chairman, I am also very disappointed in the fact that this bill does nothing to address the massive defrauding of Californian consumers at the hands of Enron and other energy companies during the energy crisis of 2000 and 2001.

During that time, energy companies intentionally took generators off line, made false submissions about the prices they bought and sold gas for, and fabricated transactions, all with the intention to make as much money as possible.

Unfortunately, for thousands of Californians, the energy companies succeeded in their efforts. In the summer of 2000, energy companies overcharged California \$2.5 billion. In 2001, California paid approximately \$26 billion for electricity because of the unscrupulous trading practices of the energy companies, raising the rates of every California ratepayer.

Mr. Chairman, the Federal Energy Regulatory Commission has already ruled that the prices the energy companies charged California were not 'just and reasonable' as required by law. Yet the companies have not had to pay any penalty for their criminal actions. This bill does nothing to change that, but it should.

Mr. Chairman, the American people need us to enact legislation that will actually reduce the cost of gasoline and reduce our dependence on foreign oil. They want us to support a bill that makes real investments in renewable energy and energy conservation. I urge my colleagues to reject this special-interest legislation that puts big business before American consumers.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to oppose this flawed, shortsighted energy bill, which does not give us a national energy policy, and provides more than \$22 billion in taxpayer dollars to the private industry. I'm not sure what era the authors of this bill think we're living in, but this bill does not reflect our present or future energy needs in the 21st Century.

High gas prices are on the minds of many Americans right now, and this bill does nothing to change that. The Energy Information Administration has said that this will actually increase gas prices by three cents and will have almost no effect on production, consumption, or prices. I suspect my constituents in New Mexico who are paying \$2.32 a gallon will be concerned about that. But this is only one of the several reasons why I oppose this legislation.

One of my great concerns is the provision that allows drilling in the Arctic National Wildlife Refuge, ANWR. I have been to Alaska and I've seen the tremendously diverse wildlife that will be hurt if drilling occurs in the area. In addition, there are native tribes who depend on this wildlife, and they have asked Congress and the state of Alaska to stand up for them and oppose drilling. The environmental costs

of this provision are sky-high, and benefits are little to none—six month's supply of oil. Opening ANWR would have no effect on our dependence on foreign oil. It is simply not worth it.

How can the Majority call this bill "comprehensive" when it does nothing to address fuel efficiency in our vehicles? China will produce cars and trucks that are more energy-efficient than the U.S. fleet as soon as 2008. That is why I strongly supported the amendment offered by Rep. MARKEY of Massachusetts to raise the average of 25 miles per gallon to 33 miles per gallon over the next ten years. Raising fuel economy standards would reap SUV, pickup truck, and minivan owners a net savings of up to two thousand dollars in some cases. It would also alleviate the need for the U.S. to send over \$25 million abroad each hour to pay for foreign oil. This amendment would have truly benefited our national security, our economy, and consumers.

I think my constituents will also be interested in the provision in this bill shielding lawsuits against oil companies who used methyl tertiary-butyl ether, MTBE, which has contaminated 1,861 water systems serving 45 million Americans in 29 states, including New Mexico. Documents from recent court cases reveal that the industry knew MTBE could cause severe harm to groundwater supplies as early as the mid 1980s. Internal Exxon memos from 1985 show the company knew MTBE pollutes groundwater more easily and is more difficult to treat than other gas additives. I find it incredibly disturbing that some members of this body place the pockets of oil companies ahead of the constituents in their districts whose lives have been adversely affected by this negligence.

Another grave concern that I have is section 631, which is a \$30 million dollar giveaway to a dangerous uranium mining technology that could seriously harm the water and health of 12,000 Navajo Indians. The proposed in-situ leach mining would leach uranium from an aquifer that is the sole source of drinking water for thousands of people in northwestern New Mexico, thereby threatening their health and the integrity of their communities. The proposed mining would leave high levels of uranium in the drinking water supply, which is a slap in the face of Navajo communities that are still struggling to get compensation for the diseases they are suffering from uranium mining conducted near them during the Cold War. This is also unsound fiscal policy for an unproven type of mining. I offered an amendment to strike this section of the bill. Unfortunately, it was defeated by a vote of 225–204. I have been told that these subsidies will not be included in the Senate bill. I hope that remains true, and I look forward to working with my colleagues to ensure that this provision is stripped from the bill in conference.

I brought two other amendments to the Rules Committee that were unfortunately not allowed a vote in the full House. One would create a federal Renewable Portfolio Standard, so that by the year 2022 electric utilities, excluding rural electric cooperatives, would generate 15 percent of their energy from renewable energy sources, and 20 percent by the year 2027. This bipartisan amendment was cosponsored by Rep. MARK UDALL of Colorado, Rep. LEACH of Iowa, and Rep. PLATTS of Pennsylvania. Right now, the U.S. relies on foreign oil to meet roughly 60 percent of our

oil needs. This inevitably leaves us dependent on unfriendly nations and harms our national security. We consume a quarter of the world's oil, yet we only control two percent of its supply. It is high time we invest in renewable energy technologies and develop practical solutions to encourage renewable energy production. It is my hope that the Senate will move forward with a more progressive renewable energy policy in its version of the Energy bill.

My last amendment, which I cosponsored along with Rep. DINGELL of Michigan and Rep. BOEHLERT of New York, was designed to fix unnecessary inequities in the hydropower dam relicensing process proposed in H.R. 6, while still ensuring that the relicensing process proceeds quickly. This amendment applies all new rights given to a license applicant to any other party. All stakeholders—States, Tribes, private landowners, local businesses, fishermen, irrigators, conservationists, water sports enthusiasts, and other concerned citizens—would be given the chance to participate in decisions that affect the health of American rivers. I believe it is only fair to include these stakeholders in the appeals process, and I was disappointed that this amendment was not allowed a vote on the floor.

Why does the Majority insist on passing a bill full of tax incentives and subsidies for the oil and gas industry at a time of record profits for those companies? Even President Bush said last week, "I will tell you with \$55 oil we don't need incentives to oil and gas companies to explore." The massive royalty tax breaks for energy companies are ill conceived. This bill is anti-taxpayer, anti-environmental, and anti-consumer.

We need a comprehensive energy policy that encourages safe domestic energy production, that will not drastically harm the environment and cause potential harm to thousands, and that does not contain billions of dollars in giveaways to big oil and gas companies. We need a real energy strategy that will help consumers, decrease our dangerous dependence on foreign oil, and keep us competitive internationally. I ask my colleagues to join me in voting against this flawed bill, and I hope we can work toward a more comprehensive energy bill in the future.

Mr. VAN HOLLEN. Mr. Chairman, as Yogi Berra used to say "it's déjà vu all over again." I never would have imagined: During a time of war in the Middle East, heading into the summer smog season in cities like Washington, DC, with prices at the pump hitting \$2.50 a gallon, we are here today telling our constituents that the wisest course of action—the best America can do with its energy policy—is "more of the same".

Nonsense. We have choices. We always have choices. What we apparently don't have—yet—is the leadership to make them.

Take national security. Rather than heeding the clarion call of former CIA Director Woolsey, former National Security Advisor McFarlane and others to reduce our use of foreign oil by launching "a major new initiative to curtail U.S. consumption through improved efficiency and the rapid development of . . . petroleum fuel alternatives," this legislation actually increases our reliance on foreign oil, according to the independent Energy Information Agency (EIA).

What about economic growth? We've lost over 2.8 million manufacturing jobs since 2001—and no matter how hard today's proponents try to spin it—this bill isn't going to

bring them back. To the contrary, by doling out additional tax breaks to already highly profitable oil companies, this legislation represents a monumental missed opportunity to target critical federal investments towards the rapidly expanding green industries of the 21st century. We should be the world leader in renewable energy and hybrid technologies—not playing catch up to the Danes, Germans and Japanese. In that regard, I regret that an amendment I offered with Reps. INSLEE (D-WA) and HOLT (D-NJ) to achieve this goal was blocked by the Rules Committee and will not be permitted a floor vote today.

Finally, no serious discussion about formulating a comprehensive national energy policy can take place without reference to the environmental impacts of our nation's energy consumption. However, rather than having that discussion, this bill instead goes the other direction by deliberately chipping away at the Clean Water, Clean Air and National Environmental Policy Acts. It once again proposes to despoil the ANWR while ignoring the potential for far greater fuel gains through a long overdue increase in CAFE standards. And it brazenly extends a special interest liability waiver to MTBE manufacturers whose product is polluting groundwater in many of our districts—leaving taxpayers to pick up the tab. In my home state of Maryland, important statewide energy efficiency standards and local LNG siting prerogatives are preempted. And throughout the entire 1019 pages of this legislation, you will not find a single reference to climate change—despite a bipartisan effort I joined to attach language which would have taken the modest step of establishing a national greenhouse gas registry. That amendment, which twice received unanimous support in the Senate, was similarly quashed by the Rules Committee.

Mr. Chairman, America needs an energy policy that strengthens our national security, promotes long term economic growth and protects the environment. This is not that policy. I ask my colleagues to oppose this bill.

Mr. HOLDEN. Mr. Chairman, coal is by far the largest domestic source of energy we produce. Here in the United States, we have between 250 and 300 years of a coal supply. That is more than the amount of recoverable oil contained in the entire world.

I am proud to represent the anthracite coal fields of Pennsylvania, which have the largest anthracite coal deposit in North America, arguably the largest deposit in the world. It is a high-Btu, low-sulfur fuel, and is considered the cleanest-burning solid fuel on the commercial market today.

But as we can see through rising fuel prices, we are too dependent upon foreign oil. In the United States, we consume about 20.5 million barrels of oil per day. That's about 7.5 billion barrels per year. Half of that is imported. And almost half of American oil consumption is for motor vehicles.

One of our priorities should be to reduce our dependence on foreign oil. We should be increasing research and development into our fossil fuel program. With continued research of coal, the potential of the United States becoming energy self-sufficient in an environmentally friendly manner is enhanced.

For over 15 years, through the clean coal programs of the Department of Energy, the Federal Government has been a solid partner, working jointly with private companies and the

states to develop and demonstrate a new generation of environmentally clean technology using coal.

One benefit of the clean coal programs takes advantage of a decades' old technology of converting coal and waste coal into clean diesel fuel. In Pennsylvania alone, there is an excess of 200–300 million tons of waste coal that has accumulated over the years. A company in Gilberton, Pennsylvania, in my district, is ready to do convert this waste coal to diesel fuel and electricity on a large scale. The plant has received support from DOE's Clean Coal Power Initiative.

Coal research and development provides huge benefits for the nation, and pay for itself many times over through taxes flowing back to the Treasury from expanded economic activity.

The clean coal programs are important for several reasons. They: Clean up the environment by burning waste coal; reduce emissions of nitrogen oxides and air toxics; develop cleaner, more efficient power systems; sponsor promising technologies that are too risky for private industry to undertake alone; provide a model for future government-industry technology partnerships; and provide tremendous job opportunities in this country, not in the Middle East.

In 2002, President Bush said, "We will promote clean coal technology." The President recently outlined four important objectives that need to be included in this energy bill. These objectives are all met by clean coal programs: Encourage the use of technology to improve conservation; encourage more production at home in environmentally sensitive ways; diversify our energy supply by developing alternative sources of energy and create more energy choices; and help us find better, more reliable ways to deliver energy to consumers.

We need to take advantage of our own natural resources. I encourage my colleagues to continue to support clean coal programs.

Ms. DELAURO. Mr. Chairman, I rise in opposition to this legislation—an \$88 billion giveaway to the oil and gas industry that does nothing to alleviate the record high costs of oil and gas.

At a time when science and common sense tells us we should be doing more research into alternative energy and less drilling in our precious public lands, this bill provides \$8 billion in tax breaks for companies to do more drilling and less research into alternative energy. In an \$88 billion bill, less than \$500 million is dedicated to any kind of renewable energy research.

The legislation promotes drilling in the last vestiges of the great American frontier—places like Alaska's Arctic Refuge and the Rocky Mountain Front—ruining forever these examples of nature's magnificence all for what amounts to 5 percent of a one year's supply of oil. At the same time, it authorizes \$80 billion in new spending to assist the big oil companies—one reason conservative organizations such as Taxpayers for Common Sense and Citizens Against Government Waste oppose this bill. Just yesterday, the president expressed similar concerns as well. Another provision gives legal protection to producers of MTBE—a substance if consumed can cause a variety of health problems.

I would like to also express my concern about two very important sections of this bill. Section 330 limits the ability of state governments to oversee the permitting process of

pipeline construction projects or construction of LNG facilities, placing that responsibility solely within the FERC, with states relegated to a consultative role. This would eviscerate my state government's ability to regulate proposed projects in the Long Island Sound, despite the state's undisputed leadership in the clean-up of the Sound. To say we do not trust Connecticut to act in the best interests of one of its most prized natural resources is bad public policy and I hope that an amendment offered by Mr. CASTLE to strike this section will be adopted.

Rather, we should be reducing our dependence on foreign oil by improving our energy efficiency and maximizing our domestic energy production in an environmentally-sound way—by investing in cleaner, more secure energy sources such as solar, wind, biomass and fuel cell technology. My State of Connecticut is a leader in fuel cell technology, with several businesses doing research that is on the cusp of revolutionizing the way our nation powers its homes, cars and businesses. This bill should be investing in American small businesses like Proton Energy in Wallingford, Nxegen in Middletown and Danbury's Fuel Cell Energy—companies that already do over \$300 million worth of fuel cell business and move us closer to true energy independence.

That is the future of energy in this country, and that is what this bill should be encouraging. By pressing for 20th Century solutions to deal with 21st Century energy challenges, this majority continues us down the road of ever-rising gas prices, harming our economy and leaving middle-class families to bear the brunt of the cost. And that is no plan, Mr. Chairman—it is an abdication of our responsibilities. Oppose this bill.

Mr. CANTOR. Mr. Chairman, the comprehensive energy package that we pass today is a major step forward in our ability to provide certainty in the United States' energy sector. This legislation is the result of hundreds of hours of work developing a plan that will reduce our dependence on foreign oil, improve our economy, and create jobs.

This legislation improves our nation's electricity transmission and reliability. It provides for safer, stable and more reliable energy sources within our own country, making us less reliant on oil from the Middle East.

Clean coal technology and incentives for renewable energies are a key part to the future of energy production and consumption in this country. Domestic oil and gas exploration will make us less susceptible to the rising prices of foreign energy sources.

And let us not forget that this bill does something for American families. As gas prices climb, it becomes more and more expensive to take our children to sports games, visit out-of-town family, and even drive to work. We need relief from high gas prices and this legislation is a step in that direction.

Mr. CUMMINGS. Mr. Chairman, while Vice President CHENEY still refuses to release the records of his Energy Task Force, it is obvious from the bill under consideration today who participated in the task force and who shaped the Energy Policy Act before us. For the uninitiated, let me tell you, it was the big oil, coal, natural gas, and nuclear energy companies and concerns who shaped this legislation.

According to the Congressional Research Service, U.S. energy consumption has almost tripled between 1950 and now. The U.S. has

3 percent of the world's oil reserves—but now uses 25 percent of the oil produced in the world. In 2003, our nation used approximately 20 billion barrels of petroleum per day—while producing just under 6 billion barrels of crude oil.

How much has our energy use increased? Our petroleum usage in 2003 was almost 3 times higher than it was in 1950. Our consumption of natural gas in 2003 was almost 4 times greater than in 1950. Our consumption of coal in 2003 was double the amount we used in 1950.

In fact, today, in 2005, 86 percent of the energy we consume is still generated through the use of non-renewable fossil fuels.

America's energy policy at this critical time should pioneer the use of renewable fuels and move our nation away from dependence on fossil fuels. At a minimum, national energy legislation should reduce our dependence on foreign oil.

However, the U.S. Energy Information Administration has concluded that the legislation before us today will not support the development and wide usage of renewable fuels or even reduce our reliance on foreign oil. In fact, the Energy Information Administration concludes that the bill will reduce oil imports by just over 1 percent by 2025—20 years from now.

While not taking any responsible steps to lay the foundation for a new energy policy in America, the bill before us does provide \$8 billion in tax breaks for the energy industry. In keeping with the basic irresponsibility of this legislation, less than 10 percent of these tax breaks will go to the renewable fuel industry.

H.R. 6 would also allow drilling in the Arctic National Wildlife Preserve despite the fact that the U.S. Geological Survey has estimated that there is less than a year's supply of oil in the Preserve.

Only 15 percent of Federal land in the Rocky Mountain states is currently off-limit to oil drilling. A total of 42 million acres of federally held land are currently leased to oil and gas companies. There is no reason to expand drilling to include Alaska's Wildlife Preserve.

Similarly, H.R. 6 would provide \$2 billion to support research on recovering oil and gas resources from the deep waters in the Gulf of Mexico—despite the fact that oil companies are generating record profits.

H.R. 6 would also limit the liability of MTBE manufacturers for pollution to drinking water supplies despite the fact that the use of MTBE was not mandated and that there was evidence even before it was widely used that it could be harmful to drinking water supplies. The costs of cleaning up MTBE pollution will be in the billions of dollars—far more than many local jurisdictions can afford to pay from their own resources.

While the groups who met with Vice President CHENEY were clearly focused on maintaining the status quo in America's energy policy, there are in fact many things that can be done to decrease our dependence on fossil fuels and particularly to decrease our dependence on foreign oil.

We can support increased energy conservation. We can revamp—not repeal—the Public Utility Holding Company Act. We can implement policies to reduce the ability of energy traders to manipulate markets and rates.

Further, we can increase spending on the development of bioenergy and other renew-

able fuels. For example, the 2002 Farm Bill authorized \$150 million in spending in fiscal 2006 to support bioenergy initiatives. However, the President's short-sighted fiscal 2006 budget proposes to limit expenditures on these initiatives to just \$60 million.

Such reductions in spending on bioenergy—especially given the provisions of the H.R. 6—are misguided.

H.R. 6 does not provide the new energy policy we so desperately need. I urge a no vote on this legislation.

Mr. HIGGINS. Mr. Chairman, I rise today in objection to H.R. 6, the Energy bill under consideration by the full House of Representatives this week. Sadly, the energy bill does little to reduce our nation's dependence on foreign oil, decrease rising oil and gas prices, increase our national security, protect our environment, or encourage investment in renewable energy sources.

In fact, Mr. Chairman, of the \$8 billion in tax breaks in this bill, only about 6 percent goes toward energy efficiency and renewable sources of energy, and the rest goes to the already booming oil and natural gas industry that already receives more than generous incentives. And we're not getting anything back from this disproportionate investment. The Administration's own Energy Information Administration acknowledges that with this bill, "changes to production, consumption, imports, and prices are negligible." They even find that gasoline prices under this legislation would increase by between three and eight cents per gallon.

Clearly, this measure is a short sighted political move aimed at winning friends and contributors instead of what it should be—a long term plan to ease the energy burden on consumers and make the United States safer and energy independent—and that's a shame.

As a member of the Committee on Government Reform's Subcommittee on Energy and Natural Resources, I know all too well how energy needs shape our foreign policy and our national security agenda. Our desperate need for oil pits us against China and India. It forces us into a position of funding governments and world leaders who funnel our payments to groups that are currently planning to do us harm. And our need for oil from foreign markets forces our brave Armed Service men and women into harm's way to protect our vital interests.

But oil need not be the lead driver in our national security policy. We have resources at home like water, wind and sun that, with research and investment, can produce cleaner energy sources and cheaper alternatives, can reduce our dependence on foreign oil, and can create jobs and spur spending here at home. Just outside my district, with the water heaving over the Niagara Falls, we convert water into electricity every day. It's a shame this bill doesn't address similar options around the country.

All too often I hear from my constituents in Western New York that too many low-income families, disabled individuals and senior citizens are not able to afford their energy costs. My district is particularly hard hit with extreme cold temperatures, which cause more families to face unaffordable heating costs and put families and seniors at a higher risk of life-threatening illness or death if their homes are too cold in the winter or too hot in the summer. I will vote against the energy bill on the

floor because this legislation ignores my constituents' needs and adds to their troubles through higher prices, an increased tax burden, more pollution, and less national security. I urge my colleagues to do the same.

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to this legislation and in support of the Markey/Johnson amendment to protect the Arctic National Wildlife Refuge.

I am pleased to be an original cosponsor of the Udall-Eisenhower Arctic Wilderness Act and am diametrically opposed to drilling in the refuge. I say this as an unabashed advocate for protecting the environment.

As Rep. MARKEY recently stated, "We must draw the line against drilling in our few remaining pristine habitats set aside specifically for preserving wildlife for future generations. If we allow drilling in the Arctic National Wildlife Refuge, there will be no place in America so special that it cannot be opened up for commercial exploitation."

Unfortunately, the environmental ethic holds no value with this White House or a majority of my colleagues in this chamber.

They simply don't care.

So let me try another tract. It's one that I fear is too real a scenario and one this energy bill falls seriously short of addressing.

Today, this year, this decade, it really doesn't matter, but someday and someday soon we will cross the point where world demand for oil will outpace available supply. The disagreement isn't about if it will occur, it's when.

And, when it does occur it will be a time of reckoning. We will have to reorient our oil-dependent economy into something less consumptive of oil. If the shortfall in supply takes on crisis type dimensions, the transition will be much more disruptive economically and socially.

The one reserve we possess to ease this transition, buy us time and mitigate a crisis, is the untapped reserve thought to exist under the National Arctic Wildlife Refuge.

I would hate to see this reserve extracted under any circumstance, but if one day it must, let it be for better reasons than those presented today.

I doubt there will ever be sufficient safeguards to guarantee this Serengeti of the Arctic can be protected once drilling starts, but if there is credence to the argument that the technology and safeguards used today are better than yesterday's, then tomorrow's will still be more advanced than today's improvements.

Let's not drill now, squander our last reserve of oil and gain nothing in improved economic security.

Unless this bill places our Nation on a path toward lower levels of oil consumption, greater use of alternative fuels, greater levels of fuel efficiency and conservation, why should we advance the calendar on the day of reckoning?

Why should we consume next year's seed corn, when we haven't experimented with alternative diets or eating less?

Support the Markey/Johnson amendment; oppose drilling in the refuge.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the Boehlert/Markey CAFE standard amendment.

When it comes to cheap energy and low gasoline prices, we have lived on borrowed time.

As a whole our energy policies promote profligate consumption. The more you buy and consume the cheaper the unit price.

The bill before us does little to wean our nation from its dependence on foreign and unstable sources of energy. According to DOE, this nation consumes 24 percent of the world's energy while comprising less than 7 percent of the world's population.

Today, the world is racing to develop and catching up with our consumptive habits and standard of living. It's a race that cannot succeed and is unsustainable over the long term.

I deeply regret that a majority in this Congress for years blocked the Department of Transportation from raising the Corporate Average Fuel Efficiency Standard for automobiles and trucks.

Then, when the White House changed hands in 2001, and perhaps confident that no real action to raise standards would occur, the restriction was no longer included as a rider in the appropriations bills.

This short sighted policy has placed us squarely in the situation we are in today.

Had the current president's father adopted tougher CAFE standards, put us on a gradual path to 27 miles per gallon for light trucks and 34 gallons for cars, we would have displaced all oil we import from OPEC today.

Of course we would still be importing oil from the Persian Gulf, but our economy and our transportation sector and today's auto manufacturers would not be reeling from the consequences of \$50 barrels of oil and \$2.35 per gallon of gasoline.

Mr. Chairman, for the sake of the future of our country and our long term economic prosperity we need to wean ourselves from our dependency on oil.

Nothing is likely to have a greater impact in accomplishing this goal than making our transportation sector more fuel efficient.

I urge my colleagues to support the Boehlert-Markey amendment.

Mr. MORAN of Virginia. Mr. Chairman, I rise in vehement opposition to this legislation.

Two years have passed since the last time we debated a comprehensive energy bill on the House floor, but the majority appears to have learned nothing since that time.

What we are considering today is practically the same, identical bill from last Congress. It even has the same bill number (H.R. 6) as last time, as if it were photocopied with complete indifference to the disturbing news and international developments that have come to pass in recent years.

Mr. Chairman, why is oil more than \$50 a barrel and gasoline prices averaging \$2.28 per gallon?

The simple answer, demand is up and supply is limited.

A more thorough investigation leaves one very troubled with the direction we are headed. While demand from the U.S. and other industrialized nations is growing on average 1.2 percent, the situation in developing nations has radically altered. Demand for oil in these countries is now growing at an average of 2.7 percent annually. On its face that may not sound like a lot but it is not sustainable and is largely the cause behind the higher prices we're encountering today.

In China, demand for oil is growing at almost an exponential rate. India isn't far behind either. Combined, these countries represent 35 percent of the world's population.

Another sign of concern is that Indonesia, a member of OPEC, became a net importer of oil in 2004.

These recent increases in worldwide oil demand are not a one-time phenomenon; there're here to stay and will continue to squeeze markets and push oil prices ever higher.

The Department of Energy, on its own Web site, even suggests that crude oil prices will continue to cost over \$50 per barrel. (Though they are silent on any long-term forecast.)

Mr. Chairman, we are an oil-based economy. While coal, uranium and some renewable sources such as wind comprise a majority of the fuel used to generate electricity, most of our economy is dependent or exclusively reliant on oil, from fertilizers for agriculture, plastics for manufacturing to gasoline and diesel for transportation.

Unfortunately, H.R. 6 does very little to prepare us for the day when this insatiable demand for oil outpaces world supplies.

When that day comes, the prospect of \$80 barrels of oil and \$4.50 a gallon of gasoline are not unrealistic. Some pessimistic forecasts even predict \$200 barrels and \$10 a gallon of gasoline.

Many experts believe that most of the world's proven reserves have been found and that supplies will decline an average of 3 to 6 percent a year once the oil peak has been crossed.

The oil shock caused by the Arab oil embargo of 1973-74 cut supplies temporarily by 5 percent.

The social and economic disruptions caused by this temporary disruption in supply were felt for more than a decade. Gas prices shot up 400 percent, inflation ran rampant and was fought with double digit interest rates and unemployment climbed over 10 percent.

Are we prepared or are we preparing ourselves for some permanent downward decline in supply?

Does this bill prepare us for this eventuality? I think the answer is that it clearly does not.

Why are we rushing to exploit pristine wilderness areas like the Arctic National Wildlife Refuge and bestowing more tax incentives on some of America's most profitable companies and individuals to tap our last domestic sources of domestic oil and gas when these sources won't even make a dent in our oil and gas needs?

Where are the incentives and subsidies to wean us from our dependency on foreign oil?

Where are the incentives and subsidies to retool industry to alternative fuels and greater efficiency?

One part of our solution to the looming energy crisis is to require automobiles to be more fuel efficient. Had we improved efficiency through higher CAFE standards 27 miles for light trucks and 33 for cars back in the early 1990s, we could have displaced all the oil we imported from OPEC today. This bill is shamefully silent on that issue.

We have been shortsighted in our energy policies, preferring to influence short-term prices, keeping them artificially low while ignoring the long-term consequences of programs and policies that promote greater consumption and profligate waste.

When oil supplies begin their decline and prices spiral higher, our profligate waste may be our one silver bullet to respond.

There are incredible opportunities to make industry, office buildings, homes and vehicles more fuel efficient.

We cannot sustain a situation where 6.7 percent of the world's population continues to consume 24 percent of the world's energy. (Energy Information Administration 2002 figures: 405 quadrillion Btus world—98 quadrillion Btus U.S.)

Mr. Chairman, this bill is deficient and heads our country in the wrong direction. It rushes us closer to the day shortages occur and sets us backward on our ability to address it.

I urge my colleagues to reject this bill.

Mrs. BONO. Mr. Chairman, I first want to thank Chairman BARTON for putting so much time and effort into this legislation. It is due to his leadership and commitment to establishing a better national energy policy that we are here today.

H.R. 6 takes many important steps. I am especially pleased at its focus on renewable energy and I thank Chairman BARTON for including my Renewable Energy Production Incentive (REPI) legislation in the bill. In addition to REPI, H.R. 6 also helps homeowners across the nation through its weatherization assistance program and makes an important commitment to hydrogen fuel research, including my public transit provision, to spur the development of hydrogen vehicles and infrastructure. Teaming together with private enterprise, we can become less dependent on using fossil fuels for our homes and our cars.

But while we work towards achieving freedom from oil and those nations who produce it, the reality is we still need this resource. To address that need and its impact on our economy, this legislation also helps expand domestic exploration. We can take important steps in not only creating a greater sense of independence and lowering the costs at the pump, but also help our own economy and the small, independent producers who are struggling today. We cannot and should not allow our very own producers to be overlooked when resources are limited and the price of gas is rising.

My home state of California has seen its share of energy problems. It is critical for our nation to have a national strategy on energy so we can clear many of these hurdles looming in our future. This bill takes our country in the right direction.

Again, I wish to thank Chairman BARTON for his diligence and effort on this legislation.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of the Boehlert-Markey amendment to raise fuel economy standards for automobiles and I thank the gentlemen offering this amendment for yielding me time.

Mr. Chairman, we have heard it repeated over and over during debate on this bill from members on both sides of the aisle—we must reduce our dependence on foreign sources of oil, and we must stabilize our energy costs. Yet H.R. 6 does none of these things!

That is why I strongly support this amendment to raise the average of 25 miles per gallon to 33 miles per gallon over the next ten years. Increasing the fuel economy is one important step we can take towards making all this rhetoric a reality. This amendment truly does benefit our national security, our economy, and consumers.

Raising fuel economy standards would reap SUV, pickup truck, and minivan owners a net savings of up to two thousand dollars in some cases. It would also alleviate the need for the U.S. to send over \$25 million abroad each



hour to pay for foreign oil. These payments increase the trade imbalance, reduce the strength of the dollar, drive up the cost of other imported goods, and stunts the growth of the nation's GDP.

In addition, many of the world's major automakers recently signed an agreement with the government of Canada that commits them to improving fuel economy standards by 25 percent by 2010. China will soon produce cars and trucks that are more energy-efficient than the U.S. fleet. Considering that the U.S. consumes a quarter of the world's oil, we must keep pace with these other countries and improve our fuel economy standards.

This amendment matches the rhetoric by truly reducing our dependence on foreign oil, helping our economy, and benefiting consumers. I urge my colleagues to support this amendment.

Mr. RYUN of Kansas. Mr. Chairman, the energy policy before us is comprehensive and timely. It bolsters the economy while preserving the environment, recognizing that one need not be sacrificed for the other. In addressing both present and future concerns, this plan provides real improvements to our energy policy with the goal of reducing our dependence on foreign oil.

This bill looks inward by expanding our refinery capacities and tapping into our domestic resources in an environmentally safe way. This will help provide relief for rising gas prices and begin to safeguard us against the whims of OPEC.

Beyond traditional energy, this plan promotes the development of renewable fuels. By approving this bill, we will do much for the development and expansion of alternative fuels. For example, the increased use of Ethanol will not only reduce our dependence on foreign oil but will also benefit our economy and environment. Farmers in Kansas and across the country stand ready to help with this effort.

We have gone without a national energy plan for far too long. We must act now and finally pass this forward-looking energy plan into law.

Mr. BLUMENAUER. Mr. Chairman, it is commonly heard that the world changed after September 11, 2001; yet the energy bill did not.

What Congress is considering this week is virtually identical to that which came forth from DICK CHENEY's energy task force and the Congressional process four years ago. The ever growing concerns about energy reliability, the Enron scandal, skyrocketing gas prices, increasing demands on ever scarce supplies in unstable areas of the world all have not produced a change in the mindset of Congress. At a time when we should call forth our best, the energy bill is both a mediocre effort and more appropriate for the 1950s than this new century.

With the American energy experience over the last third of a century, public opinion has grown clearer while Congress' vision has not.

With 10 percent of our energy use tied directly to our vehicular traffic, it is self-evident to the majority of Americans that our fuel efficiency standards should be significantly increased. The Japanese and Europeans are already far ahead of us. Even the Chinese have now adopted more stringent fuel efficiency standards. Congress cannot keep up with the American public or the policymakers in China, Japan or Europe.

The public knows that the Arctic National Wildlife Refuge is the last place that America should look for oil, not the next place.

The public supports investing in renewable energy sources, but this bill is heavily skewed towards more public subsidy of oil and gas interests, already awash in cash. These companies have ample money available to exploit energy resources in this country if they wish. Alternative energy sources are shortchanged in this bill. It has been estimated that they get one dollar for every \$363 invested in other sources. Wind and solar energy are abundant, and non-polluting; with a fraction of the resources lavished on traditional energy sources, alternative energy could increase the production and reduce cost.

The public is not interested in cutting deals with special-interests at the expense of the environment and public health. This bill poses significant risk to air pollution and makes an unnecessary and unwise compromise with MTBE manufacturers at the expense of state and local authorities and the quality of local drinking water.

I am opposed to a provision in the bill that shortchanges public participation in the hydro-power relicensing process. By denying rights to private landowners, farmers, local businesses, tribes, fishermen, conservationists and others who share a direct interest in dam operations, the bill would make it less likely that license applicants would agree to an outcome that allows for energy generation as well as protection of the river ecosystem. In Oregon, PacifiCorp is in the process of relicensing a number of dams on the Klamath River. The company has been involved in an open and cooperative process with stakeholders, and I am concerned that the language in the bill would both undermine that progress as well as reduce incentives for other companies to engage in this type of open process.

I am disappointed that Congress defeated a number of Democratic amendments that would have boosted fuel efficiency, removed language allowing drilling the Arctic National Wildlife Refuge, kept in place important consumer protections, and reduced our dependence on foreign oil. I am pleased that one small, but important, step was taken by the acceptance of my amendment to establish a Conserve by Bike program. This amendment authorizes pilot programs and a national study that will help us better understand the benefits of converting trips from cars to bikes and how to educate people about these benefits.

In short, this bill looks at our energy problem through a rearview mirror; it gives too much to the wrong people to do the wrong thing and is dramatically out of step with what the American public needs and wants. One can only hope that as it works its way through the Senate, and as the public discovers what's in this bill, that some of the more unfortunate provisions will be eliminated or modified.

There will come a time in the foreseeable future when the needs of our country and the wishes of the public are heard and that will be reflected in an energy policy for this century that is cost effective and rational.

Mrs. MALONEY. Mr. Chairman, I rise today in opposition to H.R. 6.

The people of our nation need an energy policy. We need to pass an energy policy that actually brings down record high gas prices, protects our environment, and truly reduces our dependence on foreign oil by encouraging

energy efficiency and the use of renewable sources of energy.

Instead, at a time of record gas prices, this special-interest, anti-consumer energy bill would actually increase gas prices. The national average price for gasoline remains at a record level of \$2.24 per gallon. And yet, according to the Bush Administration's own Energy Department, the Republican bill will actually increase gas prices by 3 cents and will have almost no effect on production, consumption, or prices.

As if raising gas prices were not bad enough, H.R. 6 also harms our environment. It rolls back important safeguards in the Clean Water Act and the Safe Drinking Water Act, which are critical in keeping our waterways clean and safe. Protecting the producers of MTBE from paying for polluting our drinking water, H.R. 6 actually passes the cost of cleaning up the industry's mess to taxpayers. Finally, it opens the Arctic National Wildlife Refuge, one of our nation's greatest natural treasures, to drilling by the oil and gas industries.

At this time in history, it is crucial that we work to reduce our dependence on foreign oil by prioritizing energy efficiency and renewable energy. Of all the tax incentives in H.R. 6, only 7 percent are designated to encourage renewable energy and conservation, while billions of dollars in tax breaks are funneled to the oil and gas industries. On top of these tax breaks, provisions in this bill would provide as much as \$2 billion over ten years to companies who drill in the deep waters off the Gulf of Mexico. Instead of increasing corporate giveaways at a time when oil and gas companies are raking in record profits, we must redouble our efforts to support renewable energy and conservation.

Mr. Chairman, because H.R. 6 would increase gas prices, harm our environment, and do so little to encourage renewable energy sources, I oppose this legislation and urge my colleagues to do the same.

Mr. EMANUEL. Mr. Chairman, there is a simple test this energy bill should pass.

Is big oil going to see their largess before the American people see relief at the pump?

The answer's yes, and that's exactly what's wrong with this legislation.

It isn't a bill written for the benefit of the American people, but by high-priced lobbyists for the benefit of their high-priced clients.

The Energy Department says this bill doesn't lower gas prices. In fact, it could actually raise gas prices by 3 to 5 cents per gallon according to the Department's independent budget analysis.

Even President Bush said this bill subsidizes the oil and gas companies and that he would have written it differently.

The energy bill is supposed to provide this nation with a comprehensive energy policy, but what's written here is an \$8 billion giveaway to big oil.

Mr. Chairman, yesterday the President said, "I wish I could simply wave a magic wand and lower gas prices tomorrow."

Well, Mr. President, I wish that I could wave a magic wand and get your administration and this Congress out of the pockets of big oil companies.

Then maybe we could begin the people's work.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 6, the Energy Policy Act of

2005. Completion of this energy bill is a step forward in our struggle for energy security and independence. A reliable and affordable energy supply is crucial to America's economic vitality, security, and quality of life.

While this energy bill is not perfect, we continue to make progress towards promoting energy conservation and efficiency; increasing the use of all domestic energy resources, including coal and ethanol; improving our energy infrastructure; and promoting the development of advanced energy technologies.

The combustion of fossil fuels is essential to our energy policy and must continue to be a part of a balanced energy plan for this country. Coal is absolutely critical to our nation's economic health and global competitiveness because there is no present alternative to coal to meet our energy needs. Coal accounts for more than 50 percent of U.S. electricity production in the U.S., and in my home state of Illinois, the coal reserves contain more BTU's than the oil reserves of Saudi Arabia and Kuwait. Twenty-three of the state's 82 generating facilities run on coal and employ over 2,883 employees. However, a majority of the coal facilities burn Western coal. The coal provisions included in today's energy bill could help these plants switch back to Illinois coal, keep them operating in a more environmentally friendly way, and maintains jobs.

I am pleased this year's energy bill contains provisions for clean coal technologies to burn coal more efficiently and cleanly with the hope of achieving a healthier environment while maintaining jobs. Specifically, I am referring to an important provision in H.R. 6 that authorizes \$200 million for fiscal years 2006 through 2014 for the Clean Coal Power Initiative (CCPI) to direct the Secretary of Energy to carry out pollution control and coal gasification projects to promote environmentally safe energy production using performance goals for coal emissions, awarding grants and funding coal gasification projects. I am also pleased the energy bill again contains my language to create national centers for coal research, one of which is Southern Illinois University Carbondale (SIUC) because of the university's proven record of demonstrating clean coal technologies. Further, this year in the House Science Committee, I introduced a new initiative that was included in today's energy bill to create a program to develop advanced technologies to remove carbon dioxide from coal emissions and permanently sequester it below ground. This is one of the technologies that the FutureGen project is designed to use. Southern Illinois is the perfect location for FutureGen, which is a clean coal power plant with emissions equal to those of natural gas that has been proposed by President Bush and needs Congress's support.

In addition to the clean coal provisions, the bill contains provisions instrumental in helping increase conservation and lowering consumption. Included in this are ethanol provisions that are used as a replacement and additive for gasoline consumption. Under this legislation, ethanol use would increase, nearly tripling the current requirement. This is expected to increase the average price of corn paid to farmers 6.6 percent, or 16 cents per bushel and increase average net cash income to farmers by \$3.3 billion over the next decade, or more than six percent. This increased use of ethanol will save 1.3 billion barrels of oil by 2016, improve the trade deficit by \$28.5 billion

over 15 years, add \$135 billion to the American economy by 2016 through increased agricultural demand and new capital spending, and generate \$32 billion in income for American consumers over 15 years. Illinois currently produces over 800 million gallons of ethanol per year at 7 different plants, roughly 28% of all U.S. production, employing 1,168 people.

Although I am pleased the energy bill promotes essential investments in energy efficiency, renewable fuels, and advanced vehicle technologies, much more is needed. The security and environmental challenges can no longer be overlooked if our country wants to truly reduce our oil dependence. Therefore, I am disappointed the Boehler/Markley amendment which I supported did not pass. This would have increased the fuel economy of America's vehicles to 33 miles per gallon by 2015. The technology exists today to make all vehicles to go farther on a gallon of gas while improving safety and consumer choice. This amendment would save American consumers money at the gas pump, protects the environment, and cuts America's dangerous dependence on oil.

I am also disappointed an amendment offered by Representatives MARKEY and JOHNSON that would prohibit drilling in the Arctic National Wildlife Refuge (ANWR). I have consistently opposed oil and gas exploration, development, and production in the Arctic Refuge and voted in favor of the Markey/Johnson amendment to strike the title from the bill.

Finally, I supported a motion to strike a provision in H.R. 6 that has been identified by the Congressional Budget Office as an unfunded mandate on state and local governments and the private sector. This provision shifts the clean-up of methyl tertiary butyl ether (MTBE), burden on communities and the federal government. Clean up is a huge and growing problem in communities across the country, including my congressional district, as MTBE contamination is extremely expensive, and taxpayers should not be obligated to pick up the tab.

Mr. Chairman, America deserves an energy policy that makes the country safer and more secure. There are many aspects of the energy bill, such as the coal and ethanol provisions that help Illinois, and I will work with my colleagues to ensure they are an integral part of our energy future.

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to H.R. 6, the Energy Policy Act.

I believe every Member in this chamber agrees that our country faces a potential energy crisis if we do not act quickly to establish a new national energy policy. We need to make major investments in energy self-reliance, infrastructure, and new technologies. However, where we differ is on how best to achieve those goals. When I look at the provisions of this bill, I do not see a clear vision for America's future. Instead, I see a policy that promises more of the same and that does not end our nations' dependence on foreign oil. It astonishes me that the nation that mobilized to put an American on the moon is not leading the world in developing new, clean and renewable energy sources. Such an effort would revitalize our economy, improve our environment, and strengthen our national security. However, this mission can be successful only with the leadership of Congress and the President, and I regret that we have not pursued that goal here today.

Instead, this bill clings to the incorrect assumption that our nation can drill and dig its way to energy independence. Although transportation is the largest source of oil consumption in the nation, H.R. 6 authorizes drilling in the Arctic National Wildlife Refuge rather than making modest improvements to automobile fuel efficiency standards. Instead of investing in renewable energy sources, 93 percent of its \$8.1 billion in energy production tax incentives are targeted toward gas, oil, and other non-renewable sources.

The measure also includes some very disturbing provisions that can damage the health and safety of our citizens. H.R. 6 includes a liability exemption for manufacturers of MTBE, the fuel additive that has contaminated the groundwater of communities throughout the nation, including in Pascoag, Rhode Island. It also strips states of their ability to provide for the safety of their citizens by granting the Federal Energy Regulatory Commission almost unlimited authority in siting new liquefied natural gas facilities. A recent study by the Department of Energy noted a deliberate attack on a LNG tanker could result in a deadly fire reaching as far as a mile away. Nevertheless, FERC is considering an application for a LNG facility in Providence, in proximity to Interstate 95, schools, neighborhoods, and Rhode Island Hospital, the only Level trauma center in the state. A broad, bipartisan group of state public officials, including the Governor, Lieutenant Governor, Attorney General, Mayor of Providence, and the Congressional delegation, have expressed their united opposition to the proposal, but the provisions in this bill would place the decision solely in the hands of FERC without the consent of those elected to protect the people of Rhode Island.

Last week, right before the April 15th tax filing deadline, this Congress passed an estate tax bill that benefited only the wealthiest one-third of one percent of Americans while adding massive debt to burden future generations. Today, the day before Earth Day, we are considering an energy bill that provides massive tax breaks to the oil and gas industry instead of investing in cleaner renewable sources and energy efficiency. Again, Congress has identified a problem and responded in a fashion contrary to the long-term interests of our nation. I am deeply disappointed in this measure and urge my colleagues to vote against it so that we can refocus our efforts on an energy policy for America's future.

Mrs. DAVIS of California. Mr. Chairman, I rise regrettably in opposition to H.R. 6, the Energy Policy Act. While there are many good provisions in the act that make modest improvements in support of energy efficiency, there are major deficiencies in this bill.

My constituents are very clear about the problems they face. First, gas prices are too high at the pump. Second, our country will always have to rely on foreign-produced oil. Third, the costs of electricity have been inflated by the manipulations of energy corporations which have not been required to refund their illegal profits. In addition, many are concerned about the effect of greenhouse gas emissions. This measure does not strongly address these issues.

The cost of gas is a function of supply and demand. This body had the opportunity to enact a wisely balanced policy to reduce the demand for oil in this country and to address the supply of fuel by investing aggressively in

alternative energy sources. The President's own energy administration have said this bill will have only negligible impact on production, consumption and imports of oil. In fact, they said it will probably increase the price of gasoline by 3 cents per gallon.

What this bill does is to authorize more money for existing energy producers to increase oil drilling in sensitive areas for sources of supply that will not greatly reduce future reliance on foreign oil. The President himself declared that with oil costing over \$50 per barrel, the oil industry does not need further incentives to increase production. Price alone does that. Yet, this bill provides \$8 billion in subsidies for the oil and gas industry.

The President proposed \$6.7 billion for tax breaks for energy with 72 percent invested in renewable energy sources and energy efficiency. Instead, this bill reduces that investment to 6 percent. Even an existing program to provide tax credits for wind power will sunset this year and has not been renewed in this bill. Yet, high costs of electric energy must be reduced by use of renewable sources for power.

A major way Congress could have acted to reduce petroleum demand would have been to increase fuel efficiency standards for automobile fleets. A major report by the National Commission on Energy Policy advocated enhancing oil security by reforming and significantly strengthening vehicle efficiency standards. Within a relatively short time, expanding the production of vehicles with existing technologies could have reduced fuel consumption of automobiles and U.S. oil demand. Yet, an amendment to increase fuel efficiency standards failed.

The Commission also advocated providing \$300 million per year in manufacturer and consumer incentives for production and purchase of efficient hybrid-electric and advanced diesel vehicles. This bill falls short of that goal, providing only \$35 million for 2006 for grants to develop hybrid technology and no funding for incentives to manufacture or purchase them.

Regrettably, the amendment to strike drilling for oil in the Arctic National Wildlife Refuge also failed. Drilling there would not address the near-term supply of oil and therefore gas prices and is not projected to have a major impact on reducing dependence on foreign oil. In fact, this country cannot be self-sufficient in oil. We must reduce our demand.

Related to an issue of great concern to Californians, the bill protects producers of the additive MTBE from liability for their knowing sale of a product which seeps into local water supplies rendering them toxic. Initially, an amendment striking this was not allowed to be debated and voted. States like California could be stuck with paying the estimated \$29 billion bill for cleaning up these sites of leaking storage tanks and polluted water supply.

There are a host of other issues that affect my constituents on the coast of California. These relate to the ability to appeal decisions under the Coastal Zone Management Act and incentives for drilling for oil on the Outer Continental Shelf. The bill removes the power of states to determine siting of liquefied natural gas facilities. There are also provisions which will reduce the incentive for states to clean their air, thus increasing global warming.

In addition, the bill increases the power of the Federal Energy Regulatory Commission,

the body which has failed to order appropriate refunds for California utility consumers based on the 2000–2001 manipulation of the power market.

While I applaud a number of measures, like continuing the Energy Star program for appliances and providing grants of \$50 million in 2006 to develop or promote photo voltaic technologies, these measures are modest compared to the overall need for investing in alternative energy sources and passing measures to decrease our dependence on petroleum.

The Acting CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, pursuant to House Resolution 219, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 183, not voting 3, as follows:

[Roll No. 132]  
AYES—249

Abercrombie	Brady (PA)	Cunningham
Aderholt	Brady (TX)	Davis (AL)
Akin	Brown (SC)	Davis (KY)
Alexander	Brown-Waite,	Davis (TN)
Baca	Ginny	Davis, Jo Ann
Bachus	Burgess	Davis, Tom
Baker	Burton (IN)	Deal (GA)
Barrett (SC)	Buyer	DeLay
Barton (TX)	Calvert	Dent
Bass	Camp	Diaz-Balart, L.
Beauprez	Cannon	Diaz-Balart, M.
Biggert	Cantor	Doolittle
Bilirakis	Capito	Doyle
Bishop (GA)	Carter	Drake
Bishop (UT)	Chabot	Dreier
Blackburn	Choccola	Duncan
Blunt	Coble	Edwards
Boehner	Cole (OK)	Emerson
Bonilla	Conaway	English (PA)
Bonner	Costello	Everett
Bono	Cox	Feeney
Boozman	Cramer	Ferguson
Boren	Crenshaw	Foley
Boswell	Cubin	Forbes
Boucher	Cuellar	Ford
Boustany	Culberson	Fortenberry

Fossella	Latham	Radanovich
Fox	LaTourette	Ramstad
Franks (AZ)	Lewis (CA)	Regula
Frelinghuysen	Lewis (KY)	Rehberg
Gallely	Linder	Reichert
Garrett (NJ)	Lipinski	Renzi
Gibbons	Lucas	Reyes
Gillmor	Lungren, Daniel	Reynolds
Gingrey	E.	Rogers (AL)
Gohmert	Mack	Rogers (KY)
Gonzalez	Manzullo	Rogers (MI)
Goode	Marchant	Rohrabacher
Goodlatte	Matheson	Ros-Lehtinen
Gordon	McCaul (TX)	Ross
Granger	McCotter	Rush
Graves	McCrery	Ryan (WI)
Green (WI)	McHenry	Ryun (KS)
Green, Al	McHugh	Scott (GA)
Green, Gene	McKeon	Sensenbrenner
Gutknecht	McMorris	Shadegg
Hall	Meeks (NY)	Shaw
Harris	Melancon	Sherwood
Hart	Mica	Shimkus
Hastert	Miller (FL)	Shuster
Hastings (WA)	Miller (MI)	Simmons
Hayes	Miller, Gary	Simpson
Hayworth	Mollohan	Skelton
Hefley	Moran (KS)	Smith (TX)
Hensarling	Murphy	Sodrel
Herger	Murtha	Souder
Herseth	Musgrave	Stearns
Hinojosa	Myrick	Sullivan
Hobson	Neugebauer	Sweeney
Hoekstra	Ney	Tancredo
Holden	Northup	Taylor (NC)
Hostettler	Norwood	Terry
Hulshof	Nunes	Thomas
Hunter	Nussle	Thornberry
Hyde	Ortiz	Tiahrt
Issa	Osborne	Tiberi
Istook	Otter	Towns
Jackson-Lee	Oxley	Turner
(TX)	Pearce	Upton
Jefferson	Pence	Visclosky
Jenkins	Peterson (MN)	Walden (OR)
Jindal	Peterson (PA)	Walsh
Johnson (IL)	Petri	Weldon (PA)
Johnson, Sam	Pickering	Weldon (PA)
Keller	Pitts	Weller
Kennedy (MN)	Platts	Westmoreland
King (IA)	Poe	Whitfield
King (NY)	Pombo	Wicker
Kingston	Pomeroy	Wilson (NM)
Kline	Porter	Wilson (SC)
Knollenberg	Portman	Wolf
Kolbe	Price (GA)	Wynn
Kuhl (NY)	Pryce (OH)	Young (AK)
LaHood	Putnam	Young (FL)

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Ackerman	Davis (IL)	Jones (OH)
Allen	DeFazio	Kanjorski
Andrews	DeGette	Kaptur
Baird	Delahunt	Kennedy (RI)
Baldwin	DeLauro	Kildee
Barrow	Dicks	Kilpatrick (MI)
Bartlett (MD)	Dingell	Kind
Bean	Doggett	Kirk
Becerra	Ehlers	Kucinich
Berkley	Emanuel	Langevin
Berman	Engel	Lantos
Berry	Eshoo	Larsen (WA)
Bishop (NY)	Etheridge	Larson (CT)
Blumenauer	Evans	Leach
Boehlert	Farr	Lee
Boyd	Fattah	Levin
Bradley (NH)	Filner	Lewis (GA)
Brown (OH)	Fitzpatrick (PA)	LoBiondo
Brown, Corrine	Flake	Lofgren, Zoe
Butterfield	Frank (MA)	Lowe
Capps	Gerlach	Lynch
Capuano	Gilchrest	Maloney
Cardin	Grijalva	Markey
Cardoza	Gutierrez	Marshall
Carnahan	Harman	Matsui
Carson	Hastings (FL)	McCarthy
Case	Higgins	McCollum (MN)
Castle	Hinchee	McDermott
Chandler	Holt	McGovern
Clay	Honda	McIntyre
Cleaver	Hooley	McKinney
Clyburn	Hoyer	McNulty
Conyers	Inglis (SC)	Meehan
Cooper	Insee	Meek (FL)
Costa	Israel	Menendez
Crowley	Jackson (IL)	Michaud
Cummings	Johnson (CT)	Millender-
Davis (CA)	Johnson, E. B.	McDonald
Davis (FL)	Jones (NC)	Miller (NC)

Miller, George	Ruppersberger	Stark
Moore (KS)	Ryan (OH)	Strickland
Moore (WI)	Sabo	Stupak
Moran (VA)	Salazar	Tanner
Nadler	Sánchez, Linda	Tauscher
Napolitano	T.	Taylor (MS)
Neal (MA)	Sanchez, Loretta	Thompson (CA)
Oberstar	Sanders	Thompson (MS)
Oberstar	Saxton	Tierney
Oliver	Schakowsky	Udall (CO)
Owens	Schiff	Udall (NM)
Pallone	Schwartz (PA)	Van Hollen
Pascarell	Schwarz (MI)	Wamp
Pastor	Scott (VA)	Wasserman
Paul	Serrano	Schultz
Payne	Shays	Waters
Pelosi	Sherman	Watson
Price (NC)	Slaughter	Watt
Rahall	Smith (NJ)	Waxman
Rangel	Smith (WA)	Weiner
Rothman	Snyder	Wexler
Roybal-Allard	Solis	Woolsey
Royce	Spratt	Wu

## NOT VOTING—3

Kelly	Sessions	Velázquez
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□ 1644

Mr. JONES of North Carolina changed his vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 748, THE CHILD INTERSTATE ABORTION NOTIFICATION ACT**

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 748, the Child Interstate Abortion Notification Act, which I suspect will be discussed by my friends, the gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. DELAY), in just a moment.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by noon on Tuesday, April 26, 2005. Members should draft their amendments to the bill as reported by the Committee on the Judiciary by April 13, 2005. Members are advised that the report of the Committee on the Judiciary was filed today, and Members are also advised that the text of the reported bill should be available for their review on the Web sites of the Committee on the Judiciary and the Committee on Rules by Friday, April 22, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

## LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I am pleased to yield to the gentleman from Texas (Mr. DELAY), the majority leader, for the purpose of inquiring about the schedule for the coming week.

Mr. DELAY. Mr. Speaker, I thank my friend for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules, and a final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. for legislative business. We may consider additional legislation under suspension of the rules, as well as H.R. 748, the Child Interstate Abortion Notification Act.

Mr. Speaker, I yield back to the distinguished whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

Mr. Leader, I noticed that the budget conference report is not listed on the schedule next week. The gentleman and I talked about that last week. Can the gentleman tell us when the gentleman believes the budget conference will be appointed and when we might have that on the floor?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

I believe the Committee on the Budget chairman, the gentleman from Iowa (Mr. NUSSLE), has had some informal discussions with his Senate counterpart. I have spoken to the majority leader of the Senate. They are hoping to call a conference committee meeting sometime next week, which means we will have to go to conference sometime next week. As the gentleman may or may not know, the Senate is taking a work period the following week, so they are trying as hard as they can to get this conference formed, a meeting, and work done so that we can have a conference report on the floor of the House and the Senate by the end of next week.

□ 1645

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. If I could raise one additional issue, it is my understanding that one of the reasons we have not appointed conferees and we have not gone to conference is the issue of the Medicaid cuts.

I understand a substantial number of Members on your side have suggested that those cuts are not advisable. Obviously, the Senate did not include those cuts. Can the majority leader tell me at this point in time if there has been any resolution of this issue, as to where we might stand on those Medicaid cuts.

I yield to my friend.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding. All I can tell the gentleman is, I know there is a lot of discussion about that over in the Senate. I do not know what their reso-

lution is, even if there is a resolution on the Senate side.

The House, as the gentleman knows, passed the budget that has substantial mandatory savings in it. The House is very interested in holding the line on their mandatory savings, and the Senate is trying to work through this process.

So it is really up to the Senate as to what they are going to bring to the conference.

Mr. HOYER. Mr. Chairman, I thank my friend for that information. Again, I do not know the accuracy of the letter in terms of the numbers of people, but there seemed to be a fair number of people, there were over 40, on the letter which appeared to agree with the Senate's view, obviously a large number on this side who share that view as well.

Perhaps we might have some discussions about reaching agreement on that issue at some point in time.

Mr. DELAY. I appreciate the gentleman yielding. I am sure that the discussions will fly fast and furious over next week in trying to get this conference report done.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his information, and I yield back the balance of my time.

**ADJOURNMENT TO MONDAY, APRIL 25, 2005, AND HOUR OF MEETING ON TUESDAY, APRIL 26, 2005.**

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next, and, further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, April 26, 2005 for morning hour debate.

The SPEAKER pro tempore (Mr. LAHOOD) Is there objection to the request of the gentleman from Texas?

There was no objection.

**DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT.**

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

**REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1095**

Mr. SHAYS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1095, a bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a World Trade Center Memorial Fund, and for other purposes.

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